

Alert

Changes to New York City Earned Safe and Sick Time Act Take Effect

May 11, 2018

New York City has required employers to provide paid sick leave since April 2014. New amendments to the New York City law, now called the Earned Safe and Sick Time Act (“ESSTA”), took effect as of May 5, 2018. Under ESSTA, eligible employees will be able to use paid time off to attend to issues resulting from disruptive events — including domestic violence, mental or physical illness, public health emergencies, stalking and human trafficking — affecting the employee or a covered family member. This is called “safe time” under the law. The amendments expand the definition of family member to include “any individual whose close association with the employee is the equivalent of family.”

Eligible employees are those who work for employers with five or more employees and who work more than 80 hours in a calendar year in New York City. Employers must provide a total of 40 hours of sick and safe leave every calendar year, and employees accrue safe and sick leave at the rate of one hour per 30 hours worked. Employees may begin using sick and safe leave 120 days after beginning employment. Employers with fewer than five employees must provide unpaid safe and sick leave.

Employers must also provide written notice of the updated law to employees by June 4, 2018. We recommend that employers update their current sick leave policies to provide notice to employees of their right to also take safe time. New York City has released a model notice.¹

Authored by [Holly H. Weiss](#) and [Scott A. Gold](#).

If you have any questions concerning this *Alert*, please contact your attorney at Schulte Roth & Zabel or one of the authors.

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