

KANE KESSLER, P.C.
1350 Avenue of the Americas
New York, N.Y. 10019
(212) 541-6222
Fax (212) 541-9799
Direct dial (212) 519-5154
drothfeld@kanekessler.com

CONFIDENTIAL ATTORNEY-CLIENT
PRIVILEGED MEMORANDUM

DATE: December 19, 2013

TO: Hotel Association of New York City, Inc.
Labor Relations Members
General Managers, Controllers and Human Resources Directors

FROM: Kane Kessler, P.C.
Labor and Employment Law Department

RE: New York City Sick Leave Law

It appears likely that the economic conditions in New York City will meet the minimum requirements to allow the new Sick Leave Law to go into effect for New York City employers on April 1, 2014. The Sick Leave Law will mandate that employers with more than 15 employees provide employees with five (5) paid sick days per year. (See our more comprehensive discussion at http://www.kanekessler.com/files/New_York_City_Sick_Leave_Act.pdf.)

Because Hotels that are signatory to the Industry-Wide Agreement (“IWA”) already provide more paid sick days off (a total of eight (8)) than the minimum number of days required under the Sick Leave Law to most of their employees, those Hotels would meet the requirements of the new law. However, whereas the IWA does not require accrual of sick leave until the completion of one (1) year of continuous employment, the law requires that sick leave begin accruing from the first day of an employee’s employment. Therefore, Hotels will now have to begin accruing the minimum number of paid days off from day one of each employee’s employment.

Under the new law, sick leave accrues at the rate of one hour per 30 hours of work, up to a maximum of five (5) days per year. Because Hotels are already required under the IWA to provide three (3) paid personal days during the first year of employment, they need only add two (2) additional days for full-time employees (for part-time employees it may be less, since sick leave accrues at the rate stated above). Notably, employers are not required to allow employees to use sick leave until after the completion of 120 days of employment.

The Department of Labor will be publishing a form of notice that must be provided to all employees to inform them of their rights to sick leave. Once the form of notice is published, we will distribute it to New York City employers.

If you have any questions, please do not hesitate to contact David R. Rothfeld, Judith A. Stoll, Niki J. Franzitta, Lois M. Traub, Alex Soric or Robert L. Sacks.

cc: Joseph E. Spinnato, Esq.
Geoffrey A. Mills, Chairman