

## **Fact Sheet: New York City’s Temporary Schedule Change Law**

For many workers, particularly hourly workers, unpredictable hours and overly rigid, inflexible schedules are widespread issues. Ensuring workers have fair, predictable schedules is a matter of gender, racial, and economic justice. Women and caregivers, and disproportionately women of color, are more likely to feel the negative impacts of inflexible scheduling practices and the challenges of balancing the competing demands of work and care.

To address this concern, New York City passed a temporary schedule change law in 2018.<sup>1</sup> The law is a groundbreaking step towards ensuring that workers have access to alternative work arrangements and increased flexibility.

### **Eligibility: Most employees who work in New York City are covered.**

- If you are a private-sector employee in New York City who has been employed for 120 days or more and works 80 hours or more per year, you are probably covered by this law

### **This law requires applicable employers to provide eligible employees with:**

- **Right to Receive Temporary Schedule Changes:** Employees have the right to receive a temporary schedule change—including, but not limited to, swapping or shifting work hours, using paid time off, working remotely, or using short-term unpaid leave—due to a “personal event” two times per calendar year, for up to one business day per request (you can ask to take two business days in a row for one request instead, but your employer does not have to allow it).
  - A **personal event** includes the need to:
    - care for a child under 18
    - care for a family member or someone who lives with you who has a disability and relies on you for care;
    - attend a legal proceeding or hearing for benefit; or
    - use earned safe or sick time.
  - Employers may only deny a temporary schedule change request if the employee has already used their two yearly temporary schedule changes.
- **Right to Request Schedule Changes:** Employees have the **right to request** a change to their schedule, including permanent changes. An employer may grant or deny the request



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**but cannot retaliate** against an employee for making the request—meaning they cannot fire you, demote you, dock your pay, or otherwise penalize you for making the request.

### What is a schedule change?

- A temporary schedule change can include, among other things:
  - Swapping shifts
  - A change to work hours, such as starting and finishing work an hour earlier
  - Working remotely
  - Working at a different location
  - Taking paid or unpaid leave
- A permanent schedule change can include, among other things:
  - Permanently changing shifts
  - Permanently changing work hours
  - Permanently working remotely
  - Permanently working at a different location

**Anti-retaliation Protections:** Employers cannot retaliate against employees who exercise their rights under this law.

**Enforcement:** The New York City [Department of Consumer and Worker Protection](#) (DCWP) is in charge of enforcing this law. If you believe your rights under this law have been violated, you can file a complaint with DCWP or file a lawsuit in court.

**If you have a problem—or want more information—contact A Better Balance’s free legal clinic [online](#) or at 1-833-NEED-ABB.**

*For more information on state and local fair scheduling laws, including other laws that may apply to New York workers, see our comprehensive [fact sheet](#).*

*Please note that this fact sheet does not represent an exhaustive overview of the law described, and 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.*

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<sup>1</sup> NYC Admin. Code § 20-1262