

One Minute Memo®



If Pain, Yes Gain—Part XXXIX: NYC Mayor Signs Amendment to Earned Sick Time Act

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Seyfarth Synopsis: Use of paid sick time for “safe time” reasons is coming to New York City following Mayor Bill de Blasio’s signing of an amendment to the city’s Earned Sick Time Act earlier this week.

On November 6, 2017, New York City Mayor Bill de Blasio signed the Earned Safe and Sick Time Act (“ESSTA”) (Int. No. 1313-A), an amendment to the city’s Earned Sick Time Act. The New York City Council passed the amendment approximately three weeks ago, on October 17, 2017. ESSTA will take effect on May 5, 2018 — 180 days after it was signed by Mayor de Blasio.

As discussed in our [prior alert](#), ESSTA will result in several notable amendments to the city’s paid sick leave landscape. Among other things, ESSTA introduced protected “safe time” reasons for the use of New York City paid sick time and expanded the ordinance’s definition of “family member.”

ESSTA will allow paid sick time to be used for the following “safe time” reasons for employees or their covered family members (as set forth below) who are victims of a family offense matter, sexual offense, stalking, or human trafficking:

- to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
- 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 family offense matters, sexual offenses, stalking, or human trafficking;
- to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- 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 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.

A covered "family member," as expanded by ESSTA, which applies for both sick and safe time absences, includes (a) child, (b) spouse, (c) domestic partner, (d) parent, (e) sibling, (f) grandchild, (g) grandparent, (h) the child or parent of an employee's spouse or domestic partner, (i) any other individual related by blood to the employee, and (j) any other individual whose close association with the employee is the equivalent of a family relationship.

As a reminder, covered New York City employers must provide employees hired on or after the May 5, 2018 effective date with notice of their paid sick time rights, including their right to "safe time" under ESSTA. This notice should be provided to employees upon commencement of employment. Covered employers also must provide an updated paid sick time notice to existing employees within 30 days of ESSTA's effective date, i.e., June 4, 2018.

In anticipation of the May 5, 2018 effective date, companies should reach out to their Seyfarth contact for solutions and recommendations on addressing compliance with this law and sick leave requirements generally. To stay up-to-date on Paid Sick Leave developments, [click here](#) to sign up for Seyfarth's Paid Sick Leave mailing list.

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