



New York City Earned Safe and Sick Time Act (Paid Safe and Sick Leave Law) Effective June 4, 2018

Frequently Asked Questions

- 1. How much safe & sick leave does the University provide to employees?** The University must provide eligible employees up to 40 hours of paid safe and sick leave every calendar year.
- 2. When do employees begin to accrue safe and sick leave?** Employees begin to accrue safe and sick leave on their first day of employment. Employees who were not previously eligible to accrue leave, including student employees, temporary employees and adjunct faculty members, will now accrue safe and sick leave time at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours of safe and sick leave per calendar year. All other employees will continue to accrue sick leave (now including safe leave) time at the rate of one day per month, up to a maximum of 130 days. Please note that for most employee classifications, the University's existing sick leave policies are more generous than that required under the new law.
- 3. When can an employee start using safe and sick leave?**
 - Employees can start using accrued sick leave on July 30, 2014 or 120 days after the start of their employment, whichever is later. After 120 days, an employee can use sick leave as it is accrued.
 - Employees can begin using safe leave on May 5, 2018 or 180 days after they begin employment, whichever is later.
- 4. What are acceptable reasons an employee can use safe and sick leave?** Employees can use safe and sick leave for absences from work due to:
 - The employee's mental or physical illness, injury, or health condition; The employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; The employee's need for preventive medical care; Care of a family member who needs medical diagnosis, care, or treatment of an illness, injury, or health condition, or who needs preventive medical care.

- Closure of an employee's place of business due to a public health emergency (as declared by the Commissioner of the New York City Department of Health and Mental Hygiene or the Mayor)
- The employee's need to care for a child whose school or child care provider is closed due to a public health emergency.
- An employee or an employee's family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and the employee needs to take actions necessary to restore the physical, psychological, or economic health or safety of the employee or their family members or to protect those who associate or work with the employee, including to:
 - a) Obtain services from a domestic violence shelter, rape crisis center, or other services program
 - b) Participate in safety planning, relocate, enroll a child in a new school or take other actions to protect their safety or that of their family members
 - c) Meet with an attorney or social service provider to obtain information and advice related to custody; visitation; matrimonial issues; orders of protection; immigration; housing; and discrimination in employment, housing, or consumer credit
 - d) File a domestic incident report with law enforcement or meet with a district attorney's office.

5. Which employees are covered by the law? Employees who work more than 80 hours a calendar year in New York City have a right to paid safe and sick leave. The law covers: Full-time employees, Part-time employees, 1199SEIU Collective Bargaining Employees, Temporary employees, Transitional jobs program employees, Undocumented employees, Employees who are family members, but not owners, Employees who live outside of New York City but work in New York City.

6. Which employees are not covered by the law? The law does not apply to: Employees who work 80 hours or less a calendar year in New York City, Students in federal work study programs, Employees whose work is compensated by qualified scholarship programs, Employees of government agencies, physical therapists, occupational therapists, speech language pathologists, and audiologists who are licensed by the New York State Department of Education, Independent contractors who do not meet the definition of an employee under New York State Labor Law and Participants in Work Experience Programs (WEP).

7. Does the law cover employees who are based outside of New York City but work in New York City on an occasional basis? Only the hours that an employee works in New York City count toward the 80 hours, and the paid safe and sick leave can only be used when the employee is working in New York City.

