

STATE OF NEW YORK

6566

2021-2022 Regular Sessions

IN SENATE

May 6, 2021

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to paid sick leave provided by employers with full-time employee equivalents

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1 and 3 of section 196-b of the labor law, as
2 added by section 1 of part J of chapter 56 of the laws of 2020, are
3 amended to read as follows:

4 1. [~~Every employer shall be required to provide its employees with~~
5 ~~sick leave as follows:~~]

6 a. For employers with four or fewer full-time equivalent employees in
7 any calendar year, each employee shall be provided with up to forty
8 hours of unpaid sick leave in each calendar year; provided, however, an
9 employer that employs four or fewer full-time equivalent employees in
10 any calendar year and that has a net income of greater than one million
11 dollars in the previous tax year shall provide each employee with up to
12 forty hours of paid sick leave pursuant to this section[+].

13 b. For employers [~~with between five and ninety-nine employees in any~~
14 ~~calendar year, each employee shall be provided with up to forty hours of~~
15 ~~paid sick leave in each calendar year; and~~

16 ~~c. For employers with one hundred or more employees in any calendar~~
17 ~~year, each employee shall be provided with up to fifty-six hours of paid~~
18 ~~sick leave each calendar year]~~ who do not fall under the provisions of
19 paragraph a of this subdivision, such employers shall provide their
20 employees with sick leave at a rate of not less than one hour per every
21 thirty regular hours worked, as set forth in subdivision three of this
22 section.

23 For purposes of determining the number of employees pursuant to this
24 subdivision, a calendar year shall mean the twelve-month period from
25 January first through December thirty-first. For all other purposes, a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 calendar year shall either mean the twelve-month period from January
2 first through December thirty-first, or a regular and consecutive
3 twelve-month period, as determined by an employer.

4 3. Employees shall accrue sick leave at a rate of not less than one
5 hour per every thirty regular hours worked, beginning at the commence-
6 ment of employment or the effective date of this section, whichever is
7 later, subject to the use and accrual limitations set forth in this
8 section. For purposes of this section "regular hours" shall mean the

9 hours a nonexempt employee may spend doing work for his or her employer
10 without being entitled to overtime pay.

11 § 2. This act shall take effect immediately.