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## New York City Expands Earned Sick Time Act To Assist Employees and Family Members Who Are Crime Victims

By: Carolyn D. Richmond, Glenn S. Grindlinger & Gregg M. Kligman

The New York City Council recently amended the New York City Earned Sick Time Act (“Act”) to allow employees to use sick leave accrued under the law for additional purposes. The amendments will permit employees to use accrued sick/safe time as a result of the employee or the employee’s covered family member being a victim of family offense matters, sexual offenses, stalking, or human trafficking.

The Act will be renamed the New York City Earned Safe and Sick Time Act.

Currently, employees may take accrued sick leave under the Act:

1. as a result of their own illness, injury or medical condition, diagnosis, or for preventative medical care;
2. to care for their family members (currently the employee’s child, parent, spouse, domestic partner, sibling, grandparent, grandchild or the child or parent of an employee’s spouse or domestic partner) who need medical diagnosis, care or treatment for an illness or medical condition or who need preventative medical care; and
3. as a result of closure of the employee’s place of business by order of a public health official due to a public health emergency or such employee’s need to care for a child whose school or childcare provider has been closed by order of a public health official due to a public health emergency.

Specifically, under the amendments to the Act, employees will now be able to use accrued sick/safe time:

1. 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;
2. to participate in safety planning, temporarily 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;
3. 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;
4. to file a complaint or domestic incident report with law enforcement;
5. to meet with a district attorney’s office;
6. to enroll children in a new school; or
7. to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or employee’s family member or to protect those who associate or work with the employee.

The amendments also expand the definition of “family member” to include an employee’s child, parent, spouse, domestic partner, sibling, grandparent, grandchild, the child or parent of an employee’s spouse or domestic partner, any other

individual related to the employee by blood, and any other individual whose close association with the employee is the equivalent of a family relationship. This is a significant expansion to the phrase family member. The new definition of family member may arguably go so far as to include distant relatives with whom employees have no regular relationship as well as roommates, friends and, potentially, even co-workers.

Mayor de Blasio signed the New York City Earned Safe and Sick Time Act into law on November 6, 2017. Accordingly, the law will go into effect on May 5, 2018 and employers will have until June 4, 2018 to advise both current employees and new hires of their additional rights. Indeed, the Act requires employers to notify all current employees and new hires about these additional rights.

New York City employers are advised to review their employee handbooks and policies regarding paid time away from work to ensure that they are in compliance with the New York City Earned Safe and Sick Time Act.

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For more information about this Alert, please contact [Carolyn D. Richmond](mailto:Caroyn.D.Richmond@foxrothschild.com) at 212.878.7983 or crichmond@foxrothschild.com, [Glenn S. Grindlinger](mailto:Glenn.S.Grindlinger@foxrothschild.com) at 212.878.2305 or ggrindlinger@foxrothschild.com, [Gregg M. Kligman](mailto:Gregg.M.Kligman@foxrothschild.com) at 212.878.7910 or gkligman@foxrothschild.com, or any other member of Fox Rothschild LLP's [Hospitality Practice Group](#), or New York [Labor & Employment Department](#). Visit us on the web at [www.foxrothschild.com](http://www.foxrothschild.com).