

NEW YORK

New York City Expands Earned Safe and Sick Time

New York City has [amended](#) its Earned Safe and Sick Time Act (ESSTA), adding new reasons for leave and requiring employers to provide additional unpaid time off under the law. The amendments also make changes to the city's Temporary Schedule Change Act (TSCA) to better align the two laws. The changes take effect **Feb. 22, 2026**.

The ESSTA

Under the ESSTA, all employees in New York City earn one hour of safe and sick time for every 30 hours worked. Employers with fewer than five employees and a net income of less than \$1 million may provide the leave as unpaid. Employees may accrue up to 40-56 hours of leave per year, depending on the employer's size.

Sick leave under the ESSTA may be used for reasons relating to the employee's or their family member's health and medical care, or for the closure of their place of business or their child's school or day care due to a public health emergency. ESSTA safe leave may be used for specific purposes when an employee or their family member is a victim of domestic violence, a family offense matter, sexual offense, stalking or human trafficking.

New Reasons for Taking Leave Under ESSTA

The amendments add to the permitted reasons for ESSTA leave, allowing employees to take the leave for:

- Providing care for a minor child or care recipient;
- Preparing for or attending a legal proceeding for subsistence benefits or housing for the employee or a family member;
- The closure of the employee's place of business due to a declared public disaster;
- The closure or restriction of in-person operations of the employee's child's school or child care provider due to a declared public disaster;

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Highlights

- Amendments to New York City's ESSTA expand the purposes for which earned sick and safe time may be used and add 32 hours of unpaid safe and sick time, available at the start of employment.
- The amendments also revise the TSCA.
- The changes take effect Feb. 22, 2026.

Employers will be required to provide an extra bank of 32 hours of unpaid safe and sick time.

- The direction by a public official to remain indoors or avoid travel during a public disaster which prevents the employee from reporting to their work location; or
- Obtaining certain services when the employee or their family member is a victim of workplace violence.

Expanded Leave Time Under the ESSTA

The amendments also require employers to provide an **additional 32 hours** of unpaid safe and sick time under the ESSTA for immediate use upon hire and subsequently on the first day of each calendar year. This extra unpaid leave is not subject to ESSTA carryover requirements, but employers must provide a written **balance notice** of the amount of the new leave available to each employee each pay period, in addition to the accrual, use and balance notices already required by the ESSTA.

Furthermore, under the amendments, employers must provide 20 hours of paid **prenatal leave** during any 52-week calendar period, in accordance with rules issued earlier in the year. The rules echo the prenatal leave requirement that already applies to New York employers under state law, with additional notice and recordkeeping requirements beyond those in the state statute. The ESSTA amendments stipulate that, unlike ESSTA leave, which must be taken in increments of at least four hours, prenatal leave may be taken in increments of as little as one hour.

Changes to the TSCA

The TSCA requires employers to accommodate a temporary change to the work schedule two times within a calendar year relating to an employee's "personal event." A "personal event" includes needing to provide care to a relative or care recipient; needing to attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or an employee's care recipient is a party; or any event that qualifies for the use of safe time or sick time under the ESSTA.

The new bank of unpaid time the amendments add to the ESSTA **replaces the two days that were provided by the TSCA**. Employees may still request temporary changes to their work schedule under the TSCA, subject to approval by their employer.

Employer Next Steps

Employers should update their leave policies to include the new reasons for leave and the new bank of unpaid leave under the ESSTA by the effective date of the amendments. Employers must additionally make sure their pay period statements include employees' available balance of new unpaid ESSTA leave when the changes take effect. Employer policies should also be updated to reflect changes in the TSCA, and managers and supervisors should be informed of the upcoming changes to the laws.