



March 29, 2018

Amendments to the NYC Earned Sick Time Act: Safe Time

Effective May 5, 2018, the NYC Earned Sick Time Act is amended and renamed the Earned Sick and Safe Time Act (the "Act"). The Act now requires employers to allow employees to use sick time for "safe time" as defined in the Act, now called "safe/sick time".

The Act previously required employers to provide paid (or for employers with less than five employees, unpaid) sick time per year in accordance with the Act's requirements. This amendment now expands the permitted uses of such "safe/sick time" to include instances when the employee or his/her family member has been the victim of a family offense matter, sexual offense, stalking or human trafficking (a "safety matter").

In addition to the sick time uses previously permitted under the Act, employees now may use safe/sick time: (a) to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a safety matter; (b) 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 safety matters; (c) to meet with a civil attorney or social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding related to a safety matter or as otherwise provided by the Act; (d) to file a complaint or domestic incident report with law enforcement; (e) to meet with a district attorney's office; (f) to enroll children in a new school; or (g) 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.

As with sick time, an employer may require reasonable documentation that the employee's use of safe/sick time is for an authorized purpose under the Act, and information concerning an employee's or family member's status or perceived status as a victim of a safety matter must be treated confidentially. Similarly, as with sick time, an employer may not require disclosure of details relating to an employee's or his/her family member's status as a victim of a safety matter as a condition of safe/sick time. Finally, as amended, the Act requires the employee's written permission to disclose health information or information concerning status or perceived status as a victim of a safety matter (though employers may consider the information in connection with a request for a reasonable accommodation).



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The definition of “family member” under the Act, which applies to both sick time and safe time, is also expanded to include individuals related by blood to the employee and individuals whose close association with the employee is the equivalent of a family relationship.

The Act requires that, upon the effective date the amendment, the Notice of Employee Rights include notice to employees of their right to safe leave. Additionally, employers must provide existing employees with written notice of their right to safe time by June 4, 2018. We anticipate that the City’s Department of Consumer Affairs will issue guidance and a revised Notice of Employee Rights to distribute prior to the amendment’s effectiveness.

This alert is for general information purposes and should not be construed as legal advice. If you would like information about this alert, please contact one of the firm’s attorneys:
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