

New York City's Earned Sick Time Act to Go into Effect on April 1, 2014

New York City's Earned Sick Time Act ("the Act") will go into effect for certain employers on April 1, 2014. The Act—which was passed on June 26, 2013, when the New York City Council overrode Mayor Bloomberg's veto—requires nearly all non-governmental employers with fifteen or more employees to provide all employees employed for more than eighty hours in a calendar year up to five paid sick leave days per year. The Act was scheduled to go into effect on April 1, 2014, for certain employers only if economic thresholds that were identified in the Act were met as of December 2013. On Friday, December 13, 2013, New York City's Independent Budget Office announced that the thresholds have been met and the Act will go into effect. Employers that employ twenty or more employees must comply with the Act by April 1, 2014, and employers employing fifteen to nineteen employees must comply by October 1, 2015. Domestic workers are covered by the Act, but are covered by separate provisions that are not discussed here.

Employers subject to the Act must provide a minimum of one hour of paid sick time for every thirty hours worked by an employee. The Act provides that an employer need not provide more than forty hours of paid sick leave per year. Additionally, the Act does not require an employer to provide additional paid sick leave to employees if it already provides other paid time off, such as personal days or paid vacation, that is equivalent to the paid sick leave required by the Act. The Act also does not apply to employees covered by collective bargaining agreements ("CBAs") if their CBA waives the rights provided by the Act and the CBA provides a comparable benefit.

Under the Act, paid sick leave can be used in connection with the employee's mental or physical illness, injury, or health condition, to care for a sick family member, or to care for a child when the child's school or childcare provider has been closed due to a public health emergency. The employer may require documentation that the sick time was taken for one of these purposes if the employee uses sick time for three consecutive days.

The Act requires employers to provide employees with written notice of their right to sick time at the commencement of employment. Employers must also keep written records documenting their compliance with the Act for a period of two years.

In addition to New York City, the state of Connecticut and several municipalities, including San Francisco, Washington, D.C., Seattle, Portland, and Jersey City, N.J., have passed paid sick leave laws. Efforts to pass similar legislation are underway in several states including Massachusetts, New Jersey, Pennsylvania, and Vermont.

Employers should review their paid leave policies to determine whether the leave they currently provide is sufficient to fulfill the requirements of the Act.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

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