



Meltzer, Lippe, Goldstein & Breitstone, LLP
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LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe is home to a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

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NEW YORK CITY EARNED SAFE AND SICK TIME ACT AMENDMENTS - UPDATED NOTICE OF RIGHTS AND POLICIES

Years ago, both New York City and New York State enacted laws requiring employers to provide paid safe/sick leave to their employees dependent upon the number of hours worked (i.e., 1 hour paid leave earned for every 30 hours worked capped at either 40 or 56 hours each calendar year depending upon the size of the employer). While some differences exist between these two statutes, they essentially provided the same benefit until February 22, 2026 when New York City's amendments to its Earned Safe and Sick Time Act ("ESSTA") became effective. In this regard, employees working in New York City must now receive 32 hours of **unpaid** leave at time of hire and annually in addition to the above-mentioned paid leave. Moreover, additional reasons for taking paid (and unpaid) safe/sick leave were added by these ESSTA Amendments. As of 2025, New York employers must also offer paid prenatal care leave (20 hours) to their pregnant employees.

Employers covered by ESSTA must do **more** than provide these paid and unpaid hours. Specifically, such employers must issue a new ESSTA Notice of Rights (renamed *Notice of Employee Rights: Protected Time Off*) to their employees (in the respective employee's primary language such as English, Spanish, Russian, etc.) and post such Notice in the workplace. Such Notices may be downloaded from the New York City Department of Consumer and Worker Protection's ("NYCCWP") website. The updated Notice now discusses both paid and unpaid safe/sick leave as well as prenatal leave. Employers must also distribute detailed policies that discuss these three (3) leaves. Indeed, the NYCCWP just revised its "*Rules For Safe and Sick Leave Policies*" which must be considered when drafting such policies. Failing to issue the new Notice and/or failing to issue an updated policy covering all three leaves may result in penalties from the NYCCWP which administers ESSTA. Importantly, ESSTA does not merely cover employers located in New York City but also those employers located elsewhere who have employees working in New York City. It is likely any existing safe/sick leave policy created before February 2026 is outdated and should be revised by experienced labor counsel. Indeed, New York-based employers who do not have employees working in New York City should also promulgate detailed paid safe/sick and prenatal policies to avoid confusion amongst their employees with respect to these laws.

Employers with questions relative to the foregoing are encouraged to contact Carmelo Grimaldi, Esq., attorney in Meltzer Lippe's Labor and Employment Group at cgrimaldi@meltzerlippe.com.