Engage PEO Client Alert:

New York City Update: Amendments to New York City Earned Safe and Sick Time Act ("ESSTA")

The New York City Council recently amended the New York City Earned Safe and Sick Time Act ("ESSTA") to align it with the New York State Paid Sick Leave ("NYPSL") Law, which took effect on September 30, 2020. However, the amendment also made other changes to the ESSTA that will affect employers.

Despite similarities between the two laws, there are distinctions between them, and New York City employers need to ensure compliance with both ESSTA and the NYPSL. Below are some of the new amendments to the ESSTA to be aware of.

Notice Requirement: Employers are required to provide written notice of employees' safe and sick time rights to each newly hired employee at the commencement of employment. An updated notice of rights to employees should be distributed to employees as soon as possible. Employers with 100 or more employees and employers of domestic workers have until January 1, 2021 to comply with the notice requirement.

Posting Requirement: Employers must conspicuously post the written notice of employee's safe and sick time rights under the amended ESSTA at their place of business in an area accessible to employees. It is unclear at this time if posting the ESSTA model notice in English is sufficient or if employers also will need to post the notice in other languages. Nevertheless, the New York City Department of Consumer and Worker Protection published the English version of the ESSTA model Safe and Sick Leave Notice. A copy of it can be found **here**.

Pay Statement Reporting Requirement: Employers are also required to notify employees of certain safe and sick leave balance information. Specifically, the amended ESSTA provides that (1) sick and safe leave accrued during a pay period, (2) sick and safe leave used during a pay period, and (3) total balance of sick and safe leave must be included on employees' pay statement or in a separate writing provided each pay period. Please connect with your Account Manager or HR Consultant if you have questions about this.

Cost of Medical Documentation: Employer may request reasonable supporting documentation from an employee for any use of safe or sick leave use of more than three consecutive work days. However, Employers requesting medical documentation must now reimburse the employee if the health care provider charges a fee for such documentation. This reimbursement does not apply to co-pays but to a fee for completion of the documentation required.

If you have any questions, please contact your Engage HR Consultant.