



NYS Paid Sick Leave Law

Revised: 04/26/2022

Approved by: Margaret Wicksman, Vice President

This policy replaces the Westchester County Earn Sick Leave Law date 12/23/2019 & Westchester County Safe Time Leave Law dated 10/30/2019

In accordance with the New York State Paid Sick Leave Law, paid sick leave is available for employees to care for their health and the health of their family members.

- This policy applies to all full time and part time Select Human Services, a Division of New Hope Community, Inc. employees (SHS).

Rate of Accrual

Employees accrue sick leave at the rate of one hour for every 30 hours worked.

Date Sick Leave is available for use

Employees may use accrued paid sick leave after the first 30 hours worked.

Family Definitions

"Family member" is defined as an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parents of an employee's spouse or domestic partner. "Parent" is defined as a biological, foster, step, or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child. "Child" is defined as a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

Permitted Uses:

Sick leave

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

Advance Notice

If the need is foreseeable, you are required to give 3 days notice of your intention to use sick leave to your Immediate Supervisor. If the need is unforeseeable, In-House staff must contact your Immediate Supervisor. DSP'S must contact the family you support prior to the start of your shift and follow up with your Immediate Supervisor (during regular business hours:

Monday – Friday from 9am – 5pm). All employees are required to submit sick leave through UltiPro (in accordance with the bi-weekly payroll schedule) in order to be paid for the time off.

Sick Leave Documentation

You are required to provide documentation from a health care provider if you use more than 3 consecutive workdays as sick leave. However, the agency reserves the right to require medical documentation as deemed necessary at any time.

Safe Leave

For an absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:

- To obtain services from a domestic violence shelter, rape crisis center, or other services program;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- To meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney's office;
- To enroll children in a new school; or
- To take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

Unused Sick Leave

Unused sick leave will be carried over to the next calendar year. However, you can only use up to 56 hours per calendar year.

YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FOR USING SICK LEAVE

SHS cannot retaliate against you for:

- Requesting and using sick leave
- Filing a complaint for alleged violations of the law
- Participating in an administrative proceeding regarding an alleged violation of the law
- Informing another person of that person's potential right under the law

Retaliation includes any threat, discharge, suspension, demotion of hours, reporting or threatening to report an employee's suspected citizenship or immigration status, or suspected citizenship or immigration status of a family member of the employee to a federal, state, or local agency.

YOU HAVE A RIGHT TO FILE A COMPLAINT

You can file a complaint with the Department of Labor's Anti-Retaliation Unit at 888-52-LABROR or LSAask@labor.ny.gov.