NYC's New Expanded Sick Leave: What Employers Need to Know

December 2, 2025

By: Thomas Reilly, Christopher Scales

On October 25, 2025, the New York City Council made significant revisions to its Earned Safe and Sick Time Act (ESSTA), including the expansion of leave benefits, the codification of paid prenatal leave, and modifications to existing collective bargaining provisions. These reforms also align with the City's Temporary Schedule Change Act (TSCA). The amendments take effect on February 22, 2026.

New Unpaid Leave Entitlements

According to the new amendments, employers are required to offer employees a minimum of 32 hours of unpaid safe/sick time upon hiring and at the beginning of each calendar year, in addition to paid safe/sick time also provided by statute. Employees cannot carry over any unused, unpaid safe/sick time to the following year. In addition, when providing safe/sick time to an employee with a covered absence, an employer must offer paid safe/sick time before unpaid safe and sick time, unless the employee has exhausted paid safe/sick time or specifically requested to use unpaid time. Furthermore, employers must include unpaid safe/sick time on each pay statement or provide written documentation to employees at each pay period.

Expanded Use of Paid ESSTA Leave

The amendments also open new avenues for employees to utilize paid ESSTA leave. Employees who act as caregivers now have the option to take safe and sick time to care for a minor child or care recipient. The law defines “care recipient” as a person with a disability who is a family member or person who resides in the caregiver's household and relies on the caregiver for medical care or to meet the needs of daily living.

Furthermore, employees can use paid safe and sick time to attend a legal proceeding or hearing concerning subsistence benefits or housing in which the employee, a family member, or a care recipient is a party.

Employees also can use paid safe/sick time if they cannot report to their work location because of (i) closure of the employee's workplace by a public official due to a public health emergency, (ii) a directive from public officials to remain indoors or avoid travel; or (iii) the need to care for a child whose school or childcare provider has closed or has restricted in-person operations during a declared public disaster.

Paid Prenatal Leave

The reforms also codify the changes made by the New York City Department of Consumer and Worker Protection (DCWP) that took effect earlier this year, requiring employers to provide employees with at least 20 hours of paid prenatal leave.

Collective Bargaining Reforms

Unionized employers have the option to waive ESSTA requirements through their collective bargaining agreements, provided the agreement contains an express ESSTA waiver and provides “superior or comparable benefits.” It is essential to

note that unpaid time off is not considered a comparable benefit for purposes of paid safe/sick leave or paid prenatal leave benefits.

Alignment with the Temporary Schedule Change Act

Under the TSCA, employers were previously required to grant employees two temporary schedule changes per year for "personal events," such as caring for a minor child or applying for subsistence benefits. This requirement has now been eliminated and incorporated into the ESSTA's permissible uses of safe and sick time. While employers may still request a temporary schedule change, employers are no longer obligated to approve such requests.

The Path Forward

With these significant changes taking effect soon, New York City employers should review and update their existing leave policies to account for both the expansion of paid leave and the new requirements for unpaid leave.

Porzio's team of employment attorneys is available to assist employers with compliance with the new law and advise on future rulemaking and guidance from the DCWP on the implementation of the amendments.