

New York

New York City Adopts Rules on Safe and Sick Time

New York City recently adopted amended [rules](#) to implement changes made to its Earned Safe and Sick Time Act (ESSTA), including additional authorized reasons for leave, immediately available unpaid leave and paid prenatal leave. The rules take effect **July 23, 2026**.

Background

The ESSTA provides covered employees with [protected leave](#) for different reasons, including caring for health needs and taking safety measures related to domestic violence. Most employees have up to **40 or 56 hours** of **paid** protected leave per year (generally depending on employer size and net income).

[Local Law 145 of 2025](#) amended the ESSTA to **add authorized reasons** that employees may take safe/sick time:

- To provide care for a child or care recipient;
- To attend a legal proceeding or take other actions related to subsistence benefits or housing;
- To respond to a public disaster; and
- To respond to workplace violence.

Local Law 145 also amended the ESSTA by requiring employers to provide **an additional 32 immediately available hours of unpaid safe/sick time on the first day of work** for each employee and on the **first day of each calendar year**. In addition, Local Law 145 codified in the New York City Administrative Code the **paid prenatal leave requirement** set forth in the New York Labor Law and added to the Administrative Code the amounts of employee relief and civil penalties imposed for violations of an employer's obligation to provide paid prenatal leave.

Amended Rules

The amended rules implement the changes made to the ESSTA noted above. Among other things, the amended rules:

- Define the term **“protected time off”** to have the same meaning as “safe/sick time” in the ESSTA;
- **Incorporate the additional authorized uses** of protected time off and the requirement to **provide immediately available hours** noted above into the existing regulatory framework;

Highlights

New York City recently adopted amended rules to implement changes made to its ESSTA, including:

- Additional authorized reasons for leave;
- Immediately available unpaid leave; and
- Paid prenatal leave.

The rules take effect July 23, 2026.

- **Provide guidance** to employers regarding their new compliance obligations, including **which bank of leave to draw from** when employees have protected time off available for use;
- Clarify the **civil penalties and employee relief** that employers may be liable for when an employer is found to have a policy or practice of not providing or refusing to allow use of **paid prenatal leave**;
- Clarify that employers may meet their obligation to provide 32 immediately available hours of unpaid protected time off by **providing some or all of this time as paid leave**;
- Specify that employers should provide **paid** protected time off to comply with **other legal obligations**, or to meet the criteria for an **overtime exemption under state or federal law**, such as the federal Fair Labor Standards Act's salary basis test;
- Describe employers' obligations with respect to the bank of 32 immediately available hours when **rehiring** an employee within the same calendar year; and
- Clarify an employer's obligation to provide employees with information about protected time off accrual and balance upon **separation from employment**, when the employer uses an **electronic system to issue pay statements** or other documentation related to protected time off or paid prenatal leave.

Next Steps for Employers

New York City employers should consider thoroughly reviewing the amended rules and updating employee policies and handbooks accordingly.
