

RULES FOR SAFE AND SICK LEAVE POLICIES

An employer's safe and sick leave policy must meet or exceed the requirements of NYC's Earned Safe and Sick Time Act (Paid Safe and Sick Leave Law). In addition to giving employees the [Notice of Employee Rights](#) in English and, if applicable, in their primary language, employers must give employees written safe and sick leave policies that must:

1. **Be a single document.**

An employer's entire safe and sick leave policy must be in a single document. It can be a stand-alone written policy or a section in a policy manual, such as an employee handbook.

2. **Explain how the employer calculates safe and sick leave.**

Employers that use an accrual method for safe and sick leave (at least 1 hour for every 30 hours worked) must state in the policy:

- when the accrual starts;
- the rate of accrual; and
- how many hours an employee may accrue in a calendar year.

Employers that front-load safe and sick leave at the beginning of each year must state this in the policy, including:

- amount of front-loaded leave; and
- when leave is front-loaded.

3. **Explain how employees can use safe and sick leave.**

Employers must state any policies or procedures to use leave, as well as any limits or conditions on usage; for example:

- any procedures employees must follow to tell the employer they are using safe and sick leave;
- any requirement to provide documentation after using more than three days of safe and sick leave;
- any requirement to use safe and sick leave in a minimum increment;
- any policies on discipline for misuse of safe and sick leave.

Employers are not required to adopt any of these conditions or limitations but, if they do, the policy must state them.

The policy must also state that the employer cannot ask employees to disclose why they had to use safe and sick leave.

4. **Explain carryover.**

Employers must state their policies on carryover of leave from one calendar year to the next.

Employers that use an accrual method must allow employees to carry over up to 40 hours of unused safe and sick leave to the following calendar year.

Employers that front-load are not required to carry over unused safe and sick leave as long as they front-load at least 40 hours of leave at the start of each calendar year.

5. **Allow employees to use another form of leave instead of dedicated “safe and sick leave.”**

Employers may meet the law’s requirements by providing other forms of paid leave, such as paid time off, vacation time, personal days, or days of rest. If this is the case, employers must state in the policy that employees can use the other leave for safe and sick leave purposes and include the required explanations of calculation, usage, carryover. They must also state that they are using the other benefit to cover safe and sick leave obligations and use the following language, either verbatim or simplified:

“Such leave may be used by an employee for any of the purposes set forth in the Earned Safe and Sick Time Act without any condition prohibited by the Earned Safe and Sick Time Act.”

6. **Have no unlawful provisions.**

Employers should familiarize themselves with all aspects of the law and rules to ensure that their written policies are compliant. In particular, employers should be familiar with the provisions on:

- accrual;
- amounts and time frames for payment of safe and sick leave;
- reasons employees may use safe and sick leave;
- replacement workers;
- successor employers;
- retaliation.