



New York City Sick Leave Notice

Beginning April 1, 2014, all employers must provide paid sick leave to each employee who performs work in New York City. The policy may be modified at any time to ensure compliance. An employee must have worked within the city limits of New York City for at least 80 hours per year. Employee must meet the following criteria:

- Employees may not begin to use sick time until the later of 120 days from the Act's effective date or the 120th day after commencing employment
- Sick time will begin to accrue upon the later of the effective date of the Act or the commencement of employment

Accrual of Paid Sick Leave

Paid sick leave shall begin to accrue as of April 1, 2014 or at the commencement of employment. Employees (exempt and non-exempt) will accrue at a rate of one hour of paid sick leave for each 30 hours worked to a maximum of 40 hours per calendar year. Paid sick leave accrues only in hour-unit increments, not in fractions of an hour, and is paid only in hour-unit increments. Paid sick leave does not accrue when employees are not working. Paid sick leave does not expire. Unused sick leave balance may carry over from one year to the next. The employee cannot be paid more than 40 hours sick leave in one calendar year.

Uses and Verification of Paid Sick Leave

Employees may use accrued sick time for absences caused by:

1. Their own health conditions or the need for medical care (including preventive care) for their health conditions
2. The need to care for a family member's health condition
3. The closure of the employee's place of business by order of a public official due to a public health emergency
4. The need to care for a child whose school is closed by order of a public official due to a public health emergency

Family members include an employee's children, spouse, parents, domestic partner, grandchild, grandparent, child or parent of an employee's spouse or domestic partner, sibling (including half, adopted, or step-sibling).

Paid sick leave may only be used while on an active assignment in New York City. For absences of more than 3 consecutive work days, employers may demand written confirmation of the use of sick time, including documentation signed by a health care provider, but the health care provider shall not be required to disclose the nature of the health condition except as required by law..

Notification requirements

Temporary employees must continue to abide by current Staffmark policies on absence notification. Specifically, two (2) hours of advance notification prior to start of the shift. Notice must be to Staffmark, not the customer. While it is understood that there are instances where the company's advance notification requirement can't be met, these situations will be examined on a case-by-case basis. Notwithstanding the employee notification provisions listed above, when employees notify Staffmark of an absence for reasons covered by the Sick Leave, they do not need to explicitly request the use of paid sick leave to have the absence covered by the Sick Leave. Staffmark may inquire further to determine whether the leave qualifies for paid sick leave, provided that such an inquiry does not violate federal, state, or local medical privacy laws.

Payment of Sick Leave

The sick leave rate of pay for employees who are paid an hourly wage is the employee's hourly wage. In no case may employees be paid sick leave at a rate of pay that is less than the New York City minimum wage.

Breaks in Service

The New York Paid Sick Leave does not require an employer to pay employees for accrued unused paid sick leave upon the employee's termination, resignation, retirement, or other separation from employment. Employees may not "cash out" accrued paid sick leave at the end of the year or upon termination. Employees who performed work for Staffmark prior to April 1, 2014 and were separated from employment before that date, and who are rehired by Staffmark after that date are subject to the 120 days eligibility prior to use accrued paid sick leave. If the employee has met the eligibility period and are rehired by Staffmark within six months of separation, the employee's previous accrued sick time that was not used will be reinstated.

For more information please contact Staffmark by email at askpaysickleave@staffmark.com or visit the city website <http://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeave-EmployerOnePager-English.pdf>