

# Notice of Employee Rights – New York City Earned Safe and Sick Time Act

Project/Show Title: \_\_\_\_\_

Production Company Name (Employer): \_\_\_\_\_

You have a right to Safe and Sick Time Leave (“SST Leave”), a separate 32 hours of unpaid leave (defined below) and a separate 20 hours of paid prenatal leave (defined below) in New York City, regardless of immigration status. Under New York City’s Earned Safe and Sick Time Act (referred to herein as the “Act”), employers must give their employees these types of leave when they work in NYC.

## Effective July 2, 2025, Paid Prenatal Leave is available in New York City.

In addition to the other types of leave described below, the City provides employees working in NYC the right to use up to 20 hours of paid prenatal leave in each 52-consecutive-week period starting with the first date used, to receive healthcare during their pregnancy or related to their pregnancy, including, for examples, medical appointments, exams or procedures, testing, monitoring, end of pregnancy care, and fertility treatment. Only the employee who is pregnant or seeking to become pregnant is eligible to use prenatal leave and thus men are not eligible. Prenatal leave is also not available for post-birth healthcare. The prenatal leave obligation applies to any size employer.

## Effective Feb. 22, 2026, Additional 32 Hours of Unpaid Safe and Sick Time Leave (“Unpaid Leave”) is available in New York City.

In addition to and separate from the existing SST Leave that accrues 1 hour for every 30 hours worked (described below), the City provides employees working in NYC the right to use up to 32 hours of additional unpaid safe and sick time leave (“Unpaid Leave”) that is available immediately at the start of each calendar year (calendar year is defined below). An employee may elect to use any available paid SST Leave before using any Unpaid Leave. The Unpaid Leave requirement applies to any size employer. Unpaid Leave may be used for the same qualifying reasons as SST Leave.

## Employer’s Size Matters for Amount of SST Leave

There are three categories of employers under the Act subject to different SST Leave amount obligations: *(note that SST Leave is separate from and in addition to Unpaid Leave)*

- (i) Category A is employers with less than five employees nationwide and had a net income in the prior tax year of less than \$1 million, and who must provide up to 40 hours of unpaid SST Leave each calendar year to use in NYC.
- (ii) Category B is either (a) employers with less than five employees nationwide and had a net income of more than \$1 million in the prior tax year or (b) employers with 5 to 99 employees nationwide. Category B employers must provide up to 40 hours of paid SST Leave each calendar year to use in NYC.
- (iii) Category C is employers with 100 or more employees nationwide, and who must provide up to 56 hours of paid SST Leave each calendar year in NYC.

## Definition of Employer’s Calendar Year

*For NYC’s SST Leave and Unpaid SS Leave, Employer’s calendar year is: January 1 through December 31*

*For NYC’s prenatal leave, Employer’s calendar year is: 52-consecutive-week period starting with your first day used*

## Amount of Leave; Rate of Accrual; and Maximum Use Per Year

*For SST Leave:* You accrue this type of leave at the rate of 1 hour for every 30 hours worked in NYC, and can use up to a maximum total of 40 or 56 hours per calendar year in NYC, as defined above for employers in Categories A, B, or C.

*For Unpaid Leave:* You are also eligible to receive 32 hours of Unpaid Leave at the start of each calendar year without needing to accrue, and can use up to 32 hours per calendar year in NYC, regardless of whether the employer is in Category A, B, or C.

*For prenatal leave:* For an employee who is pregnant or seeking to become pregnant, you are also eligible to receive 20 hours of paid prenatal leave at the start of each calendar year without needing to accrue, and can use up to 20 hours per calendar year in NYC, regardless of whether the employer is in Category A, B, or C.

## When Leave Accrues; When It is Available for Use; What is Your Available Balance

You accrue SST Leave with your employer starting on your first day of employment for time worked inside NYC and it is available for use immediately, as soon as it is accrued. The balance of SST Leave accrued, available, and used during a pay period is printed on your paystub. By contrast, the 20 hours of paid prenatal leave and the 32 hours of Unpaid Leave are available upfront at the start of each calendar year instead of accruing, and the balance available and used during a pay period is printed on your paystub.

- *Union Exception:* A collective bargaining agreement (“CBA”) can waive the requirement to provide any of these types of leave in NYC, so you should first check with your employer or union whether the leave has been waived under your CBA. If the leave is waived by your CBA, then the leave is not available to you and leave balances will not be printed on your paystub.

**Carryover and End of Employment**

Unused SST Leave in one calendar year carries over to the next calendar year, but you cannot use more than 40 or 56 hours in each calendar year, as applicable above in Categories A, B, or C. By contrast, unused prenatal leave and unused Unpaid Leave do not carry over from year to year; instead, the full number of hours is replenished at the start of each calendar year. None of these types of leave are paid out upon end of employment.

**Break in Employment Longer Than 6 Months**

When you have not been employed by the employer for longer than 6 months, any unused balance of SST Leave, prenatal leave, and Unpaid Leave that you may have had will reset to zero. If you are rehired by the employer within 6 months from when you last were employed by the employer, then any unused balance of these leaves you may have had will be reinstated and available to you.

