



**Lawyers Alliance
for New York**

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April 2018

SUMMARY OF MEDICAL AND FAMILY LEAVE LAWS

This chart summarizes basic provisions of the city, state, and federal laws requiring leave for New York City employees needing time off due to medical and family reasons. In some situations, employees may be able to use more than one type of leave. Employers may require federal and state leaves that will run concurrently upon notice to the employee. This chart is merely a summary for quick reference and does not constitute legal advice.

	NYC EARNED SAFE AND SICK TIME	NYS PAID FAMILY LEAVE	FEDERAL FAMILY AND MEDICAL LEAVE
WHICH EMPLOYERS ARE COVERED?	All private employers	All private employers having employees at least 30 days per year	Employers that employed at least 50 employees in the current and prior year.
WHO IS ELIGIBLE?	<ul style="list-style-type: none"> • EE’s working at least 80 hours per calendar year after 120 days • certain therapists are ineligible 	<ul style="list-style-type: none"> • EE’s working at least 20 hrs/week: after 26 consecutive weeks • EE’s working less than 20 hrs/week: after 175 working days 	<ul style="list-style-type: none"> • EE’s with at least 12 months of service, who have worked 1,250 hours in 12-month period prior to start of leave, at a site where at least 50 EE’s are working within 75 miles
EVENTS PERMITTING LEAVE	<ul style="list-style-type: none"> • EE’s own injury, illness, diagnostic visit • preventive 	<ul style="list-style-type: none"> • bond with new child • family member’s serious health 	<ul style="list-style-type: none"> • pregnancy • childbirth • care of new child • EE’s own

	<ul style="list-style-type: none"> • medical care family member's injury, illness, diagnostic visit • facility closed for public health • safe time for police, legal, and social services in connection with family and sexual offenses, domestic violence, stalking, and human trafficking 	<ul style="list-style-type: none"> • condition military exigency 	<ul style="list-style-type: none"> • serious health condition family member's serious health condition • military exigency • care for service member
WHO IS A FAMILY MEMBER OF THE EMPLOYEE?	Child, spouse, parent, domestic partner, child or parent of child or domestic partner, grandparent, grandchild, sibling, any other blood relative of employee, any other individual in equivalent of close family member of employee	Child, spouse, parent, domestic partner, parents in law, step children, grandparent, grandchild	Parent Child Spouse

HOW MUCH LEAVE IS AVAILABLE?	40 hours per twelve-month period	12 weeks per twelve-month period	12 weeks per twelve-month period
INTERMITTENT/REDUCED LEAVE INCREMENTS	Employers may set minimum of no more than 4 hours	Not less than 1 full day	As needed
HOW MUCH NOTICE?	<ul style="list-style-type: none"> • 7 days if foreseeable • As soon as practicable if unforeseeable 	<ul style="list-style-type: none"> • 30 days if foreseeable • As soon as practicable if unforeseeable 	<ul style="list-style-type: none"> • 30 days if foreseeable • As soon as practicable if unforeseeable
MEDICAL CERTIFICATION	after 3 days' absence	prior to leave	prior to leave
HEALTH INSURANCE	will be maintained	must be maintained	must be maintained
IS LEAVE PAID?	<ul style="list-style-type: none"> • full salary if employer has at least 5 EE's • unpaid if employer has fewer than 5 EE's 	<ul style="list-style-type: none"> • <u>2018</u>: lower of 50% of salary or state average salary • <u>2019</u>: lower of 55% of salary or state average salary • <u>2020</u>: lower of 60% of salary or state average salary • <u>2021</u>: lower of 67% of salary or state average salary 	No; accrued paid vacation and sick days may be used