



COMPLIANCE UPDATE **NEW YORK CITY RELEASES** **UPDATED SICK LEAVE NOTICE** **AND RESOURCES**



Highlights

Impacted Employers: New York City Employers

Effective Date: Effective Immediately

Summary: New York City has released an updated Notice of Employee Rights, Rules for Protected Time Off Policies and FAQs. The city has also issued proposed rules related to the previously amended Earned Safe and Sick Time Act.

Next Steps: Provide the updated Notice of Employee Rights and your updated policies to current employees immediately and to new hires going forward. Review the Rules for Protected Time Off Policies, FAQs and the new proposed rules.

The Details

The [New York City Department of Consumer and Worker Protection \(DCWP\)](#) has released the following:

- Updated [Frequently Asked Questions \(FAQs\)](#)
- [Rules for Protected Time Off Policies](#)
- An updated [Notice of Employee Rights](#) which must be distributed to employees regularly working in New York City immediately and provided to new hires.
- New [Proposed Rules](#) related to the previously amended Earned Safe and Sick Time Act.

Background

New York City had added new sick leave requirements that took effect on **February 22, 2026**, resulting from amendments to the [New York City Earned Safe and Sick Time Act](#).

The DCWP guidance now refers to safe / sick time as “protected time off” and therefore we use this terminology below.

Frequently Asked Questions

The updated [FAQs](#) help clarify some areas that were previously unclear, including but not limited to the following:

- Employers are required to provide at least 32 hours of unpaid leave to existing employees starting February 22, 2026. Thereafter, employers must provide a bank of 32 hours of immediately available, unpaid protected time off on the first day of the calendar year, as determined by the employer. Employers are not required to carry over unused immediately available hours from year to year.
- Part-time employees and/or mid-year hires must also be provided the full 32 hours of unpaid protected time off at the beginning of the year.
- Employers that provide at least 32 hours more than the required 40 hours or 56 hours of paid protected time off need not provide the additional 32 hours of unpaid protected time off, so long as they frontload 32 paid hours at hire and at the start of each calendar year (separate from standard ESSTA paid time off accruals). Alternatively, employers can still frontload 32 hours of unpaid leave and then allow employees to accrue paid leave as the year progresses.
- If an employee has both paid and unpaid leave, employers should use an employee’s paid leave balance before applying unpaid leave, unless the employee has requested to use unpaid leave.
- Employees may take unpaid protected leave in the same increments as paid protected leave (a maximum four-hour initial increment, when it is reasonable under the circumstances, and in 30-minute (or smaller) increments after).
- Paid prenatal leave must be provided as a separate bank that is distinct from other leave including protected time off or vacation time.
- Employers must inform employees through their pay statements (or other documentation provided to employees each pay period):
 - the amount of protected time off accrued during the pay period;

- the amount of paid and unpaid protected time off used during the pay period;
- the amount of immediately available hours of unpaid protected time off available for use in the Calendar Year; and
- the amount of accrued protected time off available for use in the Calendar Year.
- An employer may, but is not required to, note on the pay statement an employee's total balance of accrued protected time off that exceeds the number of hours available for use.

This is slightly different from the information required for paid prenatal leave, which requires employers to detail in pay statements or in separate written documentation for each pay period in which an employee uses prenatal leave (i) the amount of paid prenatal leave used during a pay period and (ii) the total balance of remaining prenatal leave available for use in the 52-week period.

The updated FAQs also align with some of the DCWP's newly proposed rules. Review the full [FAQs](#) for complete details.

Rules for Protected Time off Policies

The [Rules for Protected Time Off Policies](#), includes, among other requirements, an employer's written policy to:

- Communicate the amount of newly required unpaid leave and whether the time will be paid or unpaid; and
- State that the leave will be available at the beginning of employment and each year.
- The DCWP requires policies that may use terms other than sick and/or safe time and/or protected time off, to include: "Such leave may be used by an employee for any of the purposes set forth in NYC's Protected Time Off Law and its rules." The proposed rules do not, however, require this language verbatim but rather words to this effect.

Review the Rules for complete details. Employers should ensure their policies are updated based on the Rules and distribute their updated policy to current employees and new hires going forward.

Notice of Employee Rights

The updated [Notice of Employee Rights](#) (Notice) must be visibly posted in the workplace and reissued to current employees immediately. New hires will also need to receive this updated notice upon hire.

Employees have a right to be given a Notice in English and, if available on the DCWP website, their primary language.

Employers must also post the Notice in English and in any language spoken as a primary language by at least 5% of employees at the workplace if translations are available on the DCWP website.

An employer cannot post the Notice at the workplace in lieu of individually giving the Notice to all covered employees.

Employers must maintain records establishing the date the Notice was provided to an employee and proof that the Notice was received by the employee. The FAQs indicate that saving signed copies of the Notice or email receipts is a good way to document that employers gave employees the required Notice.

Compliance and Data-Driven Enforcement

To help enforce the law, the DCWP has issued compliance warnings to over 50,000 New York City employers; and announced a new [data-driven enforcement strategy](#). Part of the DCWP's enforcement strategy will compare the rate of paid sick time use in an employer's workforce with national sick leave use data from the U.S. Centers for Disease Control and Prevention's annual [National Health Interview Survey](#).

Employer records with unusually low rates of paid sick time will be considered strong evidence of potential violations, which may lead to DCWP enforcement. Employers that use a combined paid leave bank should ensure accurate tracking of employees' sick and non-sick time.

Next Steps

Employers with employees working in New York City should:

- Immediately distribute the updated [Notice of Employee Rights](#) to current employees and to new hires upon hire going forward. Note that the notice includes a blank field for employers to include their calendar year.
- Review and update policies based on the [Rules for Protected Time Off Policies](#) and distribute updated policies to current employees and new hires going forward.
- Stay aware as further guidance and final rules are published. DCWP may further revise the proposed rules. ADP will continue to monitor and communicate any updates.

Have questions or need service support? We're here to help!

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