

## NOTICE OF EMPLOYEE RIGHTS – ESSTA

Under New York City's Earned Safe and Sick Time Act (ESSTA), certain employees have a right to safe and sick leave (safe/sick leave). If you work part time or full time at any size business or nonprofit in NYC, you have the right to safe/sick leave to care for yourself or anyone you consider family. You have this right regardless of your immigration status. Your employer must give you this notice explaining your rights.

### AMOUNT OF SAFE/SICK LEAVE:

- Beginning on January 1, 2021, employers must provide up to 56 hours of safe/sick leave every calendar year.
- Calendar year is measured from an Associate's anniversary/start date.

### RATE OF ACCRUAL:

- Employees accrue safe/sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 56 hours of safe/sick leave per calendar year.

### DATE ACCRUAL BEGINS:

- In concert with the effective date of ESSTA, employees began to accrue safe/sick leave on April 1, 2014 or on their first day of employment, whichever is later.

*Exception:* Employees who are covered by a collective bargaining agreement in effect on April 1, 2014, begin to accrue safe/sick leave under ESSTA beginning on the date that the agreement ends.

### DATE SAFE/SICK LEAVE IS AVAILABLE FOR USE:

- Employees can use safe/sick leave immediately upon the start of their employment.

### ACCEPTABLE REASONS TO USE SICK LEAVE:

Employees can use sick leave when:

- They have a mental or physical illness, injury, or health condition; they need to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or condition; they need to get preventive medical care.
- They must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- The employer's business closes due to a public health emergency or they need to care for a child whose school or child care provider closed due to a public health emergency.

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### ACCEPTABLE REASONS TO USE SAFE LEAVE:

Employees can use safe leave due to any of the following reasons when the employee or a family member has been the victim of any act or threat of domestic violence, family offense, sexual offense, unwanted sexual contact, stalking, or human trafficking:

- To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to domestic violence, family offense, sexual offense, unwanted sexual contact, stalking, or human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

### FAMILY MEMBERS:

The law recognizes the following as family members:

- Child
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child or parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee
- Any other individual whose close association with the employee is the equivalent of a family relationship.

### Advance Notice:

If the need to take safe/sick leave is foreseeable, employers can require up to seven days advance notice of your intention to use safe/sick leave. If the need is unforeseeable, employers may require you to give notice as soon as practicable.

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### **Documentation:**

Employers can require documentation from a licensed health care provider if an employee uses more than three consecutive workdays as sick leave. ESSTA prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

Employers can require documentation for an absence of more than three consecutive work days for safe time. Documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the individual or that individual's family or household member has sought assistance in addressing domestic violence, family offense, sexual offense, unwanted sexual contact, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for leave shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the domestic violence, family offense, sexual offense, unwanted sexual contact, stalking, or human trafficking.

Employers must reimburse employees for any fees that employees pay for required documentation.

### **Unused Safe/Sick Leave:**

Up to 56 hours of unused safe/sick leave can be carried over to the next calendar year. However, employers are only required to let employees use up to 56 hours of safe/sick leave per calendar year.

### **Retaliation is prohibited:**

- It is illegal to punish or fire employees for requesting or using safe and sick leave or for reporting violations.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

### **Required Written Disclosures about Safe and Sick Leave:**

- Your employer must tell you how much safe and sick leave you have used and have left each pay period.
- Montefiore's HR Policies including safe/sick leave policies are available on the Montefiore Intranet.

### **Interplay with New York State's Paid Safe and Sick Leave law ("NYPSSL")**

- Time used for safe/sick leave under ESSTA will run concurrently with time pursuant to NYPSSL.

Employees have a right to file a complaint.

Employees can contact Consumer and Worker Protection to learn more or to file a complaint by:

Visiting [nyc.gov/workers](https://nyc.gov/workers) | Calling 311 and asking for "Paid Safe and Sick Leave"