

COVID-19 and Interactions with New York City Laws

COVID + New York City's Earned Safe and Sick Leave Law

- With New York City's Earned Sick and Safe Time Act (ESSTA) all employees, inclusive to full-time, part-time, temporary, on-call, and undocumented employees, and businesses and non-profits of any size in the city of New York can have a maximum of 40 hours (or 5 calendar workdays) of sick leave every year. Businesses or non-profits must make this available as paid leave. Employers are not permitted to ask for a medical note, unless the individual in question is absent from work for 3 days in a row.
- ESSTA Can Be Used in the Event of:
 - "(a) such employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care; or
 - (b) care of 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; or
 - (c) closure of such employee's place of business by order of a public official due to a public health emergency or such employee's need 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"⁸

COVID + New York City's Fair Workweek Law

- All fast food and retail business are required to give its employees a minimum of a 14-day notice prior to scheduling changes. As per Governor Cuomo's statement regarding non-essential workers, "if the business remains open, even with limited operations such as delivery/takeout service, only employees must get premium pay for schedule changes."
- Premium Pay is mandated when:
 - "(a) such employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care; or (b) care of 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; or (c) closure of such employee's place of business by order of a public official due to a public health emergency or such employee's need 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."⁸