



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 and paid prenatal leave policies that must:

1. Be a single document.

An employer's entire safe and sick leave and paid prenatal 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:

- that accrual starts at the beginning of employment;
- the rate of accrual; and
- that an employee may use safe and sick leave as it accrues.

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

- the amount of front-loaded leave; and
- that front-loaded leave is immediately available for use.

3. Explain carryover of safe and sick leave.

Employers must state their policies on carryover of safe and sick 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.

4. Address the availability of paid prenatal leave.

The policy must address the availability of a separate bank of 20 hours of paid prenatal leave during any 52- week period.

5. Explain how employees can use safe and sick leave or paid prenatal leave.

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

- any procedures employees must follow to tell the employer they are using leave (see Rule 7-205);
- any requirement to provide documentation after using more than three days of leave (see Rules §§ 7-206, 7-209);
- any requirement to use leave in a minimum increment (see Rule § 7-204);
- any policies on discipline for misuse of leave (see Rule § 7-215).

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

The policy must also state that:

- the employer will not ask the employee to provide details about the medical condition or personal situation that led the employee to use safe and sick leave or paid prenatal leave; and
- any information the employer receives about the employee's use of safe and sick leave or paid prenatal leave will be kept confidential and not disclosed to anyone without the employee's written permission or as required by law.

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:

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