



Legislation Text

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A Local Law to amend the administrative code of the city of New York in relation to aligning the requirements of the earned safe and sick time act and the temporary schedule change act

Be it enacted by the Council as follows:

Section 1. Section 20-912 of the administrative code of the city of New York, as amended by local law number 172 for the year 2021, is amended to read as follows:

§ 20-912 Definitions. When used in this chapter, the following terms shall be defined as follows:

["Calendar year" shall mean] Calendar year. The term “calendar year” means a regular and consecutive twelve month period, as determined by an employer.

Caregiver. The term “caregiver” means a person who provides direct and ongoing care for a minor child or a care recipient.

Care recipient. The term “care recipient” means a person with a disability, including a temporary disability, who (i) is the caregiver’s family member or resides in the caregiver’s household and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

["Chain business" shall mean] Chain business. The term “chain business” means any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least five.

["Child" shall mean] Child. The term “child” means a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

["Commissioner" shall mean] Commissioner. The term “commissioner” means the commissioner of consumer and worker protection.

["Department" shall mean] Department. The term “department” means the department of consumer and worker protection.

["Domestic partner" shall mean] Domestic partner. The term “domestic partner” means any person who has a registered domestic partnership pursuant to section 3-240 of the code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

["Domestic worker" shall mean] Domestic worker. The term “domestic worker” means any person who provides care for a child, companionship for a sick, convalescing or elderly person, housekeeping, or any other domestic service in a home or residence.

["Employee" shall mean] Employee. The term “employee” means any "employee" as defined in subdivision 2 of section 190 of the labor law who is employed for hire within the city of New York who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law, and not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

["Employer" shall mean] Employer. The term “employer” means any "employer" as defined in subdivision (3) of section 190 of the labor law, but not including (i) the United States government; (ii) the state

of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

["Family member" shall mean] Family member. The term “family member” means an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; the child or parent of an employee's spouse or domestic partner; any other individual related by blood to the employee; and any other individual whose close association with the employee is the equivalent of a family relationship.

["Family offense matter" shall mean] Family offense matter. The term “family offense matter” means an act or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in

subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

["Grandchild" shall mean] Grandchild. The term “grandchild” means a child of an employee's child.

["Grandparent" shall mean] Grandparent. The term “grandparent” means a parent of an employee's parent.

["Health care provider" shall mean] Health care provider. The term “health care provider” means any person licensed under federal or New York state law to provide medical or emergency services, including, but not limited to, doctors, nurses, [and] emergency room personnel and social workers.

["Hourly professional employee" shall mean] Hourly professional employee. The term “hourly professional employee” means any individual (i) who is professionally licensed by the New York state education department, office of professions, under the direction of the New York state board of regents under education law sections 6732, 7902 or 8202, (ii) who calls in for work assignments at will determining his or her own work schedule with the ability to reject or accept any assignment referred to them and (iii) who is paid an average hourly wage which is at least four times the federal minimum wage for hours worked during the calendar year.

["Human trafficking" shall mean] Human trafficking. The term “human trafficking” means an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

["Member of the same family or household" shall mean] Member of the same family or household. The term “member of the same family or household” means (i) persons related by consanguinity or affinity; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by consanguinity or affinity and

who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

Minor Child. The term “minor child” means a child under the age of 18.

Paid prenatal leave. The term “paid prenatal leave” means paid prenatal personal leave as defined in subdivision 4-a of section 196-b of the labor law.

[“Parent” shall mean] Parent. The term “parent” means a biological, foster, step- or adoptive parent, or a legal guardian of an employee to another person or a person who stood in loco parentis when the employee was a minor child.

[“Public disaster” shall mean] Public disaster. The term “public disaster” means an event such as fire, explosion, terrorist attack, severe weather conditions or other catastrophe that is declared a public emergency or disaster by the president of the United States, the governor of the state of New York or the mayor of the city of New York.

