

Client Alert

New York City Expands Paid Sick Leave to Victims of Abuse and Trafficking

November 17, 2017 – On Monday, November 6, 2017, Mayor Bill de Blasio signed Introduction 1313-A into law, expanding the City’s paid sick leave requirements to cover “safe time” leave. The law extends the list of covered reasons for which paid sick leave may be used to include instances where employees or their family members are victims of “a family offense matter, sexual offense, stalking, or human trafficking.” It also amends certain other provisions to account for the new safe time provisions, expands the list of covered family members, and renames the City’s paid sick leave law, as detailed in our [prior alert](#), to the Earned Sick and Safe Time Act.

De Blasio explained that the amended law aims to assist employees and their families by ensuring they do not have to “decide between their safety and a paycheck.” Specifically, the law grants employees the right to use accrued sick and safe leave for the following reasons:

- 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 (in connection with the covered reasons under the law);
- 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.

The law also extends existing notice and documentation requirements to safe time absences. Reasonable notice of a foreseeable absence (up to seven days in advance) may still be required and employees can still be asked to provide written confirmation that the leave was for a covered purpose. The amended law stipulates that reasonable documentation includes:

- 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 employee or that employee’s family member has sought assistance;
- A police or court record; or
- A notarized letter from the employee explaining the need for the leave time.

The amended law also requires that employers provide written notice to employees of their right to safe leave. In addition, the amended law expands the definition of covered “family members” to include *any* blood-relative of the employee, as well “any other individual whose close association with the employee is the equivalent of a family relationship.”

While New York City is the first city to pass safe leave legislation, eight other states—Arizona, Washington, California, Connecticut, Massachusetts, Oregon, Rhode Island and Vermont—have enacted similar laws. In 2015, President Obama signed Executive Order 13706 redefining paid sick leave to include safe time for survivors of domestic violence, sexual assault, or stalking. As a result, all federal employees and contractors may now use paid sick leave “to obtain additional counseling, seek relocation, seek assistance from a victim services organization, obtain additional counseling, seek relocation, seek assistance from a victim services organization, take related legal action, or assist an individual related to the employee.”

The amended New York City law takes effect on May 5, 2018.

If you require any additional information concerning paid sick or safe leave, or about any other employment-related issues, please contact:

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