



## CLIENT UPDATE

### NEW YORK CITY EARNED SICK TIME ACT- EFFECTIVE APRIL 1, 2014

New York City employers need to be ready for the city's new Earned Sick Time Act by the **April 1, 2014** effective date.

Beginning April 1, the law, passed originally last summer, and significantly expanded by the City Council this past February, requires private-sector employers with 5 or more employees in New York City to offer at least 40 hours of annual *paid* sick leave to each employee. Employers with fewer than 5 employees in the city will be required to offer at least 40 hours of *unpaid* sick leave to each employee per year. Some highlights of the new requirement:

- Eligible employees must accrue one hour of sick leave for every 30 hours worked, and part-time workers will earn sick leave at the same rate.
- Employers aren't required to permit employees to use their accrued sick leave until 120 calendar days after they are hired or the effective date of the law (July 30, 2014) (whichever is later).
- Employers must allow employees to carry over unused accrued sick days, but are permitted to cap the amount of time an employee may use in any one calendar year to 40 hours. Employers are not required to pay out accrued unused time at separation.
- Employers who already provide an amount of paid leave, including paid time off such as vacation or personal days, sufficient to meet the requirements of the legislation and who allow use of such paid leave for the same reasons and conditions as provided for in the legislation are not required to provide additional sick time.
- For sick leave that is foreseeable, employers may require up to seven days' notice. For leave that isn't foreseeable, employers may require notice as soon as practicable.
- Employers must provide employees notice of the Act in a form provided by the DCA to current employees within 30 days of April 1, 2014 and to new hires, upon hire. The notice can be found at: <http://www.nyc.gov/html/dca/downloads/pdf/MandatoryNotice.pdf>

If you have questions or would like additional information, please contact Amanda M. Fugazy ([afugazy@egsllp.com](mailto:afugazy@egsllp.com)), Paul P. Rooney ([prooney@egsllp.com](mailto:prooney@egsllp.com)), Valerie J. Bluth ([vbluth@egsllp.com](mailto:vbluth@egsllp.com)) or the primary EGS attorney with whom you work.



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#### THE EMPLOYMENT PRACTICE GROUP

**Amanda M. Fugazy, Esq.**

**Paul P. Rooney, Esq.**

**Adam C. Weiss, Esq.**

**Allison Vieyra, Paralegal**

1345 Avenue of the Americas, New York, NY 10105

Telephone: (516) 801-8139/(212) 370-1300

[afugazy@egsllp.com](mailto:afugazy@egsllp.com) | [www.egsllp.com](http://www.egsllp.com)