[“Public health emergency” shall mean] Public health emergency. The term “public health emergency” means a declaration made by the commissioner of health and mental hygiene pursuant to subdivision d of section 3.01 of the New York city health code or by the mayor pursuant to section 24 of the executive law.

[“Public service commission” shall mean] Public service commission. The term “public service commission” means the public service commission established by section 4 of the public service law.

[“Safe time” shall mean] Safe time. The term “safe time” means time that is provided by an employer to an employee that can be used for the purposes described in subdivision b of section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.

[“Safe/sick time” shall mean] Safe/sick time. The term “safe/sick time” means time that is provided by an employer to an employee that can be used for the purposes described in section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.

[“Sexual offense” shall mean] Sexual offense. The term “sexual offense” means an act or threat of an

act that may constitute a violation of article 130 of the penal law.

["Sibling" shall mean] Sibling. The term “sibling” means an employee's brother or sister, including half-siblings, step-siblings, foster siblings and siblings related through adoption.

["Sick time" shall mean] Sick time. The term “sick time” means time that is provided by an employer to an employee that can be used for the purposes described in subdivision a of section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.

["Spouse" shall mean] Spouse. The term “spouse” means a person to whom an employee is legally married under the laws of the state of New York.

["Stalking" shall mean] Stalking. The term “stalking” means an act or threat of an act that may constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

Workplace violence. The term “workplace violence” means any act or threat of violence against an employee that occurs in a place of employment.

§ 2. Section 20-913 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-913 Right to safe/sick time; accrual.

a. All employees have the right to safe/sick time pursuant to this chapter.

1. All employers that employ [five] 5 or more employees, all employers of [one] 1 or more domestic workers, and any employer of [four] 4 or fewer employees that had a net income of [one] 1 million dollars or more during the previous tax year, shall provide paid safe/sick time to their employees in accordance with [the provisions of this chapter] subdivision b of this section. An employer shall pay an employee for paid safe/sick time at the employee's regular rate of pay at the time the paid safe/sick time is taken, provided that the rate of pay shall not be less than the highest applicable rate of pay to which the employee would be entitled pursuant to subdivision 1 of section 652 of the labor law, or any other applicable federal, state, or local law, rule, contract, or agreement. Such rate of pay shall be calculated without allowing for any tip credit or tip allowance set forth

in any federal, state, or local law, rule, contract, or agreement.

2. All employees not entitled to paid safe/sick time pursuant to [this chapter] paragraph 1 of this subdivision shall be entitled to unpaid safe/sick time in accordance with [the provisions of this chapter] subdivision b of this section.

b. All employers shall provide a minimum of [one] 1 hour of safe/sick time for every [thirty] 30 hours worked by an employee, provided that employers with [ninety-nine] 99 or fewer employees shall not be required under this chapter to provide more than a total of [forty] 40 hours of accrued safe/sick time for an employee in a calendar year and further provided that employers with [one hundred] 100 or more employees shall not be required under this chapter to provide more than a total of [fifty-six] 56 hours of accrued safe/sick time for an employee in a calendar year. Nothing in this chapter shall be construed to discourage or prohibit an employer from allowing the accrual of safe/sick time at a faster rate or the use of safe/sick time at an earlier date than this chapter requires.

c. An employer required to provide paid safe/sick time pursuant to this chapter who provides an employee with an amount of paid leave, including paid time off, paid vacation, paid personal days or paid days of rest required to be compensated pursuant to subdivision 1 of section 161 of the labor law, sufficient to meet the requirements of subdivision b of this section and who allows such paid leave to be used for the same purposes and under the same conditions as safe/sick time required pursuant to this chapter, is not required to provide additional paid safe/sick time for such employee whether or not such employee chooses to use such leave for the purposes included in section 20-914 of this chapter. An employer required to provide unpaid safe/sick time pursuant to this chapter who provides an employee with an amount of unpaid or paid leave, including unpaid or paid time off, unpaid or paid vacation, or unpaid or paid personal days, sufficient to meet the requirements of this section and who allows such leave to be used for the same purposes and under the same conditions as safe/sick time required pursuant to this chapter, is not required to provide additional unpaid safe/sick time for such employee whether or not such employee chooses to use such leave for the purposes set

forth in section 20-914 of this chapter.

