

## Notice of Employee Rights

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

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

New York City employers with five or more employees must provide paid 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 sick leave.

**Eligible employees have a right to this sick leave, which can be used for their own care and treatment or that of a family member.**

#### **Amount of Sick Leave:**

- Employers must provide up to 40 hours or the equivalent of 5 days sick leave every calendar year.

#### **Rate of Accrual:**

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

#### **Date Accrual Begins:**

- In concert with the effective date of the Paid Sick Leave Law, employees began to accrue 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 sick leave under the Paid Sick Leave Law beginning on the date that the agreement ends.

#### **Date Sick Leave is Available for Use:**

- Eligible employees can begin using sick leave on July 30, 2014 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.

#### **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)

**Advance Notice:**

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

**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 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.

**Unused Sick Leave:**

Up to 40 hours or the equivalent of 5 days of unused sick leave can be carried over to the next calendar year. However, employers are only required to let you use up to 40 hours or 5 days of sick leave per calendar year.

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

**Employers cannot retaliate against you for:**

- Requesting and using 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](https://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 sick leave and their sick leave accrual and use.**

**Note: The Paid Sick Leave Law sets the minimum requirements for 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, your primary language. DCA has translated this notice to Spanish, Chinese, French-Creole, Italian, Korean, and Russian.

For more information, including Frequently Asked Questions, go to [nyc.gov/PaidSickLeave](https://nyc.gov/PaidSickLeave) or call 311 and ask for information about Paid Sick Leave.