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March 28, 2024

March Tip of the Month: Employees May Now Sue Employers for Alleged Violations of the New York City Earned Safe and Sick Leave Law



In an important change, beginning on March 20, 2024, employees may file lawsuits, including class actions, against their employers for alleged violations of New York City's Earned Safe and Sick Time Act (the Sick Leave Law), rather than having to rely on agency enforcement actions.

Such lawsuits may be filed within two years after the date on which the employee "knew or should have known" of the alleged violation. As a reminder, the Sick Leave Law generally requires employers with between five and 99 employees to provide up to 40 hours of annual sick leave; employers with 100 or more employees must provide up to 56 hours of annual sick leave. Sick leave may be used for purposes including an employee's own or a covered family member's mental or physical illness or need for a medical diagnosis, care or treatment, or to obtain services in connection with family offense matters, sexual offenses, stalking, or human trafficking. This new private right of action highlights the importance of complying with the Sick Leave Law, including maintaining detailed policies, properly advising employees of their rights, and correctly administering policies and the law itself.

Update: Further to an [earlier Tip](#), New York's law prohibiting employers from requesting or requiring employees or job applicants to disclose the login credentials for their personal social media accounts took effect March 12, 2024. Employers should carefully review their practices, including recruiting and hiring procedures and training, to ensure compliance.

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