



Better Safe Than Sorry: Employers Rush to Comply With New York City's Amended Earned Safe and Sick Time Act

CLIENT ALERTS | MAY 23, 2018

On May 5, 2018, New York City's amended Earned Safe and Sick Time Act became effective, commencing the countdown for employers to comply with the law's new requirements. The amendments expand the Earned Sick Time Act in two principal respects, but do not provide additional leave beyond that already available under existing law.

Most critically, the law now requires employers to provide employees with paid "safe time." Safe time can be used for a variety of activities related to the status of an employee (or the family member of an employee) as a victim of domestic violence or unwanted sexual contact, stalking, or human trafficking, including:

- 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 family offenses, sexual offenses, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing or 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
- 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.

In addition, the amended law expands the definition of “family member,” enabling employees to now use safe and sick time to assist any individual related to the employee by blood as well as “any other individual whose close association with the employee is the equivalent of a family relationship.”

Immediate Action Required

Employers must be in compliance with the Earned Safe and Sick Time Act by June 4, 2018. Employers are required to provide all current employees and new hires with the Notice of Employee Rights in both English and each employee's primary language, to the extent a form in such language is made available on the [New York City Consumer Affairs website](#). Current versions include Chinese, French, Italian, Polish, Russian, Spanish and 19 other languages. Some employers provide leave benefits in excess of the minimum requirements of the Earned Safe and Sick Time Act. We recommend that such employers distribute the form notice supplied by the Department of Consumer Affairs together with an additional memorandum or note indicating that the employer's leave policies provide benefits in excess of the minimum required by law and a link or reference to such policies.

Employers must also update their handbooks and leave policies to reflect the addition of safe time as protected leave.

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For questions or concerns regarding compliance with the amended Earned Safe and Sick Time Act, please contact a member of Kramer Levin's Employment Department.

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