

NEW YORK

New York Adopts Final Regulations for Paid Sick Leave

The New York State Department of Labor has adopted [final regulations](#) for the state's [paid sick leave law](#). The regulations are unchanged from the Dec. 9, 2020, proposed regulations and cover the topics of definitions, documentation, employee count and accruals. Key provisions are highlighted below.

Definitions

The regulations include definitions for the terms “confidential information,” “domestic partner,” “net income” and “preventative medical care,” among others.

Documentation

Under the regulations, employers are permitted to request documentation for leave of three or more consecutive workdays or shifts, in the form of:

- An attestation from a licensed medical provider supporting the need for leave, the amount of leave needed and a date the employee may return to work; or
- An attestation from an employee of their eligibility for leave.

Employers may not ask the reason for leave, except as required by law.

Employee Counts

An employer's number of employees is the highest number of employees employed at any point during the calendar year. A reduction in the number of employees does not reduce employee leave entitlements until the following calendar year. The regulations provide leave accrual rules for cases where employers increase their number of employees.

Accruals

Employers may round to the nearest five minutes, 10th or quarter of an hour when calculating accruals for time worked in increments of less than 30 hours.

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Important Dates

Dec. 9, 2020

The New York State Department of Labor published proposed regulations for the paid sick leave law.

Jan. 1, 2021

Employees began taking leave under New York's paid sick leave law.

Dec. 22, 2021

The proposed regulations were adopted as final, without changes.

Employers may require supporting documentation for leave lasting three days or longer.