d. Safe/sick time as provided pursuant to [this chapter] subdivision b of this section shall begin to accrue at the commencement of employment or on the effective date of the local law that created the right to such time, whichever is later. An employee shall be entitled to use such safe/sick time as it is accrued, except that employees of any employer of [four] 4 or fewer employees that had a net income of [one] 1 million dollars or more during the previous tax year may use paid safe/sick time as it is accrued on or after January 1, 2021, and that employees of any employer of [one hundred] 100 or more employees may use any accrued amount of paid safe/sick time that exceeds [forty] 40 hours per calendar year on or after January 1, 2021.

e. Employees who are exempt from the overtime requirements of New York state law or regulations, including the wage orders promulgated by the New York commissioner of labor pursuant to article 19 or 19-A of the labor law, shall be assumed to work [forty] 40 hours in each work week for purposes of safe/sick time accrual unless their regular work week is less than [forty] 40 hours, in which case safe/sick time accrues based upon that regular work week.

f. The provisions of this chapter do not apply to (i) work study programs under 42 U.S.C. section 2753, (ii) employees for the hours worked and compensated by or through qualified scholarships as defined in 26 U.S.C. section 117, (iii) independent contractors who do not meet the definition of employee under subdivision 2 of section 190 of the labor law, and (iv) hourly professional employees.

g. Employees shall determine how much [accrued] safe/sick time they need to use, provided that employers may set a reasonable minimum increment for the use of safe/sick time, which shall not exceed [four] 4 hours per day for the use of safe/sick time provided pursuant to subdivisions b or k of section 20-913 or one hour per day for the use of paid prenatal leave.

h. For employees of employers with [ninety-nine] 99 or fewer employees, up to [forty] 40 hours of unused accrued safe/sick time as provided pursuant to [this chapter] subdivision b of this section shall be carried over to the following calendar year, and for employees of employers with [one hundred] 100 or more

employees, up to [fifty-six] 56 hours of unused accrued safe/sick time as provided pursuant to [this chapter] subdivision b of this section shall be carried over to the following calendar year; provided that no employer with [ninety-nine] 99 or fewer employees shall be required to (i) allow the use of more than [forty] 40 accrued hours of safe/sick time in a calendar year or (ii) carry over unused paid safe/sick time if the employee is paid for any unused safe/sick time at the end of the calendar year in which such time is accrued and the employer provides the employee with an amount of paid safe/sick time that meets or exceeds the requirements of this chapter for such employee for the immediately subsequent calendar year on the first day of such year; and further provided that no employer with [one hundred] 100 or more employees shall be required to (i) allow the use of more than [fifty-six] 56 accrued hours of safe/sick time in a calendar year or (ii) carry over unused paid safe/sick time if the employee is paid for any unused safe/sick time at the end of the calendar year in which such time is accrued and the employer provides the employee with an amount of paid safe/sick time that meets or exceeds the requirements of this chapter for such employee for the immediately subsequent calendar year on the first day of such year.

i. Nothing in this chapter shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for [accrued] safe/sick time that has not been used.

j. If an employee is transferred to a separate division, entity or location in the city[of New York], but remains employed by the same employer, such employee is entitled to all safe/sick time accrued at the prior division, entity or location and is entitled to retain or use all safe/sick time as provided pursuant to the provisions of this chapter. When there is a separation from employment and the employee is rehired within [six] 6 months of separation by the same employer, previously accrued safe/sick time that was not used shall be reinstated and such employee shall be entitled to use such accrued safe/sick time at any time after such employee is rehired, provided that no employer shall be required to reinstate such safe/sick time to the extent the employee was paid for unused accrued safe/sick time prior to separation and the employee agreed to accept

such pay for such unused safe/sick time.

