



# NYC Employers Face Increased Liability For Sick Leave Law Violations: Time to Get Prepared

Insights

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The New York City Council just passed legislation yesterday that would empower employees to take legal action against employers for violations of the city's sick leave law – which means the time is now for you to make sure your organization is in compliance. This big change could mean big problems for employers that run afoul of the New York City Earned Safe and Sick Time Act, commonly known as the NYC Sick Leave Law. What should you do to prepare for this impending development? **[Editor's Note: This law was enacted on March 20, 2024, after Mayor Adams returned the bill unsigned.]**

## What's the Current Law?

Currently, employees can file complaints alleging sick leave law violations with the NYC Department of Consumer and Worker Protection (DCWP). This agency has the authority to enforce the law and recover penalties on behalf of aggrieved employees. The New York City Law Department is also authorized to file lawsuits against employers to uphold employees' rights.

## What's the Impending Change?

If enacted, the amendments to the NYC Sick Leave law passed by the City Council would grant employees the ability to initiate lawsuits in court to protect their rights under the law. Successful litigants would be eligible to recover compensatory damages, injunctive and declaratory relief, as well as attorneys' fees. Employees would have a two-year window following an alleged violation to file a lawsuit.

## What's Next?

These amendments now head to Mayor Adam's desk for consideration. If signed into law, the private right of action will become effective 60 days thereafter. We'll keep you posted on any significant developments (so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get updates).

## What Should You Do?

Now is a good time for you to review your sick leave policies to ensure compliance with the law.

- It's crucial to verify that policies are up-to-date and adhere to all legal requirements, including the most recent amendments to the law's rules that came into effect this fall.
- If your company utilizes other paid time off to fulfill sick leave obligations, it is essential to review your policy to ensure it adequately meets the requirements under the NYC Sick Leave Law.
- Additionally, you may want to train any employees involved in administering sick leave given the heightened stakes.

## **Conclusion**

We will continue to monitor developments and provide updates, so make sure you are subscribed to Fisher Phillips' Insight System to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our New York City office.

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