

NY-SPECIFIC SICK LEAVE LAW COMPARISON HIGHLIGHTS (AS OF OCTOBER 26, 2020)

	New York State Quarantine Leave	New York State Sick Leave Law	New York City Earned Sick and Safe Time Act	Westchester County Earned Sick Leave Law	Westchester County Safe Time Leave Law
Covered Employers	Public and Private Employers	Private employers, including domestic employers	All employers, including domestic employers	All employers, including domestic employers, but excluding some public employers	Private employers, but excluding some public employers
Covered Employees	See Reasons for Use.	Employees physically working in NY (e.g., telecommuting from NY), even if the employer is outside New York. Includes full time, part time, and seasonal workers.	Includes full time, part time and temporary employees working in NYC.	Includes full time and part time employees who work in Westchester more than 80 hours per year.	Includes full-time and part-time employees employed for more than 90 calendar days.
Amount of Leave/ Benefits	If employer size is: - 100 or more, 14 days paid leave. - between 11-99 OR 10 or fewer but with net income of > \$1M, 5 days paid leave, unpaid time for remainder of quarantine period. - 10 or fewer and net income < \$1M, unpaid time off for duration of order. New York employees can obtain PFL/STD benefits for unpaid portions of leave.	If employer size is: -100 or more, up to 56 hours of paid sick leave per year. - 5-99 OR fewer than 5 with a net income > \$1M, up to 40 hours of paid sick leave per year. - 0-4 with a net income of < \$1M, up to 40 hours unpaid sick leave per year.	If employer size is: - 100 or more, up to 56 hours of paid sick leave per year (beginning January 1, 2021). - 5-99 OR fewer than 5 with a net income > \$1M, OR is a domestic employer, up to 40 hours of paid sick leave per year. - 0-4 with a net income of < \$1M, up to 40 hours unpaid sick leave per year.	If employer size is: - 5 or more, up to 40 hours paid sick leave. - 0-4, up to 40 hours unpaid leave. Domestic workers earn paid sick leave, regardless of the size of their employer.	40 hours of paid leave, which must be separate from sick time.

Rate of Accrual/ Frontload Alternatives	N/A	1 hour of sick leave for every 30 hours worked up to the above cap. Frontloading permitted.	1 hour of sick leave for every 30 hours worked up to the above cap. Frontloading permitted.	1 hour of sick leave for every 30 hours worked up to 40. Domestic workers accrue 1 hour for every 7 days worked, up to 40 per year. Frontloading permitted.	N/A
Limitations on Carryover/ Use	N/A	Employer must permit carryover of unused sick time, but may limit employee use to 40/56 hours per year, as applicable.	Employer must permit carryover of unused sick time, but may limit employee use to 40/56 hours per year, as applicable. Alternatively, employer may pay out unused time at the end of the calendar year and frontload new sick leave on the first day of the new calendar year.	Employer must permit carryover of unused sick time, but may limit employee use to 40 hours per year.	N/A
Reasons For Use	Employee is unable to work because employee (or employee’s minor child for whom the employee cares) is subject to mandatory or precautionary order of quarantine or isolation due to COVID-19” by an appropriate official. Does NOT apply to those who can work remotely, or who choose to self-isolate, or those who voluntarily traveled for personal reasons to a	“Sick” reasons - including preventative care, diagnosis, treatment for illness or injury, for employee or employee family member. “Safe” reasons for employee to obtain services, and other forms of help for situations involving domestic violence, family offense, etc. Does NOT apply explicitly for “public health” reasons.	“Sick” reasons - including preventative care, diagnosis, treatment for illness or injury, for employee or employee family member. “Safe” reasons for employee to obtain services, and other forms of help for situations involving domestic violence, family offense, etc. “Public health” reasons - e.g., closure of an	“Sick” reasons - including preventative care, diagnosis, treatment for illness or injury, for employee or employee family member. “Safe” reasons for employee to obtain services, and other forms of help for situations involving domestic violence, family offense, etc. “Public health” reasons - e.g., closure of an employee’s place of	“Safe” reasons - to attend/testify in criminal and/or civil court proceedings relating to domestic violence or human trafficking and/or to move to a safe location.

	locality requiring quarantine upon return.		employee's place of business or employee's child's school by order of a public health official due to a public health emergency.	business or employee's child's school by order of a public health official due to a public health emergency, OR the care of a family member determined to jeopardize public health if exposed to the community.	
Waiting Period for Use	None	Employees must begin accruing September 30, 2020, but may begin using January 1, 2021. No waiting period from the date employment starts to used accrued sick time after January 1, 2021.	None.	90 days after hire.	None.
Minimum Increments for Use	N/A	Employer may set reasonable minimum increments for use, not to exceed 4 hours.	Employer may set reasonable minimum increments for use, not to exceed 4 hours.	Employer may set reasonable minimum increments for use, not to exceed 4 hours.	Increments permitted; no limits specified.
Rate of Pay	N/A	Sick time is to be paid at the same hourly rate normally earned for hours worked. For employees who are paid at more than one rate of pay, leave must be paid at the weighted average of those rates.	Sick time is to be paid at the same hourly rate normally earned for hours worked. For employees who are paid at more than one rate of pay, leave must be paid at the rate the employee would have been paid at the time the employee was scheduled to work when the employee used the sick time.	Sick time is to be paid at the same hourly rate normally earned for hours worked.	Not specified.
Employer Medical Documentation	N/A	Employers cannot require employees who request to use sick leave to disclose any	An employer may not require employees to disclose medical/sensitive	May not require doctor to disclose medical reason for sick time.	Employers may request reasonable documentation to verify the use of safe

Rights/Obligations		confidential information pertaining to the request.	information pertaining to a request for sick leave. Employers may request documentation for sick leave greater than 3 consecutive days. Employers must reimburse employees who must pay for required documentation after three consecutive workdays of leave	Employers may request documentation for sick leave greater than 3 consecutive days. Employers must keep all confidential information received in a separate file from personnel records and treat all info as confidential.	leave. Such information shall be treated as confidential.
Employer Obligations to Inform Employees of Sick Leave Usage	N/A	Employer required to provide a summary of sick leave accrued and used by an employee within 3 days of request.	Employer required to provide on each pay stub or other documentation each pay period, of the employee's total balance of accrued/used sick time and total balance.	None. But employer is required to maintain records for a minimum of 3 years.	N/A

This chart is not comprehensive of all obligations under each of the laws described above, and is for illustrative purposes only. It does not constitute legal advice. For more information or questions pertaining to your company's specific situation, please reach out to **Jennie Woltz** at jwoltz@wfpclaw.com or **Benjamin Folkinshteyn** at bfolkins@wfpclaw.com.

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