

EBC

PAYROLL • HR SERVICES



NEW YORK STATE
SICK LEAVE POLICY

New York State Paid Sick Leave Policy Sample

New York State requires covered employers to provide employees with sick leave, Below are sample sick leave policies, both paid and unpaid. Whether the policy required for a particular business is paid or unpaid is dependent on the size and income of that business. These sample policies are written in accordance with New York Safe and Sick Leave Law.

Note: All private sector employers in New York State are required to provide all employees in the state with sick leave, regardless of industry, occupation, part-time status, or overtime exemption status.

Select the policy below that pertains to your business:

- [Unpaid Sick Leave Policy 0-4 employees\)](#)
Net income must be \$1 million or less
- [Paid Sick Leave Policy 0-4 employees\)](#)
Net income must be greater than \$1 million
- [Paid Sick Leave Policy \(5-99 employees\)](#)
- [Paid Sick Leave Policy \(100+ employees\)](#)

Unpaid Sick Leave Policy (0-4 employees)

Company provides unpaid sick leave, in accordance with New York Sick and Safe Leave Law.

Eligibility

All private-sector employees in New York State are covered, regardless of industry, occupation, part-time status, and overtime exempt status.

Access and Usage

At the commencement of employment, employees will begin accruing one hour of sick leave for every 30 hours worked.*

Employees will be entitled to up to 40 hours of sick leave per calendar year.

Accrued sick leave that is unused by an employee over the course of the calendar year may be carried over to the next calendar year. However, an employee may not use more than 40 hours in a calendar year. This may result in an employee maintaining a leave balance in excess of the amount they are permitted to use in any calendar year. When sick leave is carried over into a new calendar year, an employee is able to use it right away instead of waiting for sick leave to accrue.**

Employees are required to use sick leave in increments of no less than 15 minutes.***

Eligible Uses

Sick leave may be used for the following purposes or reasons:

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave
 - Includes using leave for the recovery of any side effects of the COVID-19 vaccination
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care
- For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following:
 - To obtain services from a domestic violence shelter, rape crisis center, or other services program
 - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members
 - To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding
 - To file a complaint or domestic incident report with law enforcement
 - To meet with a district attorney's office
 - To enroll children in a new school

- To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee

**Employers may alternatively front-load 40 hours of unpaid sick leave to the employee.*

***Employers who do not want to allow carry-over must pay-out unused remaining paid sick leave at the end of the calendar year.*

****Minimum increment does not have to be 15 minutes, however, the minimum increment can not exceed 4 hours.*

Paid Sick Leave Policy (0-4 employees)

Company provides paid sick leave, in accordance with New York Sick and Safe Leave Law.

Eligibility

All private-sector employees in New York State are covered, regardless of industry, occupation, part-time status, and overtime exempt status.

Access and Usage

At the commencement of employment, employees will begin accruing one hour of paid sick leave for every 30 hours worked.*

Employees will be entitled to up to 40 hours of paid sick leave per calendar year.

Accrued sick leave that is unused by an employee over the course of the calendar year may be carried over to the next calendar year. However, an employee may not use more than 40 hours in a calendar year. This may result in an employee maintaining a leave balance in excess of the amount they are permitted to use in any calendar year. When sick leave is carried over into a new calendar year, an

employee is able to use it right away instead of waiting for paid sick leave to accrue.**

Employees are required to use sick leave in increments of no less than 15 minutes.***

Eligible Uses

Paid sick leave may be used for the following purposes or reasons:

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave
 - Includes using leave for the recovery of any side effects of the COVID-19 vaccination
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care
- For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following:
 - To obtain services from a domestic violence shelter, rape crisis center, or other services program
 - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members
 - To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding
 - To file a complaint or domestic incident report with law enforcement
 - To meet with a district attorney's office
 - To enroll children in a new school
 - To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee

Compensation

Employees will receive their normal rate of pay for any paid leave time under this law, or the applicable minimum wage rate, whichever is greater. No allowances or credits (e.g., tip credits) may be claimed for paid leave hours.