k. In addition to the safe/sick time required to be provided pursuant to subdivision b of this section, an employer shall provide an employee upon hire and on the first day of each calendar year with a minimum of 32 hours of unpaid safe/sick time that is immediately available for use. An employer shall not be required to carry over to the following calendar year any unused unpaid safe/sick time provided pursuant to this subdivision. If an employee communicates to the employer that the employee needs time off for a purpose described in section 20-914 of this chapter, an employer must provide safe/sick time provided pursuant to subdivision b of this section unless such safe/sick time pursuant to subdivision b is unavailable or the employee specifically requests to use other leave in lieu of safe/sick time pursuant to subdivision b.

l. In addition to the safe/sick time required to be provided pursuant to subdivisions b and k of this section, an employer shall provide employees 20 hours of paid prenatal leave during any 52-week calendar period in accordance with the rules of the department.

§ 3. Section 20-914 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-914 Use of safe/sick time.

a. Sick time.

1. An employee shall be entitled to use sick time for absence from work due to:

(a) such employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care; or

(b) care of 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; or

(c) closure of such employee's place of business by order of a public official due to a public health emergency, a public disaster, or such employee's need to care for a child whose school or childcare provider

[has been] closed or restricted in-person operations by order of public official due to a public health emergency or public disaster; or

(d) direction by a public official to remain indoors or avoid travel during a public disaster which prevents such employee from reporting to their work location.

2. For an absence of more than [three] 3 consecutive work days for sick time, an employer may require reasonable documentation that the use of sick time was authorized by this subdivision. For sick time used pursuant to this subdivision, documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law. Where a health care provider charges an employee a fee for the provision of documentation requested by their employer, such employer shall reimburse the employee for such fee.

b. Safe time.

1. An employee shall be entitled to use safe time for absence from work due to any of the following reasons:

(a) when the employee or employee's family member has been the victim of domestic violence pursuant to subdivision [thirty-four] 34 of section [two hundred ninety-two] 292 of the executive law, a family offense matter, sexual offense, stalking, workplace violence, or human trafficking:

[(a)] (1) to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;

[(b)] (2) 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 from future family offense matters, sexual offenses, stalking, or human trafficking;

[(c)] (3) to meet with a [civil attorney or other] legal or 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 a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing[,] or discrimination [in employment, housing or consumer credit];

[(d)] (4) to file a complaint or domestic incident report with law enforcement;

[(e)] (5) to meet with a district attorney's office;

[(f)] (6) to enroll children in a new school; or

[(g)] (7) 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.

(b) When the employee is a caregiver for a minor child or care recipient, to provide care to the minor child or care recipient; or

(c) to initiate, attend or prepare for a legal proceeding or hearing related to subsistence benefits or housing to which the employee, the employee's family member, or the employee's care recipient is a party, or to take actions necessary to apply for, maintain, or restore subsistence benefits or shelter for the employee or their family member or care recipient.

2. For an absence of more than [three] 3 consecutive work days for safe time, an employer may require reasonable documentation that the use of safe time was authorized by this subdivision. For safe time used pursuant to this subdivision, documentation signed by an employee, agent, or volunteer of a [victim services organization] legal or social services provider, court or government agency, school or care provider, an attorney, a member of the clergy, or a medical or other professional service provider [from whom the employee or that employee's family member has sought assistance in addressing domestic violence, family offense matters, sex offenses, stalking, or human trafficking and their effects]; a police, agency or court record; or a notarized letter from the employee explaining the need for such time shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the underlying

need for the safe time [domestic violence, family offense matter, sexual offense, stalking or human trafficking].

