

# NOTICE OF EMPLOYEE RIGHTS

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.

Employers with five or more employees who are hired to work more than 80 hours a calendar year in New York City must provide paid sick leave. Employers with less than five employees must provide unpaid sick leave.

Employers who have one or more domestic workers who have been employed at least one year and who work more than 80 hours a calendar year must provide paid sick leave.

**By law, employers who must provide sick leave must give this written notice to new employees when they begin employment and to existing employees by May 1, 2014.**

## YOU HAVE A RIGHT TO SICK LEAVE, WHICH YOU CAN USE FOR THE CARE AND TREATMENT OF YOURSELF OR A FAMILY MEMBER.

### AMOUNT OF SICK LEAVE:

- Your employer must provide up to 40 hours of sick leave every calendar year. Your employer's calendar year is:

Start of Calendar Year: \_\_\_\_\_ End of Calendar Year: \_\_\_\_\_

- Domestic workers:** Your employer must provide two days of paid sick leave in addition to the three days of paid rest to which you are entitled under [New York State Labor Law](http://New York State Labor Law). Go to [labor.ny.gov](http://labor.ny.gov) and search "Domestic Workers' Bill of Rights" for more information.

### RATE OF ACCRUAL:

- You 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.
- Domestic workers:** You must have worked for the same employer for at least one year to earn two days of paid sick leave under City law. DCA will provide guidance on rate of accrual at [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave).

### DATE ACCRUAL BEGINS:

You begin to accrue sick leave on April 1, 2014 or on your first day of employment, whichever is later.

*Exception:* If you are covered by a collective bargaining agreement that is in effect on April 1, 2014, you begin to accrue sick leave under City law beginning on the date that the agreement ends.

### DATE SICK LEAVE IS AVAILABLE FOR USE:

- You can begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later.
- Domestic workers:** DCA will provide guidance on when sick leave is available for use at [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave).

### ACCEPTABLE REASONS TO USE SICK LEAVE:

You can use sick leave when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You 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.
- Your employer's business closes due to a public health emergency or you 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 (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*)
- 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 is foreseeable, your employer can require up to seven days advance notice of your intention to use sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable.

## DOCUMENTATION:

Your employer can require documentation from a licensed health care provider if you use 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 of unused sick leave can be carried over to the next calendar year. However, your employer is only required to let you use up to 40 hours of sick leave per calendar year.

## YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SICK LEAVE.

Your employer 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.

## YOU HAVE A RIGHT TO FILE A COMPLAINT.

You 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 your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

**Keep a copy of this notice and all documents that show your amount of sick leave and your sick leave accrual and use.**

**Note: The Earned Sick Time Act sets the minimum requirements for sick leave. Your employer's leave policies may already meet or exceed the requirements of the law.**

You have a right to be given this notice in English and, if available on the DCA website, your primary language.

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.



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