



## NYC Paid Sick Leave/Safe Time Update **Revisions to Rules Now Effective**

As of September 20, some of the rules governing New York City's paid safe time and sick leave law (ESSTA) have changed. The Department of Consumer Affairs ([DCA](#)) has posted updated answers to frequently asked questions [here](#).

Employers must ensure that their employees receive written notice of their ESSTA rights, either when employment begins, upon request, or within 14 days of any revision. Any used paid sick time/safe leave must be paid at an employee's most recent hourly rate (or the minimum wage, whichever is greater). Employers may not count protected uses of time off under the ESSTA as absences that could result in disciplinary action (or termination).

The new rule clarifies that workers who work for agencies and provide services as employees of those agencies are not included in the ESSTA's definition of "[domestic workers](#)"; but this does not mean they are not covered by the ESSTA - they are covered by it as "employees." Thus, while the ESSTA requires that domestic workers be given two paid days off in addition to the three days off that the State's Domestic Worker Bill of Rights (DWBR) affords them, employees who are not domestic workers follow the general rule that they are entitled to one hour of sick time for every thirty hours worked, up to 40 hours per calendar year. Under the ESSTA, domestic workers' calculation and accrual of days off are in accordance with the DWBR, whereas regular employees' calculation and accrual of days off are in accordance with the ESSTA itself and the rules promulgated thereunder.

DCA also stated that elective surgery is not a qualifying reason for paid sick time.

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