An employer shall reimburse an employee for all reasonable costs or expenses incurred for the purpose of obtaining such documentation for an employer.

c. An employer may require reasonable notice of the need of use safe/sick time. Where such need is foreseeable, an employer may require reasonable advance notice of the intention to use such safe/sick time, not to exceed [seven] 7 days prior to the date such safe/sick time is to begin. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of safe/sick time as soon as practicable.

d. Nothing herein shall prevent an employer from requiring an employee to provide written confirmation that an employee used safe/sick time pursuant to this section.

e. An employer shall not require an employee, as a condition of taking safe/sick time, to search for or find a replacement worker to cover the hours during which such employee is utilizing time.

f. Nothing in this chapter shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against a worker who uses safe/sick time provided pursuant to this chapter for purposes other than those described in this section.

§ 4. Section 20-915 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-915 Changing schedule.

a. Upon mutual consent of the employee and the employer, an employee who is absent for a reason listed in subdivision a or b of section 20-914 of this chapter may work additional hours during the immediately preceding [seven] 7 days if the absence was foreseeable or within the immediately subsequent [seven] 7 days from that absence without using safe/sick time to make up for the original hours for which such employee was absent, provided that an adjunct professor who is an employee at an institute of higher education may work such additional hours at any time during the academic term.

b. An employer shall not require [such] an employee to work additional hours to make up for the [original] hours for which such employee uses safe/sick time [was absent] or to search for or find a replacement employee to cover the hours during which the employee uses safe/sick time [is absent pursuant to this section].

c. If [such] an employee works additional hours upon mutual consent of the employee and employer, and such hours are fewer than the number of hours such employee was originally scheduled to work, then such employee shall be able to use any available safe/sick time [provided pursuant to this chapter] for the difference. Should the employee work additional hours, the employer shall comply with any applicable federal, state or local labor laws.

§ 5. Section 20-916 of the administrative code of the city of New York, as amended by local law number 172 for the year 2021 is amended to read as follows:

§ 20-916 Collective bargaining agreements.

a. The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for [a] superior or comparable [benefit] benefits for the employees covered by such agreement in the form of paid [days] or unpaid time off; such [paid days] time off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, [safe/sick time,] and holiday and Sunday time pay at premium rates, provided however that unpaid time off shall not be considered a comparable benefit for purposes of paid safe/sick time or paid prenatal leave under section 20-913.

b. Notwithstanding subdivision a of this section, the provisions of this chapter shall not apply to any employee in the construction or grocery industry covered by a valid collective bargaining agreement if such provisions are expressly waived in such collective bargaining agreement.

§ 6. Section 20-919 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-919 Notice of rights.

a. 1. An employer shall provide an employee with written notice of such employee's right to safe/sick time pursuant to this chapter, including [the accrual and use of safe/sick time,] the calendar year of the employer, [and] the right to be free from retaliation and to file a complaint with the department, and any other information the commissioner deems appropriate. Such notice shall be in English and the primary language spoken by that employee, provided that the department has made available a translation of such notice in such language pursuant to subdivision b of this section. Such notice shall also be conspicuously posted at an employer's place of business in an area accessible to employees.

2. Such notice shall be provided to each employee at the commencement of employment. For employees who were already employed prior to the effective dates of provisions of this chapter establishing their right to safe/sick time, such notice shall be provided within thirty days of the effective date of the local law that established each such right.

b. The department shall create and make available notices that contain the information required pursuant to subdivision a of this section concerning safe/sick time and such notices shall allow for the employer to fill in applicable dates for such employer's calendar year. Such notices shall be posted in a downloadable format on the department's website in Chinese, English, French-Creole, Italian, Korean, Russian, Spanish and any other language deemed appropriate by the department.

c. The amount of safe/sick time accrued and used during a pay period and [an employee's total balance] of [accrued] safe/sick time available for use pursuant to subdivisions b and k of section 20-913 shall be noted on a pay statement or other form of written documentation provided to the employee each pay period.

d. Any person or entity that willfully violates the notice requirements of this section shall be subject to a civil penalty in an amount not to exceed [fifty dollars] \$50 for each employee who was not given appropriate notice pursuant to this section.

