

One Minute Memo®



Paid Sick Leave For New York City Employers?

New York City is about to become one of the largest jurisdictions in the country to require private employers to provide paid sick leave.

Last week, City Council Speaker Christine Quinn announced an agreement on a bill that, if passed, would require New York City employers with 20 or more employees to provide five paid sick days to their employees starting April 1, 2014. This requirement would expand to employers with 15 or more employees starting October 1, 2015. City employers that fall below these thresholds would be required to give their employees at least five *unpaid* sick days.

The bill would apply to employees who miss work because of illness or to care for an ill family member. The proposal would also prevent all employers from retaliating against employees who take sick leave.

Under the proposal, an employee who claims that he or she was denied sick leave would not be able to sue in court. Rather, the employee would have to file a complaint with the Department of Consumer Affairs, which would determine whether a violation occurred. Once this determination is made, the affected individual could then bring an action in court, but only to contest the agency's decision.

The proposal would also include a "reverse trigger" that would delay the legislation from going into effect if the City's economy unexpectedly worsens.

While many of the specifics of Speaker Quinn's agreement remain unclear, *prior versions of the bill* may shed some light on what to expect. Under those proposals, employees would have received one hour of paid sick time for every thirty hours worked, and employers could have required reasonable documentation for sick leave that lasted more than three consecutive work days. Also, employers with a paid leave policy, such as a PTO policy, would not have been required to provide additional paid sick time if the paid leave met the requirements of the proposed law.

Mayor Michael Bloomberg has announced that he intends to veto the bill, but the City Council likely has enough votes to override the veto.

All New York City employers should take this time to review their record retention policies. If and when the bill is passed and enacted, employers must be able to indicate the number of hours worked by employees and the amount of sick time accrued and used. If current records do not capture and retain this type of information, employers will need to change their policies to come into compliance. Employers with PTO policies should also ensure that these policies meet the minimum requirements of the proposed law.

We will continue to monitor developments on this important potential change in the law and will provide updates.

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