

New York City Expands the Scope of its Earned Safe and Sick Time Act

Labor & Employment Law Alert

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New York City employers should be aware of recent changes to the City's Earned Safe and Sick Time Act. Prior to the amendments, the law required employers to provide, depending upon number of employees, up to 56 hours a year of paid safe and sick leave. That leave could be used for the employee's own or a family member's illness or medical care; the closure of a school or childcare provider due to a public health emergency; to obtain legal or social services if the employee or a member of their family is a victim of domestic violence, sexual assault, stalking, or human trafficking.

Following the recent amendments, as of February 22, 2026, the list of reasons safe and sick leave can be taken has been expanded. Under the amendments, employee may now take safe and sick leave for the following reasons:

- if employee or the employee's family member is a victim of workplace violence;
- the employee is a caregiver for a child under the age of 18 or for a care recipient and needs to provide care to the minor child or care recipient;
- to care for a child whose school or childcare provider has been closed or has restricted in-person operations by order of a public official due to a public disaster; and
- the employee must initiate, attend or prepare for a legal proceeding or hearing related to subsistence benefits or housing for the employee, their family member or their care recipient, or must take actions necessary to apply for, maintain or restore subsistence benefits or shelter for the employee or their family member or care recipient.

Not only did the amendments expand the reasons leave can be taken, but employees must now also provide employee with an additional 32 hours of **unpaid** safe and sick leave. Unpaid leave must be made available to employees on the first day of

employment and at the beginning of each subsequent calendar year.

Employers should apply the employee's paid leave entitlement to any request to use of safe and sick leave first, unless the employee explicitly requests the use of unpaid leave.

Employers should carefully review their current safe and sick leave policies and make appropriate revisions to reflect the new requirements. Please reach out to schedule a time to discuss how we can assist with this process.

For more information about how your organization can ensure compliance with the City's Earned Safe and Sick Time Act, please contact a member of our Labor and Employment Practice:

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