New York City Earned Safe and Sick Time Act

Notice of Employee Rights

The following is a notice of rights under the New York City Earned Safe and Sick Time Act

The Columbia University policy on NYC Earned Safe and Sick Time can be found in the Administrative Policy Library at http://policylibrary.columbia.edu/new-york-city-earned-safe-and-sick-time-act

Under New York City's Earned Safe and Sick Time Act ("the Act"), employees who work for employers with five or more employees who work more than 80 hours a calendar year in New York City have a right to paid safe and sick leave.

You have a right to sick leave, which you can use for the care and treatment of yourself or a family member.

You have a right to safe leave, which you can use to seek assistance or take other safety measures if you or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking.

Amount of Safe and Sick Leave:
• Under the Act, your employer must provide up to 40 hours of safe and sick leave every year. Please review the Administrative Policy Library for information regarding your safe and sick leave entitlement.

• Your employer’s calendar year is:

Start of Calendar Year: July 1
End of Calendar Year: June 30

Rate of Accrual:
• Under the Act, you are entitled to accrue safe and sick leave at the rate of at least one hour for every 30 hours worked.

• Your rate of accrual is: See the Columbia University Fiscal Year Accrual Schedule and Other Information.

Date Accrual Begins:
• Under the Act, employees begin to accrue safe and sick leave on April 1, 2014 or on your first day of employment, whichever is later.

Exception: If you are covered by a collective bargaining agreement that is in effect on April 1, 2014, you begin to accrue safe and sick leave under City law beginning on the date that the agreement expires.

Date Safe and Sick Leave is Available for Use:
• Under the Act, you can begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later. Your employer’s policy may permit you to start using sick leave sooner.

• Under the Act, you can begin using safe leave on May 5, 2018 or 120 days after you begin employment, whichever is later. Your employer’s policy may permit you to start using safe leave sooner.

Acceptable Reasons to Use Safe and Sick Leave:
Under the Act, you can use sick leave when:
• You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.

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• You 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.
• Your employer’s business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

Under the Act, you can use safe leave when you or a family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and you need to take actions necessary to restore the physical, psychological, or economic health or safety of you or your family members or to protect those who associate or work with you, including 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.
• 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.
• 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 a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit.
• file a complaint or domestic incident report with law enforcement.

**Family Members:**
The Act recognizes the following as family members:

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

**Advance Notice:**
Under the Act, if the need is foreseeable, your employer can require up to seven days advance notice of your intention to use safe or sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable.

**Documentation:**
Under the Act, your employer can require reasonable documentation for the use of safe or sick leave. If you use more than three consecutive workdays as safe leave, reasonable documentation reflecting the need for safe leave include 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 you or your family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from you explaining the need for such time. The employer will not require that such documentation specify the details of the family offense matter, sexual offense, stalking, or human trafficking.

Reasonable documentation reflecting the need for sick leave includes documentation signed by a licensed health care provider if you use more than three consecutive workdays as sick leave. The Paid Safe and Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

**Unused Safe and Sick Leave:**
• Under the Act, your employer is required to either permit you to carry over up to 40 hours of accrued but unused safe/sick leave, or to advance you a minimum of 40 hours of safe and sick leave at the start of a new calendar year.

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• Regardless of your employer’s carry over policy, under the law your employer is only required to let you use up to 40 hours of safe and sick leave per calendar year.

You have a right to be free from retaliation from your employer for using safe and sick leave.

Your employer cannot retaliate against you for:
• Requesting and using safe and sick leave.
• Filing a complaint for alleged violations of the law with New York City Department of Consumer Affairs.
• Communicating with any person, including coworkers, about any violation of the law.
• Participating in a court proceeding regarding an alleged violation of the law.
• Informing another person of that person’s potential rights.

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.

You have a right to file a complaint.

You can file a complaint with New York City Department of Consumer Affairs. To get the complaint form, go online to nyc.gov/PaidSickLeave or contact 311 (212-NEW-YORK outside NYC).

DCA will conduct an investigation and try to mediate your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

Keep a copy of this notice and all documents that show your amount of sick leave and your sick leave accrual and use.

For more information about Columbia University’s Sick Leave policy, please see: http://policylibrary.columbia.edu/new-york-city-earned-safe-and-sick-time-act or contact your local School/Admin Unit/Department Human Resources Office.