

# New York City Expands Leave Under the Earned Safe and Sick Time Act

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On October 25, 2025, New York City amended the Earned Safe and Sick Time Act (“ESSTA” or the “Law”) to add unpaid time off to ESSTA’s leave entitlement and to expand the qualifying reasons for leave under the ESSTA.

Broadly, the ESSTA requires New York City employers to provide up to 40 or 56 hours (depending on the size of the employer) of safe/sick leave each calendar year for the purpose of employees’ obtaining medical care for a mental or physical condition of the employee or a family member, or to take leave in the event of domestic violence, sexual abuse, stalking, or human trafficking. The amount of leave hours available to an employee under the Law is generally based on the number of hours worked; at minimum, an employee must accrue one hour of safe/sick leave for every 30 hours worked.

Under these new amendments, employers are required to provide 32 hours of unpaid safe/sick leave to employees immediately upon hiring and at the start of each calendar year. This is in addition to any other additional paid leave (including leave that satisfies the ESSTA’s requirements) provided by the employer. However, unlike paid safe/sick leave, any unused unpaid safe/sick leave is not required to be carried over into the following year. Additionally, if an employee has paid safe/sick leave hours accrued, it is assumed that they are taking paid over unpaid leave. Employers must also track the amount of paid and unpaid safe/sick leave available to employees and report it on their periodic pay statements.

In addition, these amendments add the following qualifying reasons for leave under the ESSTA:

- *Caregiving*: leave to provide direct and ongoing care for a minor child or a person with a temporary or permanent disability who is either a family member or resides in the caregiver’s household and relies on the caregiver for medical care or to meet the needs of daily living.
- *Subsistence benefits or housing*: leave to initiate, attend, or prepare for a legal proceeding or hearing related to subsistence benefits or housing to which the employee, employee’s family member, or employee’s caregiver is a party or otherwise related to any actions necessary for the employee, their family member or caregiver to maintain or restore subsistence benefits or shelter.
- *Workplace violence*: leave due to any act or threat of violence against the employee in their place of employment.
- *Public disasters*: leave when the employer’s place of business is closed due to a public disaster, when the employee must care for a child whose school or childcare is closed due to a public disaster, or otherwise when a public official has directed people to remain indoors or avoid travel during a public disaster and this direction prevents the employee from coming to work.

In 2018, New York City enacted the Temporary Schedule Change Law (“TSCL”), which required employers to grant employees’ requests for an alteration to their work schedules up to twice a year for one business day on each occasion to address a “personal event.” The 32 hours of unpaid leave and the expansion of the reasons for leave under ESSTA have

replaced employees' rights under the TSCL, such that now, employees now have the right to request a temporary schedule change, but the employer is not obligated to grant it.

Lastly, these amendments formally codify into law employers' obligation to provide 20 hours of paid prenatal leave. This "requirement" previously existed only in the City's regulations and guidance, discussed in a prior [blog post](#).

These amendments to the ESSTA become effective starting on February 22, 2026. In the meantime, New York City employers should review their leave policies and practices to ensure they will be in compliance with these amendments when they come into effect. Employers who make any amendments to their policies should ensure they are distributed to their employees. Additionally, payroll practices should be updated to incorporate the need to notify employees of the paid versus unpaid safe/sick leave they are entitled to and have taken.

If you have any questions about the topics discussed in this article, please contact **Jonathan A. Wexler** at [jwexler@vedderprice.com](mailto:jwexler@vedderprice.com), **Zackary W. Harris** at [zharris@vedderprice.com](mailto:zharris@vedderprice.com) or any Vedder Price attorney with whom you have worked.

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