

# WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

## New York Employers Adapt to New Sick Leave Law

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Pursuant to a new sick leave law in New York State, an employer must provide employees with paid or unpaid sick leave accrual starting on September 30, 2020.

Under the new law, the amount of sick leave in New York and whether it is paid or unpaid is determined by the employer's size and income. Specifically:

- Employers with four or fewer employees and a net income of less than \$1 million are required to allow employees to accrue at least 40 hours of unpaid sick leave per calendar year.
- Employers with four or fewer employees and a net income of greater than \$1 million are required to allow employees to accrue at least 40 hours of paid sick leave per calendar year.
- Employers with between 5 and 99 employees are required to allow employees to accrue at least 40 hours of paid sick leave per calendar year.
- Employers with 100 or more employees are required to allow employees to accrue at least 56 hours of paid sick leave per calendar year.

Sick leave must be accrued at the rate of one hour for every thirty hours worked (with a maximum required amount of either 40 or 56 hours as set forth above). Instead of accruing time, employers can opt to front load the total sick time at the beginning of the year.

Sick leave can be used for:

- a mental or physical illness, injury, or health condition of such employee or such employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave;
- diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee's family member;
- an absence from work due to any of the following reasons when the employee or employee's family member has been the victim of domestic violence, family offense, sexual offense, stalking, or human trafficking;
- to obtain services from a domestic violence shelter, rape crisis center, or other services program;
- 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;
- to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

If you are an employer with questions about sick leave laws in New York, contact [Tracy Armstrong](#).

### Attorney

- Tracy Armstrong

## **Practice**

- Employment Law