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New York City Expands Safe and Sick Time Leave

On September 25, 2025, the New York City Council passed legislation that expands the scope of the New York City Earned Safe and Sick Time Act (“ESSTA”). The bill was officially enacted on October 25, 2025, and will take effect on February 22, 2026. These amendments expand employee leave rights by introducing new unpaid leave entitlements and broadening acceptable uses of sick leave.

New Unpaid Leave Entitlements: 32 Hours of Frontloaded Time

The amended ESSTA mandates employers to provide employees with 32 hours of unpaid safe and sick leave time immediately upon hire. The 32 hours refresh on the first day of each calendar year and will not carry over into the following year. Importantly, this unpaid leave allotment is *in addition* to the 40 or 56 hours of paid sick leave an employer must already provide, depending on its size.

The new unpaid safe and sick time replaces the two days of temporary schedule changes per year that were provided by the City’s Temporary Schedule Change Act. Employees may still request temporary changes to their work schedule, but employers are no longer required to grant the requested change. The law will now only require a timely response to the employee’s request.

Expanded Reasons for Leave

The amendments also broaden permissible reasons for which employees may use ESSTA leave. Qualifying reasons now include:

- providing care for a child or care recipient;
- attending a legal proceeding for subsistence benefits or housing;
- responding to public disasters and emergencies; and
- responding to incidents involving workplace violence that affect the employee or their family member.

Prenatal Leave

The amendments also formally codified amendments that took effect earlier this year, requiring employers to provide 20 hours of paid prenatal leave.

New York City employers should assess and update their sick and safe leave policies, procedures, and documentation practices in preparation for the ESSTA’s upcoming amendments.

If you have any questions regarding the ESSTA or any other employment related questions, please contact:

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