

New York City Amends Paid Sick Leave Law To Include Protections for “Safe Leave”

Significant amendments to New York City’s Earned Safe and Sick Time Act (“ESTA”) went into effect on May 5, 2018. ESTA generally provides employees with the ability to use accrued paid time off for personal purposes. This paid time off (or, “paid sick leave”) can be used by employees to care for themselves or to care for family members.

The new amendments provide paid sick leave to employees for “safe leave”, leave where they or a covered family member are a victim of a family offense (crimes committed against members of the same family unit) or sexual offense, stalking, or human trafficking. To notify employees of these new amendments, employers were required to provide employees with the following [notice](#) starting on **July 4, 2018**.

Pursuant to the new amendments, safe leave can be used for the following reasons:

- Obtaining services from domestic violence shelters, rape crisis centers, or any other shelter or services programs;
- Participating in efforts to protect the safety of a covered employee or family member, including safety planning and temporary or permanent relocation;
- Meeting with a civil attorney or other social service provider to prepare for or attend any criminal or civil proceeding;
- Filing a complaint or domestic

- incident report with law enforcement;
- Meeting with a district attorney’s office;
- Enrolling children in a new school; or
- Taking other actions necessary to restoring the health and safety of the employee or family member or to protect the individuals who associate or work with the employee.

To request safe leave, employees must provide reasonable notice of any foreseeable absence from work. Employers can ask employees to provide written confirmation that the leave was used for one of the purposes listed above. However, employers are strictly prohibited from requesting documentation that specifies the details of the underlying matter prompting the leave request.

Under the ESTA amendments, reasonable documentation can include: [1] a police or court record; [2] a notarized letter from the employee stating the need for leave; or [3] documentation signed by a representative of a victim services organization, an attorney, a clergy member, or a professional service provider from whom the employee and/or covered family member sought assistance. The ESTA amendments also require that employers provide new employees with notice of their right to safe leave at the time of hire.

What Does This Mean For You?

New York City employers must ensure that their operations recognize an employee’s right to safe leave by updating their paid sick leave policies and providing appropriate notice throughout their workforce.