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Notice of Employee Rights Under Westchester County’s Earned Sick Leave Law

Under Westchester County’s Earned Sick Leave Law, covered employers must give their covered employees sick leave.

Covered employers with five or more employees in Westchester County must provide paid sick leave. Covered employers with less than five employees must provide unpaid sick leave.

Covered employers who have one or more domestic workers who are employed for more than 80 hours in a calendar year must provide paid sick leave.

Employers covered by Earned Sick Leave Law must give written notice to new employees when they begin employment and to existing covered employees by July 10, 2019. Covered employers must also display a copy of the Earned Sick Leave Law and a poster in a conspicuous location accessible to employees. Sample posters in English and Spanish are available on the webpage of the Westchester County Human Rights Commission. The term “you” herein refers to a covered employee.

YOU HAVE A RIGHT TO SICK LEAVE, WHICH YOU CAN USE FOR THE CARE AND TREATMENT OF YOURSELF OR A FAMILY MEMBER.

AMOUNT OF SICK LEAVE

- Your employer must provide up to 40 hours of sick leave every consecutive 12-month period. Your employer’s year is:

Start of Year: _____ End of Year: _____

- **Domestic workers:** Your employer must provide sick leave in addition to the days of rest to which you are entitled under New York State Labor Law. Go to **labor.ny.gov** and search “Domestic Workers’ Bill of Rights” for more information.

RATE OF ACCRUAL

You accrue sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per year.

DATE ACCRUAL BEGINS

You begin to accrue sick leave on July 10, 2019 or on your first day of employment, whichever is later.

DATE SICK LEAVE IS AVAILABLE FOR USE

You can begin using sick leave on _____ provided you meet the eligibility requirements. An employer has the right to delay your ability to use earned sick time until you have worked for the employer for 90 days.

ACCEPTABLE REASONS TO USE SICK LEAVE

You can use sick leave when:

- You have a mental or physical illness, injury or health condition; you need to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; you need to get preventative medical care.
- You must care for a family member who needs a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventative medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider has closed due to a public health emergency.

FAMILY MEMBERS

The law recognizes the following as family members:

- Child (biological, adopted, or foster child; legal ward; or child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child or parent of an employee's spouse or domestic partner
- Sibling

ADVANCE NOTICE

If the need is foreseeable, your employer can require notice of your intention to use sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable. If notice is required, the procedure you must follow to use sick leave must be provided to you in writing.

DOCUMENTATION

Your employer can require documentation from a health care provider if you use more than three consecutive workdays as sick leave. Employers may not require the health care provider to specify the medical reason for sick leave.

UNUSED SICK LEAVE

Up to 40 hours of unused accrued sick leave can be carried over to the next year. However, your employer is only required to let you use up to 40 hours of sick leave per year.

YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SICK LEAVE

Your employer cannot retaliate against you for:

- Requesting and using sick leave;
- Filing a complaint for alleged violations of the law;
- Participating in an administrative proceeding regarding an alleged violation of the law; and
- Informing another person of that person's potential rights under the law.

Retaliation includes any threat, discharge, suspension, demotion, reduction of hours, reporting or threatening to report an employee's suspected citizenship or immigration status, or the suspected citizenship or immigration status of a family member of the employee to a federal, state, or local agency.

YOU HAVE A RIGHT TO FILE A COMPLAINT

You can file a complaint with the Westchester County Department of Consumer Protection. Visit www.consumer.westchestergov.com or call (914) 995-2155 for information.

Keep a copy of this notice and all documents that show your amount of sick leave and your sick leave accrual and use.

Note: The Earned Sick Leave Law sets the minimum requirements for sick leave. Your employer's leave policies may already meet or exceed the requirements of the law.

For more information visit www.humanrights.westchestergov.com.