



Legislation Text

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Int. No. 1208-A

By Council Members Brewer, Chin, Koppell, Mendez, Rose, Gennaro, Van Bramer, Dickens, Jackson and Lappin

A Local Law to amend the administrative code of the city of New York, in relation to the provision of sick time earned by employees.

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 20-912 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

g. “Employer” shall mean any “employer” as defined in section 190(3) of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207[; or (iv) any employer that is a business establishment classified in section 31, 32 or 33 of the North American Industry Classification System]. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

§ 2. Subdivision a of section 20-913 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

a. All employees have the right to sick time pursuant to this chapter.

1. All employers that employ fifteen or more employees, except for any employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System, and all employers of one or more domestic workers shall provide paid sick time to their employees in accordance with the provisions of this chapter and the schedule set forth in section 7 of the local law which enacted this section.

2. All employees not entitled to paid sick time pursuant to this chapter shall be entitled to unpaid sick time in accordance with the provisions of this chapter and the schedule set forth in section 7 of the local law which enacted this section.

3. All employers that employ fifteen to nineteen employees, and all employers of one or more domestic workers, shall provide unpaid sick time in accordance with the provisions of this chapter and the schedule set forth in section 7 of the local law which enacted this section during any period in which, pursuant to the schedule set forth in section 7 of the local law which enacted this section, such employers are not required to provide paid sick time but employers that employ twenty or more employees, except for any employer that is a business establishment classified in sector 31, 32 or 33 of the North American Industry Classification System, are required to provide paid sick time.

§ 3. Subdivision h of section 20-913 of chapter 8 of title 20 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

h. Except for domestic workers, up to forty hours of unused sick time as provided pursuant to this chapter shall be carried over to the following calendar year; provided that no employer shall be required to (i) allow the use of more than forty hours of sick time in a calendar year or (ii) carry over unused paid sick time if the employee is paid for any unused sick time at the end of the calendar year in which such time is accrued and the employer provides the employee with an amount of paid sick time that meets or exceeds the requirements of

this chapter for such employee for the immediately subsequent calendar year on the first day of [the immediately subsequent calendar] such year.

§ 4. Subdivision a of section 20-919 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

a. An employer shall provide an employee either at the commencement of employment or within thirty days of the effective date of this section, whichever is later, with written notice of such employee's right to sick time pursuant to this chapter, including the accrual and use of sick time, the calendar year of the employer, and the right to be free from retaliation and to bring a complaint to the department. Such notice shall be in English and the primary language spoken by that employee, provided that the department has made available a translation of such notice in such language pursuant to subdivision b of this section. Such notice may also be conspicuously posted at an employer's place of business in an area accessible to employees.

§ 5. This local law shall take effect on the same date and in the same manner as local law 46 for the year 2013.

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