**Employers may alternatively front-load 40 hours of unpaid sick leave to the employee.*

***Employers who do not want to allow carry-over must pay-out unused remaining paid sick leave at the end of the calendar year.*

****Minimum increment does not have to be 15 minutes, however, the minimum increment can not exceed 4 hours.*

Paid Sick Leave Policy (5-99 employees)

Company provides paid sick leave, in accordance with New York Sick and Safe Leave Law.

Eligibility

All private-sector employees in New York State are covered, regardless of industry, occupation, part-time status, and overtime exempt status.

Access and Usage

At the commencement of employment, employees will begin accruing one hour of paid sick leave for every 30 hours worked.*

Employees will be entitled to up to 40 hours of paid sick leave per calendar year.

Accrued sick leave that is unused by an employee over the course of the calendar year may be carried over to the next calendar year. However, an employee may not use more than 40 hours in a calendar year. This may result in an employee maintaining a leave balance in excess of the amount they are permitted to use in any calendar year. When sick leave is carried over into a new calendar year, an

employee is able to use it right away instead of waiting for paid sick leave to accrue.**

Employees are required to use sick leave in increments of no less than 15 minutes.***

Eligible Uses

Paid sick leave may be used for the following purposes or reasons:

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave
 - Includes using leave for the recovery of any side effects of the COVID-19 vaccination
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care
- For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following:
 - To obtain services from a domestic violence shelter, rape crisis center, or other services program
 - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members
 - To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding
 - To file a complaint or domestic incident report with law enforcement
 - To meet with a district attorney's office
 - To enroll children in a new school
 - To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee

Compensation

Employees will receive their normal rate of pay for any paid leave time under this law, or the applicable minimum wage rate, whichever is greater. No allowances or credits (e.g., tip credits) may be claimed for paid leave hours.

**Employers may alternatively front-load 40 hours of unpaid sick leave to the employee.*

***Employers who do not want to allow carry-over must pay-out unused remaining paid sick leave at the end of the calendar year.*

****Minimum increment does not have to be 15 minutes, however, the minimum increment can not exceed 4 hours.*

Paid Sick Leave Policy (100+ employees)

Company provides paid sick leave, in accordance with New York Sick and Safe Leave Law.

Eligibility

All private-sector employees in New York State are covered, regardless of industry, occupation, part-time status, and overtime exempt status.

Access and Usage

At the commencement of employment, employees will begin accruing one hour of paid sick leave for every 30 hours worked.*

Employees will be entitled to up to 56 hours of paid sick leave per calendar year.

Accrued sick leave that is unused by an employee over the course of the calendar year may be carried over to the next calendar year. However, an employee may not use more than 56 hours in a calendar year. This may result in an employee maintaining a leave balance in excess of the amount they are permitted to use in any calendar year. When sick leave is carried over into a new calendar year, an

employee is able to use it right away instead of waiting for paid sick leave to accrue.**

Employees are required to use sick leave in increments of no less than 15 minutes.***

Eligible Uses

Paid sick leave may be used for the following purposes or reasons:

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave
 - Includes using leave for the recovery of any side effects of the COVID-19 vaccination
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care
- For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following:
 - To obtain services from a domestic violence shelter, rape crisis center, or other services program
 - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members
 - To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding
 - To file a complaint or domestic incident report with law enforcement
 - To meet with a district attorney's office
 - To enroll children in a new school
 - To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee

Compensation

Employees will receive their normal rate of pay for any paid leave time under this law, or the applicable minimum wage rate, whichever is greater. No allowances or credits (e.g., tip credits) may be claimed for paid leave hours.

**Employers may alternatively front-load 56 hours of unpaid sick leave to the employee.*

***Employers who do not want to allow carry-over must pay-out unused remaining paid sick leave at the end of the calendar year.*

****Minimum increment does not have to be 15 minutes, however, the minimum increment can not exceed 4 hours.*



Employers who have a current policy that they would like reviewed, or need assistance with creating a policy that aligns with paid sick leave requirements, should contact their EBC HR Advisor or Sales.

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