

PAID LEAVE FOR NEW YORK DOMESTIC WORKERS



Astrid Reyes, Legal Fellow
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the work and family legal center

A Better Balance is a legal advocacy organization whose mission is to fight for policies that protect workers from having to choose between caring for themselves and their families and maintaining their economic security. ABB also offers direct legal services and resources to workers via our free and confidential legal helpline where we answer questions in both English and Spanish.

WHAT WE'LL COVER TODAY

- **New York City Earned Safe and Sick Time Act (ESSTA)**
- **New York State Vaccine Leave Law**
- **NYC Child Vaccination Law**
- **New York State Emergency Paid Sick Leave Law**
- **New York Paid Family Leave**

NYC Earned Safe & Sick Time



WHO IS COVERED?

- If you work as an employee in New York City, you are probably covered
- Employees are covered regardless of citizenship or immigration status.

EARNED SAFE & SICK TIME ACT (ESSTA) BASICS

- The NYC ESSTA provides workers with **1 hour** of paid sick time for every **30 hours** worked.
 - All covered workers are eligible to earn up to **40 hours** per year, while those at larger employers will be able to earn up to **56 hours** per year.
- For most domestic workers, this time must be paid.
- As of September 30, 2020, you start earning sick time as soon as you start work and can use that time as soon as it is earned.

New York State Sick Leave



New York State Vaccine Leave Law



VACCINE LEAVE LAW BASICS

- The NYS vaccine leave law provides workers with up to **4 hours** of paid time off to receive each COVID-19 vaccine injection.
 - For example, if you receive a 2-dose COVID-19 vaccine, you can get up to **8 hours** of paid time off to receive the COVID-19 vaccine.
- This time must be paid.
- Paid vaccine leave is available **March 12, 2021** until **December 31, 2022**.

WHO IS COVERED?

- If you work as an employee in New York State, you are probably covered
- Employees are covered regardless of citizenship or immigration status.

NYC Child Vaccination Law



VACCINE LEAVE LAW BASICS

- The NYC child vaccination leave law provides workers with up to **4 hours** of paid time off per child to help your dependent child/children receive the COVID-19 vaccine injection.
 - If your child receives a 2-dose COVID-19 vaccine, you can get up to **8 hours** of paid time off to help them receive the COVID-19 vaccine.
- This time must be paid.
- Paid vaccine leave is available **November 2, 2021** until **December 31, 2022**.

WHO IS COVERED?

- If you work as an employee in New York City, you are probably covered.
- The law is only available to parents with children who are either minors or who are unable to care for themselves due to a mental or physical disability.
- Employees are covered regardless of citizenship or immigration status.

New York State Emergency Sick Leave Law



NYS Emergency Sick Leave Law Basics

- You're covered if you work in New York State.
 - However, many domestic workers may only be entitled to unpaid emergency sick leave.
- How you get paid for your emergency sick leave depends on the size of your employer.
- Pay may come directly from your employer, through special insurance benefits, or a combination of both.
- Employees are covered regardless of citizenship or immigration status.
- Workers may be exempt because of certain travel.

WHAT CAN I USE THIS SICK LEAVE FOR?

- When you or your minor dependent child qualify for a **mandatory or precautionary order of quarantine or isolation** because of COVID-19. You can get a:
 - **Mandatory order of quarantine** if you have been in close contact with someone who has tested positive for COVID-19 but is not displaying symptoms.
 - **Mandatory order of isolation** if you have tested positive for COVID-19, whether or not you are displaying symptoms.
 - **Precautionary order of quarantine** if you have been exposed to (but have not had direct contact with) a person who has tested positive for COVID-19.
- **A general order to stay home is not sufficient.**

HOW MUCH EMERGENCY LEAVE CAN I TAKE?

- Emergency leave covers the length of your quarantine or isolation order, for up to three orders of quarantine or isolation.
- Whether your employer must pay you while taking emergency leave depends on the size and income of your employer.

WILL MY EMERGENCY SICK LEAVE BE PAID?

- Some domestic workers may be able to apply for special paid family leave/temporary disability insurance benefits to cover the unpaid portion of quarantine/isolation.
 - **However**, non-agency domestic workers who work less than 20 hours per week for a single employer are **not** automatically entitled to special paid family leave/temporary disability insurance. Thus, your emergency leave is likely to be unpaid.

NYS Paid Family Leave



NYS PAID FAMILY LEAVE

Gives covered workers in New York state paid, 12 weeks of job-protected leave to bond with a new child, care for a seriously ill family member or address certain military family needs.

In 2022, workers will receive 67% of their average weekly wage up to a cap of about \$1,068/week.

AM I COVERED?

- If you were hired by an individual to work in their home, they are required to cover you if you work at least **20 hours per week** for them. If you do not work 20 hours per week for a single employer—for example, if you work 10 hours per week in one home and 10 hours per week in another home—you are not automatically covered. However, your employer can always choose to cover you.
- If you work **through an agency** that places you with different clients, such as a cleaning service agency or home care agency, you're probably covered under the law, regardless of how many hours you work per week.

WHEN AM I ELIGIBLE?

- If you work for an individual for at least 20 hours per week, you can start receiving benefits 26 weeks (about six months) after your start date.
- If you work for an agency for 20 or more hours per week, you can start receiving benefits 26 weeks (about six months) after your start date. If you work for an agency for less than 20 hours per week, you may need to work for slightly longer (175 days) to qualify.

ADDITIONAL RIGHTS

You may have additional rights under other laws not discussed today.

Those laws include:

- Domestic Workers' Bill of Rights
- Temporary Disability Insurance
- Family and Medical Leave Act (FMLA)

ADDITIONAL RESOURCES

- [ABB's Free Work-Family Legal Helpline](#): 1-833-NEED-ABB (1-833-633-3222)
- [COVID-19 Benefits & Leave for New York Domestic Workers](#)
 - Also [available in Spanish](#)
- [Fact Sheet: Domestic Workers' Right to Paid Sick Days in New York City](#)
- [New York Paid Family Leave: A Domestic Worker's Guide](#)

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Questions?