§ 7. Section 20-921 of the administrative code of the city of New York, as amended by local law number

97 for the year 2020, is amended to read as follows:

§ 20-921 Confidentiality and nondisclosure.

a. An employer may not require the disclosure of details relating to [an employee's or his or her family member's medical condition or require the disclosure of details relating to an employee's or his or her family member's status as a victim of domestic violence, family offenses, sexual offenses, stalking, or human trafficking] the underlying reason for using safe/sick time as a condition of providing safe/sick time under this chapter. Health information about an employee, or an employee's family member or care recipient, and information concerning [an employee's or his or her family member's status or perceived status as a victim of domestic violence, family offenses, sexual offenses, stalking or human trafficking] the personal situation that led the employee to use safe time obtained solely for the purposes of utilizing safe/sick time pursuant to this chapter, shall be treated as confidential and shall not be disclosed except by the affected employee, with the written permission of the affected employee or as required by law. Provided, however, that nothing in this section shall preclude an employer from considering information provided in connection with a request for [safe] safe/sick time in connection with a request for reasonable accommodation pursuant to subdivision 22 or 27 of section 8-107.

§ 8. Subdivision d of section 20-924 of the administrative code of the city of New York, as amended by local law number 22 for the year 2024, is amended to read as follows:

d. The department shall have the power to impose penalties provided for in this chapter and to grant each and every employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of safe/sick time or paid prenatal leave taken by an employee but unlawfully not compensated by the employer: 3 times the wages that should have been paid under this chapter or \$250, whichever is greater; (ii) for each instance of safe/sick time or paid prenatal leave requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without

the mutual consent of such employer and employee in violation of section 20-915 of this chapter [to make up for the original hours during which such employee is absent pursuant to this chapter]: \$500; (iii) for each violation of section 20-918 not including discharge from employment: full compensation including wages and benefits lost, \$500 and equitable relief as appropriate; (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, \$2,500 and equitable relief, including reinstatement, as appropriate; and (v) for each employee covered by an employer's official or unofficial policy or practice of not providing or refusing to allow the use of [accrued] safe/sick time or paid prenatal leave in violation of section 20-913, \$500.

§ 9. Section 20-1261 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

§ 20-1261 Definitions. [a.] For purposes of this subchapter, the following [terms have] term has the following [meanings] meaning:

[Business day. The term “business day” means any 24-hour period when an employer requires employees to work at any time.

Caregiver. The term “caregiver” means a person who provides direct and ongoing care for a minor child or care recipient.

Care recipient. The term “care recipient” means a person with a disability who (i) is a family member or a person who resides in the caregiver’s household and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

Minor child. The term “minor child” means a child under the age of 18.

Personal event. The term “personal event” means (i) the need for a caregiver to provide care to a minor child or care recipient; (ii) an employee’s need to attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or the employee’s care recipient is a party; or (iii) any circumstance that would constitute a basis for permissible use of safe time or sick time as set forth in section 20-914.

b. For purposes of this subchapter, the following terms have the same meaning as those set forth in section 20-912: calendar year, child, family member and paid safe/sick time.]

Temporary change. The term “temporary change” means a limited alteration in the dates, hours, times, or locations where an employee is expected to work, including, but not limited to, using paid or unpaid time off, working remotely, swapping shifts with another employee, or shifting work hours to earlier or later in the work week or workday.

§ 10. Section 20-1262 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

§ 20-1262 [Required temporary changes and other requests for] Right to request temporary changes to a work schedule.

a. [An employer shall grant an employee’s request for a temporary change to the employee’s work schedule relating to a personal event in accordance with the following provisions, with a temporary change meaning a limited alteration in the hours or times that or locations where an employee is expected to work, including, but not limited to, using paid time off, working remotely, swapping or shifting work hours and using short-term unpaid leave:

1. On request, the employer must grant a request for a temporary change to the employee’s work schedule under this section two times in a calendar year for up to one business day per request. The employer may permit the employee to use two business days for one request, in which case the employer need not grant another request.

