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Updated Notice of Rights and Guidance Issued for Amended NYC Earned Safe and Sick Time Act

Law and the Workplace on **February 24, 2026**

The NYC Department of Consumer and Worker Protection has released an updated Notice of Employee Rights and FAQ guidance regarding the recent amendments to the New York City Earned Safe and Sick Time Act ("ESSTA").

As we previously reported, the amendments implemented several key changes to ESSTA, including: (1) requiring employers of all sizes to provide employees with an additional 32 hours of unpaid sick and safe time beyond leave already required to be provided to them under ESSTA; and (2) expanding the covered reasons for leave under ESSTA to include things like responding to workplace violence or public disasters and providing care for a minor child or care recipient.

The updated Notice of Employee Rights reflects these changes alongside existing requirements under the law. Employers must provide the Notice of Employee Rights to employees in their primary language(s) both when they begin employment and when their rights change. As such, these amendments trigger a re-distribution requirement for employers. Employers must also post the notice in the workplace in an area that is visible and accessible to employees in English and in any other languages employees in that workplace speak.

The updated FAQ guidance addresses certain nuances around the amendments, including:

- The term "protected time off" is now being used to refer to time off under ESSTA for any protected reason, regardless of whether the leave is paid or unpaid. Employers' written ESSTA policies must address the provision and use of both paid and unpaid protected time off.
- New hires must be given a full 32 hours of unpaid protected time off immediately at the time of hire, and employers cannot prorate the unpaid hours allotment when an employee is hired partway through a Calendar Year (defined as any consecutive 12-month period of time as determined by the employer for purposes of

accruing/receiving and using ESSTA time).

- Employees may use protected time off following the birth of their child to care for the baby, including for health needs. Employees also may use protected time off to care for a child, including on school holidays or due to unexpected issues like day care closures or babysitter cancellations.
- Employees may use protected time off to care for a family member of any age, as long as it is for a covered reason, as well as for a family or household member with a disability, including a temporary disability (defined as a "care recipient").
- Employees may use protected time off to attend or prepare for a legal proceeding or hearing related to their own public benefits or housing or for a family member or care recipient, as well as to take actions necessary to apply for or keep public benefits or housing for themselves or for a family member or care recipient.
- Employees can use protected time off to stay home during a declared public disaster or severe weather event and can also use the time when weather-related conditions impact their health or the health of their family members or to care for themselves or a family member if exposure to certain weather would pose a risk to the employee or family member due to an underlying medical condition.
- Where an employer sets a daily minimum increment for usage of protected time off (which cannot exceed 4 hours), if an employee has not accrued sufficient paid protected time off, an employee may use a combination of available paid and unpaid time to satisfy the minimum increment.
- Employee pay stubs (or other documentation provided to employees each pay period) must now reflect not only paid protected time off accrued and used during the pay period and remaining available to the employee but also unpaid protected time off used during the pay period and remaining to the employee.

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Employers should take immediate steps to update their written leave policies to reflect the recent ESSTA amendments, as well as to distribute the updated Notice of Employee Rights to NYC employees and post the updated version in a visible and accessible location in the workplace.

Related Professionals

- **Evandro C. Gigante**
  Partner

- **Laura M. Fant**
  Special Employment Law Counsel