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New York City Earned Sick Time Act to Be Expanded

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The New York City Earned Sick Time Act (the "Act") will take effect on April 1, 2014. As previously reported in our earlier client alerts [available here: May 9, 2013, June 28, 2013, and December 17, 2013], the Act requires most New York City employers to provide mandatory paid and unpaid sick leave to employees working in New York City, subject to certain minimum coverage requirements. On Friday, January 17, Mayor Bill de Blasio, standing alongside City Council speaker Melissa Mark-Viverito, announced a proposed expansion in the coverage provisions of the Act. The proposed amendments, pending at the City Council, would particularly expand coverage of the paid leave requirement.

Mayor de Blasio's expanded Act will:

- Extend the right to paid sick leave to employees working in New York City for **employers with five or more employees**. (The existing legislation covered those with fifteen or more employees.) Employers with fewer than five employees still need to provide unpaid leave.
- **Eliminate the phasing-in of coverage for the paid leave requirement**. All covered employers with five or more employees will need to provide paid leave as of April 1, 2014. (The existing legislation would have delayed coverage for workers at businesses with 15-20 employees until spring 2015.)
- **Remove exemptions for the manufacturing sector**. The existing legislation would have exempted certain employers in the manufacturing sector (e.g., plants, factories and mills, as well some bakeries, candy stores, custom tailors and similar establishments that manufacture products on site.)

Add grandparents, grandchildren, and siblings to the definition of family member. Under the Act, workers can use their sick time to care for sick family members. The existing legislation would have only permitted leave to care for parents, spouses, and children. The proposed amendment's inclusion of "siblings" also includes half siblings, step siblings, and adopted siblings.

- **Grant the Mayor the authority to designate a different agency to enforce to Act**. Under the existing legislation, the agency responsible for enforcement of the Act is the Department of Consumer Affairs.

The above amendments have been introduced in the City Council, but the law has not passed yet. Given that a majority of the members of the City Council support the amendments announced by the Mayor, we anticipate the announcement of the final legislation soon. We expect that the amendments, once passed, will take effect along with the existing legislation on April 1, 2014.

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