

# New York State Paid Sick Leave (New York State Law)



Employees of eligible employers began accruing leave as of September 30, 2020 to and are eligible to use as of January 1, 2021.

Below is a summary of the law and our interpretation.

- Requires employers to provide between 40-56 hours of paid leave per year. Amount of leave available is based on size of the organization.

Employer Size	Employer Leave Requirements
Number of Employees: 0-4 With a net income of less than \$1 million in previous tax year	Up to 40 hours of <b>UNPAID</b> sick leave per calendar year
Number of Employees: 0-4 With a net income of more than \$1 million in previous tax year	Up to 40 hours of paid sick leave per calendar year
Number of Employees: 5-99	Up to 40 hours of paid sick leave per calendar year
Number of Employees: 100+	Up to 56 hours of paid sick leave per calendar year

- Applies to all private sector workers in NY regardless of industry, occupation, part-time status, overtime exempt status, and seasonal status.
- Leave to be provided for specified health reasons and safety reasons for employees and or to provide care/assistance to a family member. Permitted Uses of NYS Paid Sick Leave: <https://www.ny.gov/new-york-paid-sick-leave/new-york-paid-sick-leave#permitted-uses>.
- Definition of Family Member: Employee’s child, spouse, domestic partner, sibling, grandchild or grandparent, child or parent of an employee’s spouse or domestic partner.
- Employees began accruing leave on September 30, 2020. Leave must be accrued at a rate not less than one hour for every thirty hours worked or employers may opt to provide the full amount of required sick leave at the beginning of each calendar year.
- Employees must be allowed to carry over unused sick leave into the following calendar year.
- Employers can require that leave be used in increments but minimum increment cannot be more than 4 hours.
- Employers with an existing PTO or Sick Leave policy will want to ensure that the policy meets or exceeds requirements of the law.
- Does NOT apply to Federal, state, and local government employees. Employees of charter schools, private schools and not-for-profit organizations are covered.

## Additional Resources

For more information about NYS Paid Sick Leave, including FAQ’s, regulations, and more: [www.ny.gov/paidsickleave](http://www.ny.gov/paidsickleave)

Paid Sick Leave Fact Sheet for Employers: [https://www.ny.gov/sites/ny.gov/files/atoms/files/PSL\\_Employers\\_factsheet.pdf](https://www.ny.gov/sites/ny.gov/files/atoms/files/PSL_Employers_factsheet.pdf)

Paid Sick Leave Fact Sheet: [https://www.ny.gov/sites/ny.gov/files/atoms/files/PSL\\_SafeLeave\\_factsheet.pdf](https://www.ny.gov/sites/ny.gov/files/atoms/files/PSL_SafeLeave_factsheet.pdf)