

## Employer Alert: Significant Changes Coming to NYC's Paid Safe and Sick Leave Law, by Edward Grimmert, Esq. and Keith Gutstein, Esq., 12-23-2025

The New York City Council has approved amendments to the Earned Sick and Safe Time Act (ESSTA) and the Temporary Schedule Change Act (TSCA), which will take effect on February 22, 2026. These amendments impose several new obligations on covered employers, including the requirement to provide employees with an additional 32 hours of unpaid safe/sick time upon hire and on the first day of each calendar year.<sup>2</sup>

While these amendments do provide eligible employees with additional protections under ESSTA, employers do get some relief because the amendments drastically scale back their obligations under the TSCA.

In light of these amendments, New York City employers should begin reviewing and updating their policies to ensure compliance with the forthcoming requirements summarized below.

### Key Amendments Employers Need to Know

#### Additional 32 Hours of Unpaid Safe/Sick Leave

- In addition to the existing paid safe/sick leave accruals under ESSTA (typically up to 40 or 56 hours annually depending on employer size), the new law requires employers to provide a front-loaded bank of 32 hours of unpaid safe/sick time.
- This unpaid leave must be made available immediately upon hire, and again at the start of each calendar year.
- A covered employer is not required to carry over to the following calendar year any unused portion of the 32 hours of unpaid safe/sick time provided to the employee each calendar year.
- As is the case with paid safe/sick leave, an employee's paystub must reflect the amount of unpaid safe/sick leave available to the employee.

#### Expanded Permissible Uses of Safe/Sick Time

The amendments expand the circumstances in which an employee may use safe/sick leave (paid or unpaid). These additional circumstances include:

- Time off to care for a minor child (under the age of 18) or other care recipient.

A “care recipient” is defined as “a person with a disability who (i) is a family member or a person who resides in the caregiver’s household; and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

- Time off to initiate, attend, or prepare for a legal proceeding or hearing related to subsistence benefits or housing (for the employee, a covered family member, or care recipient).
- Time off to take actions necessary to apply for, maintain, or restore subsistence benefits or shelter (for the employee, a covered family member, or care recipient).
- Time off when the employee has been a victim of workplace violence (defined as any act or threat of violence against an employee that occurs in the workplace).
- Time off for a “public disaster” when a public official either directs the workplace to close or the employee remain indoors/avoid travel.

A “public disaster” would include a fire, explosion, terrorist attack, severe weather conditions or other catastrophe that is declared a public emergency or disaster by the president of the United States, the governor of the state of New York or the mayor of the city of New York.

#### Codification of Paid Prenatal Leave

- The amendments formally codify a 20-hour paid prenatal leave entitlement during any 52-week calendar period into ESSTA (this had been previously approved by the City).
- *Importantly, employers may not count these 20 hours of paid prenatal leave toward the standard paid safe/sick leave accruals—this is an additional benefit.*

#### Modifications to the Temporary Schedule Change Act (TSCA)

- With these changes, the TSCA’s former requirement that employers grant up to two temporary schedule changes annually for “personal events” will be eliminated as of Feb. 22, 2026.
- However, employees may still request schedule changes. While the employer is no longer obligated to grant the request, they must still respond to the employee as soon as practical and cannot retaliate against the employee for making the request.

## Action Steps for Employers

- By February 22, 2026, all covered NYC employers should consider taking proactive steps to ensure compliance with these amendments. This would include:
  - Revising leave-related policies and updating employee handbooks.
  - Ensuring payroll or related systems “frontload” the required 32 hours of unpaid leave to all employees upon hire and at the start of the calendar year. To that end, the amount of available (whether paid or unpaid) safe/sick time should be noted on the employee’s paystub.
  - Communicating these new leave entitlements and procedures to staff.
  - Reviewing documentation and notices distributed to employees regarding their leave entitlements.

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