2. An employee who requests such a change:

(a) Shall notify such employee’s employer or direct supervisor as soon as the employee becomes aware of the need for a temporary change to the work schedule and shall inform the employer or supervisor that the change is due to a personal event;

(b) Shall make a proposal for the temporary change to the work schedule, unless the employee seeks

leave without pay; and

(c) Need not put the initial request in writing, but as soon as is practicable, and no later than the second business day after the employee returns to work following the conclusion of the temporary change to the work schedule, the employee must submit the request in writing, indicating the date for which the change was requested and that it was due to the employee's personal event. The employer may require that such request be submitted in electronic form if employees of the employer commonly use such electronic form to request and manage leave and schedule changes. If the employee fails to submit the written request, the employer's obligation to respond in writing pursuant to paragraph 3 of this subdivision is waived.

3. An employer who receives such an initial request shall respond immediately, but need not put such initial response in writing. As soon as practicable, and no later than 14 days after the employee submits the request in writing, the employer shall provide a written response, which may be in electronic form if such form is easily accessible to the employee. An employer's written response shall include:

(a) Whether the employer will agree to the temporary change to the work schedule in the manner requested by the employee, or will provide the temporary change to the work schedule as leave without pay, which does not constitute a denial;

(b) If the employer denies the request for a temporary change to the work schedule, an explanation for the denial; and

(c) How many requests and how many business days pursuant to this subchapter the employee has left in the calendar year after taking into account the employer's decision contained in the written response.

4. An employer may deny a request for a temporary change to the employee's work schedule relating to a personal event only in the employee has already exhausted the two allotted requests in the calendar year pursuant to paragraph 1 of subdivision a of this section or if an exemption set forth in section 20-1263 applies.

b.] An employee may request, and in so doing is protected by the provisions of [subchapter 1 of this chapter] section 20-1204, and an employer may grant or deny, a temporary change to [a] the employee's work

schedule. An employer is not required to agree to an employee's requested temporary change, but the employer must respond to the employee's request as soon as practicable. An employer may propose an alternative temporary change, provided that the employee is not required to accept such alternative temporary change. [other than the temporary changes an employer is required to grant under subdivision a of this section. An employee request for such other change to a work schedule and an employer response to such a request shall follow the procedure in paragraphs 2 and 3 of subdivision a of this section to the extent applicable and as set forth in the rules promulgated by the commissioner.

c. 1.] b. An employee need not use leave [accrued] under chapter 8 of this title before requesting schedule changes under this subchapter.

[2. Unpaid leave granted for a personal event pursuant to this subchapter does not count toward an employer's obligation to grant leave under chapter 8 of this title.

3. Leave granted under chapter 8 of this title does not count toward an employer's obligation to grant leave under this section.

4.] c. Nothing in this subchapter affects an employer's obligation to provide a reasonable accommodation [in the form of a change to a work schedule required] pursuant to other laws or regulations or to otherwise comply with the requirements of other laws or regulations, including, but not limited to, those requirements contained in title 8.

§ 11. Section 20-1263 of the administrative code of the city of New York, as added by local law number 69 for the year 2018, is amended to read as follows:

§ 20-1263 Exemptions. [This] The provisions of this subchapter [does] do not:

a. Apply to any employee who:

1. Is covered by a valid collective bargaining agreement if such agreement (i) expressly waives the provisions of this subchapter and (ii) addresses temporary changes to work schedules;

2. [Has been employed by the employer for fewer than 120 days;

3.] Is employed by any employer whose primary business for which that employee works is the development, creation or distribution of theatrical motion pictures, televised motion pictures, television programs or live entertainment presentations, except for an employee whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers and except for an employee whose primary duty is performing routine mental, manual, mechanical or physical work in connection with the care or maintenance of an existing building or location used by the employer; or

[4.] 3. Works fewer than 80 hours in the city in a calendar year.

b. Preempt, limit or otherwise affect the applicability of any provisions of any other law, regulation, requirement, policy or standard, other than a collective bargaining agreement, that provides comparable or superior benefits for employees to those required herein.

§ 12. This local law takes effect 120 days after becoming law.

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