

NYC Releases Updated Paid Sick and Safe Time Notice of Employee Rights

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A quick update to our earlier posts on New York State and New York City's paid sick leave laws. The agency that enforces NYC's paid sick and safe time law – the New York City Department of Consumer and Worker Protection – has just released its updated sick and safe time Notice of Employee Rights, which you can access [here](#). Here are some compliance issues to consider:

1. You must distribute this notice to *all* current employees by January 1, 2021...probably. We say probably because while the law provided for an October 30th compliance deadline, the Department has posted interpretative guidance on its [website](#) stating that employers with 100 or more employees may distribute the notice by January 1, 2021. Thus, smaller employers should still aim to send out the new notice as soon as possible, but we'll look to see if the Department further updates its website on this issue.
2. You may distribute these notices to employees electronically (e.g. via email).
3. You must create and maintain records showing the date you provided the notice and proof of receipt. Although you do not have to obtain signatures from employees acknowledging receipt, that is a best practice if administratively feasible, and a great way to ensure compliance with this requirement.
4. You must also post the notice conspicuously at your place of business in an area accessible to employees. This is a change from the previous version of the law that made posting optional. During the pandemic, with many employees working from home, you should consider posting it online (e.g. your intranet).
5. In terms of completing the notice, you should (i) indicate when your calendar year runs in the space indicated on the notice; and (ii) consider revising the model notice if you utilize a frontloading method in lieu of the 1/30 hour accrual method.
6. The law also requires you to provide the notice in English and in the primary language spoken by the employee if the Department releases a notice in that language. If this applies to your employees, you should remain on alert for when the Department releases these translated notices on its website so that you can distribute them accordingly.
7. You should also remain alert for any updated interpretative guidance that the Department releases. The Department released extensive guidance under the previous version of the law, and we expect it to update that guidance accordingly, including with respect to the notice and posting requirements.

We will keep you posted with any additional updates.

Authors



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