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New York City Expands its Safe and Sick Leave Mandates

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CLIENT ALERT | 12.18.2025

Starting February 22, 2026, New York City will broaden entitlements under its Earned Safe and Sick Time Act. The law expands the circumstances under which employees can take sick and safe leave, introduces new paid prenatal leave, and updates employer obligations regarding leave tracking and temporary schedule changes.

New York City employers will continue to be required to provide leave for employees who are absent due to illness, preventative medical care, to provide care for a family member, and certain workplace closures resulting from public health emergencies. In addition, employees are entitled to “safe time” for absences related to domestic violence, sexual assault, stalking, or human trafficking.

What are Employers’ New Obligations?

Beginning in February 2026, employers will be obligated to provide sick/safe leave under the following circumstances:

- Closure of workplaces, schools, or childcare centers by public officials due to a public disaster.
- Instances where a public official directs people to remain indoors or avoid travel during a public disaster.
- When an employee or their covered family member has been the victim of workplace violence.
- Absences for employees acting as caregivers to provide care to a minor child or care recipient.
- Absences to attend or prepare for legal proceedings related to subsistence benefits or housing, or to take actions necessary to apply for, maintain, or restore such benefits for themselves, a family member, or a care recipient.

The law will further require employers to provide employees with an additional 32 hours of unpaid sick/safe time upon hire and at the start of each calendar year. Notably, unpaid leave will not be used, unless requested by the employee, until an employee has exhausted their paid sick/safe time. There is no waiting period on use. Employers may set a

minimum usage increment of up to four hours per day for using this unpaid sick/safe time.

Paid Prenatal Leave

Additionally, employers must provide up to 20 hours of paid prenatal leave on a rolling 52-week period. This leave is in addition to the paid and unpaid sick and safe time that employees are already entitled to receive. Employers may require prenatal leave be used in one-hour increments.

Tracking Leave

Employees are now entitled to three different banks of leave, which must be kept and tracked separately.

Narrowing of the Temporary Schedule Act Change

Employers are no longer required to grant employees' temporary schedule change requests. Employees may still request a schedule change, and employers are still prohibited from retaliating against employees who request such a change. However, employers are not required to actually grant the request. Instead, they can approve, deny, or propose alternatives.

Next Steps for Employers

New York City employers should review and revise their existing sick leave and temporary schedule change policies to ensure compliance with the amendments. Employers should also ensure that their human resources personnel and managers are aware of the expanded permissible uses for sick leave and changes to the Temporary Schedule Change Act.