**How to Request Leave From the Employer**

Unless your employer informs you otherwise, you must provide your department supervisor with at least seven calendar days advance notice of your intention to use any of the 3 types of leaves described herein. If the need is unforeseeable, you may give notice as soon as practicable.

**Acceptable Uses of Safe and Sick Time Leave or Unpaid Leave for Yourself or for Family Members**

Acceptable Reasons to Use Sick Leave	Acceptable Reasons to Use Safe Time Leave
For a mental or physical illness, injury, or health condition; to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or health condition; to get preventive medical care.	To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from domestic violence, family offense matters, sexual offenses, stalking, workplace violence, or human trafficking.
To care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.	To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of you or your family members from domestic violence, family offense matters, sexual offenses, stalking, workplace violence or human trafficking.
Your employer's business closes by order of a public official due to a public health emergency, public disaster, or need to care for a child whose school or childcare provider closed or restricted in-person operation by order of public official due to a public health emergency or public disaster.	To meet with a legal or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to domestic violence, family offense matter, sexual offense, stalking, workplace violence, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, or discrimination.
You have been directed by a public official to remain indoors or avoid travel during a public disaster which prevents you from reporting to your work location.	To file a complaint or domestic incident report with law enforcement.
	To meet with a district attorney's office.
	To enroll children in a new school.
	To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of you or your family member or to protect those who associate or work with you.
	To provide care to the employee's minor child or care recipient.
	To initiate, attend or prepare for a legal proceeding or hearing related to subsistence benefits or housing to which you, your family member, or the your care recipient is a party, or to take actions necessary to apply for, maintain, or restore subsistence benefits or shelter for you or your family member or care recipient.

**Safe and Sick Time Leave and Unpaid Leave Can Be Used for Family Members (not applicable to Prenatal Leave)**

You may use SST Leave and Unpaid Leave for yourself and these family members: child (biological, adopted, or foster child; legal ward; child of an employee standing in loco parentis); child or parent of an employee's spouse or domestic partner; grandchild; sibling (including half, adopted, foster, or step sibling); spouse or domestic partner (current or former, regardless of whether residing together); parent; grandparent; any other individual related by blood to the employee; and any other individual whose close association with the employee is the equivalent of a family relationship. By contrast, prenatal leave cannot be used on behalf of a family member's pregnancy.

**Documentation of Your Usage**

At the employer's discretion, the employer can require you to provide documentation from your health care provider if you use more than three consecutive workdays of sick leave or prenatal leave (or from your aid provider in the case of safe time leave), but your employer must reimburse you for documentation if your provider charges a fee for documentation. If the provider charges for documentation, the employee must first inform the employer official that is requesting the documentation and get the official's approval first. If the official approves, the employee can submit a paid receipt of the provider's charge to the official for reimbursement. If the employer requests documentation, the employee has seven days after returning to work to provide the documentation. The Act prohibits employers from requiring the provider or the employee to specify the medical details underlying the reason for using sick leave or prenatal leave or requiring safe time leave documentation that specify the details underlying the need to use safe time leave; however, disclosure may be required by other laws.

At the employer's discretion, the employer may withhold payment for SST Leave or paid prenatal leave until the requested documentation is provided. However, if the employee is unable to obtain the documentation because of associated cost (for example, employee does not have health insurance to see healthcare provider), the employer cannot withhold payment.

For sick leave usage (as outlined in the acceptable uses table above) and for prenatal leave usage, any written documentation signed by a licensed health care provider, including a social worker or mental health counselor, that indicates the need for the amount of such leave taken is acceptable (without specifying the underlying details).

For safe leave usage (as outlined in the acceptable uses table above), the following documentation is acceptable: a writing signed by a representative of a victim services organization, an attorney, a clergy member, a medical provider, or other professional service provider from whom the employee or their family member sought assistance; a police or court record; or a notarized letter from the employee explaining the general nature of the need for safe leave (without specifying the underlying details).

#### **Confidentiality**

The employer cannot ask the employee to provide underlying details about the reason for using SST Leave, prenatal leave, or Unpaid Leave. Any information the employer receives about the employee's use of such leave will be kept confidential and not disclosed to anyone without the employee's written permission or as required by law.

#### **No Retaliation**

The employer cannot punish or fire employees for requesting or using leave or for reporting violations. However, misuse or abuse of leave by an employee (i.e., for uses that are not permitted by the law) may subject the employee to discipline.

#### **You have a right to file a complaint.**

You have a right to file a complaint with the New York City Department of Consumer and Worker Protection if you believe that your leave rights have been violated. Go online to [www.nyc.gov/workers](http://www.nyc.gov/workers) or contact **311** (or 212.NEW.YORK outside NYC). You can also make an anonymous tip.

#### **More Information**

For more information, including Frequently Asked Questions, go to [www.nyc.gov/paidsickleave](http://www.nyc.gov/paidsickleave), or call **311**. The Act and its regulations set the minimum requirements for SST Leave, Unpaid Leave and prenatal leave, but your employer's leave policy may already meet or exceed the minimum requirements.