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## KNOW YOUR RIGHTS: New York City Paid Sick Time

### 1) What does the New York City Paid Sick Time law do?

It gives workers sick time that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; when the worker's place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or to address certain non-medical needs that may arise if the worker or a family member are victims of domestic violence, a sexual offense, stalking, or human trafficking.

The agency that enforces the law also released [guidance](#) providing additional examples of ways that sick time can be used for coronavirus-related reasons, including taking time off work because the worker is under quarantine, is self-isolating for preventative purposes, or is caring for a family member under a mandatory or precautionary order of quarantine.

Additionally, pursuant to Int. 2448-2021, beginning November 2, 2021, workers have the right to "COVID-19 child vaccination time," which is additional paid sick time to help children receive the COVID-19 vaccine and recover from related side effects. This amendment to the law is effective starting December 24, 2021 until December 31, 2022.

### 2) Am I covered?

If you work as an employee in New York City, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. Workers are covered regardless of immigration status. However, the law does not cover federal, state, and municipal employees, independent contractors, and a few other narrow groups.

### 3) How much sick time can I earn?

You earn **1 hour** of sick time for **every 30 hours worked**.

The amount of time you can use depends on the size of your employer. If your employer has **99 or fewer workers**, you can use up to **40 hours** per year. If your employer has **100 or more workers**, you can use up to **56 hours** per year. If your employer has **fewer than 5 workers** and a net income of less than \$1 million in the last tax year, your sick time may be unpaid—but you can't be fired or punished for taking it. If you are a domestic worker and do not work for an agency, your time must be paid, regardless of how many employees your employer has.

However, unlike other paid sick time, workers do not have to earn—based on hours worked—COVID-19 child vaccination time. Workers can receive **up to 4 hours of paid time** per vaccine injection per child to help your child receive the vaccine and recover from related side effects. This time is in addition to your sick time that can be used for the other purposes listed above under Question 1—COVID-19 child vaccination time cannot be reduced from your earned sick time.



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COVID-19 child vaccination time must be **paid, regardless of your employer's size**. For example, if you have two children, both of whom receive a vaccine that requires two doses, you could take up to a total of 16 hours of COVID-19 child vaccination time.

All covered employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

**4) What if my work or my child's school or daycare is closed for a health emergency?**

You can also use your sick time if your place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

**5) Which of my family members are covered by the law?**

Under the law, you can take sick time to care for yourself or a child, spouse, domestic partner, parent, parent of a spouse or domestic partner, grandchild, grandparent, sibling, or for any other blood relative (such as an aunt, cousin, etc.) or any other individual whose close association with you is the equivalent of a family relationship (such as a close friend who is like family, a significant other, etc.).

However, for COVID-19 child vaccination time, workers can only take time off to help children under the age of 18, or children 18 and up who are incapable of self-care because of a mental or physical disability, receive and recover from the vaccine.

**6) What if I already have paid leave or paid time off?**

If you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time *and* it's **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

And, as noted under Question 2 above, COVID-19 child vaccination time is in addition to your earned sick time and it cannot be reduced from your earned sick time.

**7) When can I begin using my sick time?**

You start earning sick time immediately and can use it as soon as it's earned. COVID-19 child vaccination time can be used immediately.

**8) Do I need a doctor's note?**

Only after more than 3 consecutive days of absence (and the note does not have to specify your illness). However, if your employer requests a doctor's note, they must reimburse you for any fee your health care provider charges you to provide documentation.

Within 7 days of your use of COVID-19 child vaccination time, your employer may request reasonable document showing that your child have received a COVID-19 vaccine injection.



the work and family legal center

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*The New York City Department of Consumer and Worker Protection (DCWP) is in charge of enforcing this law.*

**All covered workers are protected against being fired or punished for using or requesting sick or safe time.** If you have a problem—or want more information—call A Better Balance’s free legal clinic at **1-833-NEED-ABB**.

*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker’s specific circumstances or category of employment.*