ENGAGE PEO

Client Alert

New York City Updates: Sick and Safe Leave Law and Temporary Schedule Change Act

WHAT'S NEW: New York City has expanded the Earned Sick and Safe Time Law and revised the employer obligations under the temporary change to schedule law.

WHY IT MATTERS: Effective **February 22, 2026**, Employers will be required to provide additional unpaid sick and safe time leave and allow leave immediately upon hire for a broader range of use. In addition, also effective **February 22, 2026**, employers are no longer required to grant an employee's temporary change to schedule request.

Extra Earned Sick and Safe Time (ESST)

In addition to the existing sick time requirements, employers must now provide an extra 32 hours of unpaid leave to be used for ESST purposes.

- The 32 hours must be provided to employees in a lump sum upon hire and at the beginning of every calendar year thereafter.
- The leave must be available for immediate use.
- Carryover of the 32 extra leave allotment is NOT required.
- When an employee requests leave for one of the permissible reasons under the ESST law, the employer should apply paid leave if applicable, unless paid leave has been exhausted or unless the employee specifically requests otherwise.

<u>Expanded uses of the ESST leave</u>

In addition to existing permissible uses, employees may request ESST leave for the following:

- Closure of the employee's place of business by order of public official due to a public health emergency, a public disaster or for an employee's need to care for a child whose school or childcare provider has been closed or restricted in-person operations, by order to a public official due to a public health emergency or public disaster.
- Direction by a public official to remain indoors or avoid travel during a public disaster which prevents the employee from reporting to their work location.
- To initiate, attend or prepare for legal proceeding or hearing related to subsistence benefits or housing to which the employee, a covered relation, or the employee's care recipient is a party or to take actions necessary to apply for, maintain or restore subsistence benefits or shelter for the employee, a family member or care recipient.
- When the employee is a caregiver for a minor child or care recipient and needs to provide care to a minor child or care recipient.

Helpful Definitions:

- A Caregiver means any person who provides direct and ongoing care for a minor child (under the age of 18) or a care recipient.
- A Care Recipient means a person with a disability, including a temporary disability who 1) is the caregiver's family member or resides in the caregiver's household and 2) relies on the caregiver for medical care or to meet the needs of daily living.

Updates to Temporary Schedule Change Act

New York City reduced employer obligations as it pertains to an employee's request for a temporary change to schedule. The key provisions are as follows:

- Nearly all employees may now request a temporary change to schedule unless they have worked fewer than 80 hours in NYC in a calendar year.
- The employer may grant or deny the temporary changes or the employer may propose an alternative temporary change. However, the employer cannot require the employee to accept the alternative proposal.
- Once the employee makes the request, the employer must respond as soon as practicable.
- Anti-retaliation provisions remain in place.

WHAT EMPLOYERS SHOULD DO: Employers should review their policies and update as necessary. **See sample policies here**:

Clients should ensure that Managers are educated on the new requirements.

If you have any questions, please contact your HR Business Partner/Consultant.