



HAND IN HAND

The Domestic Employers Network

Domestic Employer Obligations Under New York City Paid Safe and Sick Leave Law

As of September 30, 2020, New York City's [Paid Safe and Sick Leave Law](#) was updated, increasing leave for domestic workers from **2 days to 5 days**. **The updated law states:**

1. Domestic workers accrue safe and sick leave at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours per year. *(Note: Effective January 1, 2021, a worker who is employed by an employer that has 100 or more employees may earn up to 56 hours per year).*
2. Domestic workers can access accrued leave **from the moment they start employment**. *(Note: the 120-day threshold to begin using safe/sick time has been eliminated).*
3. Domestic workers can use leave to care for themselves, a family member, unexpected closures of schools, for their own safety and health or for a family member's safety.

Under the law Employers must:

1. Provide a Notice of Employee Rights to their employee and discuss the Paid Safe and Sick Leave policy. Click here to download the notice in [English](#) and [Spanish](#).
2. Inform employees on their paystub how much safe/sick time they have accrued, used, and have available.
3. Define the "calendar year" used as the basis for accrual and rollover of days. Under the Law, "calendar year" means any consecutive 12-month period of time as determined by an employer.
4. Employers must have a policy explaining how employees can take leave. A policy must include:
 - a. The amount of leave provided by the employer.
 - b. Whether employees can access paid sick and safe leave on an accrual basis or if it is front-loaded at the beginning of each calendar year. *(Note: Hand in Hand recommends that employers front-load days as a best practice.)*
 - c. Your policy for how and when leave is requested by the employee *(i.e. you may believe you should expect advance notice if an employee requests sick leave for a scheduled surgery, while understanding that little to no notice is necessary in other instances.)*
 - d. Details outlining how employees can take leave, including the ability to use it in increments or intervals.

- e. An explanation of when the employee will be expected to provide documentation to justify the use of leave (i.e. an employer may request a doctor's note if the employee is out more than three consecutive days).
- f. An explanation of how unused leave carries over from one year to the next.
- g. A privacy statement that ensures the employee that their reasons for requesting leave, and personal health information will not be disclosed. Use of leave is confidential.

Please note: Hand in Hand recommends that employers front-load hours to avoid non-compliance in calculating accrual. **If you do front-load leave, you must still keep track of its use.**

If you do not comply with any of these items, an employee can file a claim through the [Department of Consumer Affairs and Worker Protection](#). Remember: it is illegal to punish or fire employees for requesting or using safe and sick leave or for reporting violations.

Paid days off under New York State law

- Under New York's Domestic Workers Bill of Rights, domestic workers are also entitled to three paid days off after their first year of employment starting on the first day of the calendar year. So for example, if a domestic worker ended their first year of employment on December 31, 2020 on January 1, 2021 they would be entitled to three paid days off.
- Under the law, there are no restrictions for how paid days off can be used (i.e. sick, vacation, personal time).
- While you are obligated to provide three paid days under New York State law, Hand in Hand recommends you provide at least two weeks of paid vacation a year. [Click here for more guidelines on how to be a fair employer.](#)
- [To minimize confusion, Hand in Hand also recommends that you offer paid days off as well as paid sick and safe leave up front at the start of each calendar year.](#)

FAQ for Paid Sick and Safe Leave:

<https://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeave-FAQs.pdf>

Additional rights pertaining to domestic workers in New York State are included in the [Domestic Worker Bill of Rights](#)

Please note: This guide is made available by Hand in Hand for educational purposes only to give you general information and a general understanding of employment best practices, not to provide specific legal advice. The contents of this guide are not legal advice and should not be construed as legal advice, nor should they be used as a substitute for competent legal advice from a licensed professional attorney.