- 8. Are independent contractors or consultants covered by the law?** No. The law applies to employees only. Whether someone is an employee or independent contractor depends on several factors. These include how much supervision, direction, and control the University has over the services being provided.
- 9. Is the University required to give employees notice of their right to safe and sick leave?** Yes. The University must give the Notice of Employee Rights created by the Department of Consumer Affairs to employees when they begin employment or by June 4, 2018, whichever is later. Notices are available in English, Spanish, Chinese, French-Creole, Italian, Korean, Russian and various other languages. The written notice includes:
- Accrual and use of safe and sick leave
 - Employer's calendar year
 - Right to be free from retaliation
 - Right to file a complaint
- 10. Who is considered a family member under the law? The law recognizes the following individuals as "family member:"** Any individual whose close association with the employee is the equivalent of family, 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), and, any other individual related by blood to the employee.
- 11. Can an employee use safe and sick leave for court appointments (related to stalking, domestic violence, sexual assault, human trafficking), doctor, dentist, or eye doctor appointments?** Yes.
- 12. Can parents use sick leave following the birth of their child?** A mother can use sick leave during any period of sickness or disability following the birth of her child. The other parent can use sick leave to care for the mother during this period. Parents also can use sick leave to care for a child's need for medical diagnosis, care, or treatment of an illness, injury, or health condition, or preventive medical care up to a maximum of 40 hours per calendar year.
- 13. If an employee gets sick in the middle of a scheduled vacation, can the employee use sick leave?** No. The employee cannot claim this time as sick leave because the employee was not scheduled to work during the scheduled vacation.
- 14. Can the University require employees to provide advance notice of the need to use safe and sick leave?** If the need is foreseeable, the University requires up to seven days advance written notice of an employee's intention to use safe and sick leave, i.e. appointments. If the need is unforeseeable, the University requests that employees give

notice as soon as practicable. Whether and when an employee can practicably provide notice depends upon the individual facts and circumstances of the situation.

15. Can the University require an employee to disclose the medical reason for using safe and sick leave? No. The University cannot require an employee or an employee's health care provider to disclose details of the employee's or employee's family member's injury, illness, or condition that required the use of safe and sick leave, except as required by law.

16. What are possible signs of misuse of safe and sick leave? Indications of using safe and sick leave for purposes other than those described in the Law include, but are not limited to:

- Repeated use of unscheduled sick leave on/or adjacent to weekends, regularly scheduled days off, holidays, vacation, or payday.
- Taking leave on days when other leave has been denied.
- A pattern of taking leave on days when the employee is scheduled to work a shift or perform duties perceived as undesirable Evidence that an employee engaged in an activity that is not consistent with the employee being sick or with the employee using sick leave for a preventive medical appointment may also indicate misuse of safe and sick leave.

17. Can the University require an employee to provide documentation from a licensed health care provider? The University can require the employee to provide a note from a licensed health care provider confirming the need for the amount of safe and sick leave taken. The law prohibits employers from requiring the health care provider to specify the medical reason for the safe and sick leave. The University can require documentation if the employee uses more than three consecutive workdays as safe and sick leave. A workday does not need to be a "full" day if the employee works part time.

18. Does the University have to keep safe and sick leave information about employees confidential? Yes. The University must keep safe leave and sick leave information, about an employee or an employee's family member obtained solely because of this law, confidential unless the employee permits disclosure or disclosure is required by law.

19. What happens to safe and sick leave that an employee has accrued but hasn't used at the end of the calendar year? Up to 40 hours of unused safe and sick leave can be carried over to the next calendar year. However, the University is only required to allow employees to use up to 40 hours of safe and sick leave (for the reasons under this law) per calendar year. Anything beyond forty (40) hours is subject to the requirements under the University's current sick leave policies.

20. Does the University have to pay unused safe and sick leave to employees who leave the University? No. If an employee resigns, retires, is terminated, or is otherwise separated

from employment, the University is not required to pay the employee for unused safe and sick leave.

21. What records does the University have to keep? University departments must keep and maintain records documenting their compliance with the law for at least three years, unless otherwise required by any law, rule, or regulation. Employers must make the records available to the Department of Consumer Affairs upon notice and at an agreed upon time of day.

KRONOS is the time-keeping system of record for all staff employees and must be used to maintain all time and attendance records. Academic areas that are not using Kronos must track (manually or otherwise) the accrual and use of sick leave reasons, under this law, for all faculty (including adjunct faculty) who meet the eligibility requirements.

The University must keep health information obtained, solely for the purpose of the employee using safe and sick leave, confidential unless disclosed by the employee or required by law.