

# Client Alert

## December 22, 2025

### **Wishing You a Wonderful Holiday Season and a Prosperous New Year!**

#### **Increase in New York's Minimum Wage**

Starting January 1, 2026, the base minimum wage for home healthcare workers will increase by \$0.55 per hour. New York City (NYC) will have a base rate of \$19.65 per hour with a Worker Wage Parity (WWP) of \$2.54, making the total minimum wage \$22.19 per hour. Long Island (LI) and Westchester County (WC) will have a base rate of \$19.65 per hour with a WWP of \$1.67, making the total minimum wage \$21.32 per hour. The rest of New York State (NYS) will have a minimum rate of \$18.65 per hour.

Additionally, the threshold salary for employees exempt from overtime has increased. To qualify for exempt status, employees generally must meet both salary requirements and satisfy the duties test defined under the New York Labor Law. The minimum salary for NYC, LI, and WC will increase to \$1,275.50 per week (\$66,300 per year) and for the rest of the state, the minimum salary will be \$1,199.10 per week (\$62,353.20 per year).

#### **Changes to the New York City Earned Safe and Sick Time and Temporary Schedule Change Acts go into Effect February 22, 2026**

The New York City Earned Safe and Sick Time Act (ESSTA) requires employers to provide safe and sick time to employees working in New York City. The new amendments will require employers to provide 32 hours of unpaid safe and sick time to employees immediately upon hire and at the start of each calendar year with no waiting period for use. Unused unpaid leave will not carry over into the following year and, if available, paid safe and sick time must be utilized before unpaid safe and sick time unless specifically requested by the employee. Additionally, the reasons for use for safe and sick time have been expanded to include caregiving of minor child or care recipient, pursuit of subsistence benefits or housing, workplace violence, and public disasters. Further, in addition to paid safe and sick time, employers are required to provide 20 hours of paid prenatal leave during any 52-week calendar period. Changes to the ESSTA's collective bargaining provisions now allow ESSTA to be waived where a collective bargaining agreement provides for "superior or comparable benefits" in the form of paid or unpaid time off.

These changes also affect the Temporary Schedule Change Act (TSCA) in that the requirement will no longer be necessary for personal events covered by the ESSTA. Employees will still retain the right to request a temporary change for a personal event without retaliation. Employers are not required to grant the request but must respond to the request as soon as practicable.

Contact our office if you need assistance drafting your new Safe and Sick Time policies.

#### **NYC Enacts New Pay Reporting Requirements**

On December 4, 2025, the NYC City Council overrode a mayoral veto to enact two new data reporting laws that will require private employers with 200 or more employees to submit annual reports detailing compensation by race, ethnicity and sex. Covered employers will be required to submit an annual pay date report and annual pay equity

studies will be conducted by a designated agency using the information in the pay data reports submitted by employers.

The legislation is part of a broader effort to advance wage transparency and address perceived pay disparities based on race and gender. Employers will be given the option to submit data anonymously and all data will be published excluding any identifying information of the employers and their employees.

The law has already gone into effect while the designated agency will be chosen by December 4, 2026. However, no deadlines will be set for employers until the reporting framework has been established. Once the agency creates the standardized reporting format and establishes the submission process, employers will have 12 months to submit their data. Employers that fail to submit their data will be given written notice to comply within 30 days before being subject to fines. Failure to comply within the 30-day grace period will result in a fine of \$1,000, and any subsequent violation will result in a fine of \$5,000. The agency will also publish an annual report on its website containing a list of all offending employers.

While reporting deadlines have not yet been set, employers should begin preparing for the upcoming new requirements.

### **Nursing Home Transition and Diversion Waiver OMIG Audit Protocol Update**

On December 17, 2025, OMIG updated the NHTD Audit Protocol. Of importance are the following changes:

As of March 1, 2024, NHTD services that may be provided remotely or virtually without obtaining Regional Resource Development Specialist (RRDS) approval include:

- Community Integration Counseling (CIC)
- Positive Behavioral Interventions and Supports (PBIS)
- Independent Living Skills Training (ILST)
- Service Coordination

As of March 1, 2024, the once a month "face-to-face contact" requirement listed in the NHTD program manual has been amended to once a month "contact", meaning these services can take place remotely or virtually.

### **2024 LHCSA Statistical Reports Due December 31, 2025**

The 2024 LHCSA Statistical Reports are due December 31, 2025, for the 2026 registration period. No extensions or exceptions for late registrations will be granted. While previous years allowed for a short form process (allowing for registration first with the statistical reports trailing), only full reports will be accepted this year. The penalties for failing to submit a complete report are as follows:

- A \$500 fine for each month, or part of a month that the LHCSA is not registered.
- LHCSAs that are not registered will not be allowed to operate until they become registered.
- LHCSAs that fail to register for 2 years, even if not consecutive, may have their license revoked.

### **DHS Ends Automatic Extension of EAD Cards**

The US Department of Homeland Security (DHS) has issued an interim final rule that will end the automatic extension of Employment Authorization Document (EAD) card when an individual timely submits a renewal application. Under the new rule, any EAD filed on or after October 30, 2025, will no longer receive an automatic extension. However, EADs that were automatically extended before October 30, 2025, are still valid. If an EAD expires before the renewal is approved, the individual must stop working until they receive a new card. DHS also reserves the right to terminate any existing EAD or extension period by written notice to the applicant or through the Federal Register notice. Employers should immediately assess which employees may be affected by the rule and monitor the processing times of EAD renewals to prepare for gaps in work if an employee's card expires.

### **Implementation of Mandatory New York Retirement Program**

Beginning March 2026, New York private sector employers will be required to register for the New York State Secure Choice program if they have ten or more employees; have been in business for at least two years; and do not offer an alternative qualified retirement plan such as a 401(k), 403(b), SIMPLE, IRA, or SEP. Employers with thirty or more employees must register by March 18, 2026, employers with fifteen to twenty-nine employees must register by May 15, 2026, and employers with ten to fourteen employees must register by July 15, 2026.

To implement the program, or certify that you already offer a qualifying retirement program, employers must visit and follow the directions outlined at [NY Secure Choice](#)

**If you have any questions, please contact our office.**

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