

The Earned Sick Time Act

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Employers in New York City (“NYC”) must allow employees up to 40 hours of paid sick leave each year. Under the [Earned Sick Time Act](#) (the “Act”), employees who work 80 hours or more in a 12-month period are entitled to 40 hours of paid sick leave. Previously, employers were not obligated to provide paid sick leave for any amount of time. As such, the law is an important development for employees who work in NYC.

Employees Entitled to Paid Sick Time Leave

To be eligible, you must work a minimum of 80 hours (for the same employer) in a calendar year. Therefore, eligibility is not dependent on an employees’ status as full-time, part-time or seasonal. Employees earn one hour of paid sick leave for every 30 hours worked. The maximum amount of paid sick leave required by the Act is 40 hours. The Act applies to employers who have five or more employees. If an employer has less than five employees, it is required to provide 40 hours of unpaid sick leave.

What Reasons Allow an Employee to Take Sick Leave?

The Act provides employees protection to take sick leave for a variety of reasons so long as the request is related to a “mental or physical illness, injury or health condition,” of an employee or family member. If a request falls within this definition, an employer must comply with the Act. Should an employer refuse a request under the Act or retaliate, you should seek legal counsel. An employer who terminates an employee taking sick leave in retaliation can be held liable for the employee’s lost wages, benefits and appropriate equitable relief.

For more information, or questions on the rights of employees under the Earned Sick Time Act, both employees and employers can contact Wigdor LLP at (212) 257-6800.

Jeanne M. Christensen

Partner

WIGDOR LLP

85 Fifth Avenue, New York, NY 10003

T: [\(212\) 257-6800](tel:(212)257-6800) | F: [\(212\) 257-6845](tel:(212)257-6845)

jchristensen@wigdorlaw.com

www.wigdorlaw.com

Tony P. Guan

Associate

WIGDOR LLP

85 Fifth Avenue, New York, NY 10003

T: [\(212\) 257-6800](tel:(212)257-6800) | F: [\(212\) 257-6845](tel:(212)257-6845)

tguan@wigdorlaw.com

www.wigdorlaw.com