

NOTICE OF EMPLOYEE RIGHTS

As Required by the NYC Department of Consumer Affairs (DCA)

Under New York City's Earned Safe and Sick Time Act (Paid Safe/Sick Leave Law), certain employers must give their employees safe and sick leave (safe/sick leave). Go to nyc.gov/PaidSickLeave to learn which employees are covered by the law.

New York City employers with five or more employees must provide paid safe/sick leave to employees who work more than 80 hours in a calendar year. New York City employers with less than five employees must provide unpaid safe/sick leave.

ELIGIBLE EMPLOYEES HAVE A RIGHT TO THIS SAFE/SICK LEAVE, WHICH CAN BE USED FOR: SAFE TIME; THEIR OWN CARE AND TREATMENT; OR THE CARE AND TREATMENT OF A FAMILY MEMBER.

AMOUNT OF SAFE/SICK LEAVE:

- Employers must provide up to 40 hours of safe/sick leave every calendar year.

RATE OF ACCRUAL:

- Eligible employees accrue safe/sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of safe/sick leave per calendar year.

DATE ACCRUAL BEGINS:

- In concert with the effective date of the Paid Safe/Sick Leave Law, employees began to accrue safe/sick leave on April 1, 2014 or on their first day of employment, whichever is later.

Exception: Employees who are covered by a collective bargaining agreement in effect on April 1, 2014, begin to accrue safe/sick leave under the Paid Safe/Sick Leave Law beginning on the date that the agreement ends.

DATE SAFE/SICK LEAVE IS AVAILABLE FOR USE:

- Eligible employees can use sick leave starting 120 days after they begin employment.
- Eligible employees can begin using safe leave on May 5, 2018 or 120 days after they begin employment, whichever is later.

ACCEPTABLE REASONS TO USE SICK LEAVE:

Eligible employees can use sick leave when:

- They have a mental or physical illness, injury, or health condition; they need to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or condition; they need to get preventive medical care.
- They must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- The employer's business closes due to a public health emergency or they need to care for a child whose school or child care provider closed due to a public health emergency.

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ACCEPTABLE REASONS TO USE SAFE LEAVE:

Eligible employees can use safe leave due to any of the following reasons when the employee or a family member has been the victim of any act or threat of a family offense matter, sexual offense, stalking, or human trafficking:

- To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
- To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

FAMILY MEMBERS:

The law recognizes the following as family members:

- Child
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child or parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee
- Any other individual whose close association with the employee is the equivalent of a family relationship.

Advance Notice:

If the need to take safe/sick leave is foreseeable, employers can require up to seven days advance notice of your intention to use safe/sick leave. If the need is unforeseeable, employers may require you to give notice as soon as practicable.

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Documentation:

Employers can require documentation from a licensed health care provider if an employee uses more than three consecutive workdays as sick leave. The Paid Safe/Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

Employers can require documentation for an absence of more than three consecutive work days for safe time. Documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the individual or that individual's family or household member has sought assistance in addressing family offense matters, sex offenses or stalking and their effects; a police or court record; or a notarized letter from the employee explaining the need for leave shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the family offense matter, sexual offense or stalking.

Unused Safe/Sick Leave:

Up to 40 hours of unused safe/sick leave can be carried over to the next calendar year. However, employers are only required to let eligible employees use up to 40 hours of safe/sick leave per calendar year.

Employees have a right to be free from retaliation from their employer for using safe/sick leave.

Employers cannot retaliate against you for:

- Requesting and using safe/sick leave.
- Filing a complaint for alleged violations of the law with DCA.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in a court proceeding regarding an alleged violation of the law.
- Informing another person of that person's potential rights.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

Employees have a right to file a complaint.

Employees can file a complaint with DCA. To get the complaint form, go online to nyc.gov/PaidSickLeave or contact **311** (212-NEW-YORK outside NYC).

DCA will conduct an investigation and try to mediate an employee's complaint. DCA will keep the employee's identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

Employees should keep a copy of this notice and all documents that show their amount of safe/sick leave and their safe/sick leave accrual and use.

Note: The Paid Safe/Sick Leave Law sets the minimum requirements for safe/sick leave. Employer's leave policies may already meet or exceed the requirements of the law.

Employees have a right to be given this notice in English and, if available on the DCA website, in your primary language. DCA has translated this notice to Spanish, Chinese, French-Creole, Italian, Korean, Russian and other languages.

For more information, including Frequently Asked Questions, go to nyc.gov/PaidSickLeave or call 311 and ask for information about Paid Safe/Sick Leave.