

FAQS FOR CAREGIVER PROTECTIONS

1. What is a “caregiver”?

A caregiver is a person providing direct or ongoing care to a child under the age of 18, or to a person with a disability who either lives in the caregiver’s home or is related to the caregiver. The individual with the disability must rely on that person to obtain medical care or to meet their needs of daily living.

2. Are employers required to provide employees with paid or unpaid family leave?

No. This law does not require that employers provide employees with paid or unpaid family leave. However, employers may be required to provide paid or unpaid sick leave or unpaid family leave under different laws, such as the New York City [Earned Sick Leave Law](#) or the federal [Family Medical Leave Act](#).

3. Does this law give employees the right to flexible scheduling or other changes in order to take care of caregiving responsibilities?

No. This law does not give employees the right to flexible scheduling or other changes to the terms and conditions of their employment due to their caregiving responsibilities. Employers CANNOT, however, deny these benefits to employees with caregiving responsibilities if they provide these benefits to other employees.

Examples of Possible Violations of the New Caregiver Status Protections Under the New York City Human Rights Law

1. An employer allows all employees to take up to five sick days per year. This year, an employee took five days in a row to care for her seven year-old daughter who was hospitalized with asthma. The employee received a negative evaluation at the end of the year. The employee’s manager did not have any performance-related criticism for the employee except that the manager said the employee would need to find someone else to take care of her daughter when she’s ill because a week was too long to be absent from work.
2. An employee of a software company lives with an elderly friend of his family, who has diabetes and uses a wheelchair to ambulate. The employee helps her with cleaning, shopping, and other chores. The employee’s supervisor and colleagues knows that he lives with and takes care of a family friend. In late 2015, the employee applied for a promotion to a managerial position with his company. Although he is well-qualified, another employee was chosen for the promotion. When the employee questioned his supervisor as to why he was not promoted, his supervisor told him that the company understood he had commitments outside of work and didn’t want to burden him with evening and weekend responsibilities.
3. An employee works as a medical assistant for a small medical practice. Two months ago, the employee’s husband was diagnosed with cancer. For the next six weeks, the employee’s husband will be attending twice weekly chemotherapy appointments in the morning before the employee goes to work. The employee asked her office manager if she could arrive up to an hour late on the days when her husband goes to chemotherapy so that she can drive him home before coming to work. The office manager said no, explaining that the practice can’t function if everybody doesn’t arrive on time. A couple of weeks later, the employee notices another medical assistant arriving late and being greeted by the office manager. When she asked the medical assistant why she was late, the medical assistant explained that the office manager is allowing her to come late a couple of times a week while she trains for an upcoming marathon.