

Prepare Now for the Expanded NYC Earned Sick and Safe Time Act (Effective February 22, 2026)

Blythe E. Lovinger

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The expanded [New York City's Earned Safe and Sick Time Act \(ESSTA\)](#) will go into effect on February 22, 2026. All employers should review their current sick leave policies to ensure they are compliant with the new requirements. Currently under ESSTA, employers must provide 40 or 56 hours of paid sick and safe leave depending on employer size, and covered employees include both full and part-time employees.

The amended ESSTA requires employers to provide 32 hours of unpaid sick and safe leave to covered employees, in addition to the existing paid sick and safe leave already required by the law. This new unpaid sick and safe leave must be frontloaded upon hire and at the start of each calendar year. Unused unpaid sick and safe leave does not carry over into the next year. An employee's paid sick and safe leave must be applied before an employee is required to use unpaid sick and safe leave.

The law also expands the permitted uses for sick and safe leave (both paid and unpaid):

- Circumstances relating to public disasters such as a fire, explosion, terrorist attack, severe weather conditions, or other event declared to be a public emergency or disaster by the President, New York Governor, or New York City Mayor
- The employee's need to care for a child whose school or childcare provider closed or restricted in-person operations by order of a public official due to a public health emergency or public disaster
- Safe time absences when the employee or their family member is a victim of workplace violence
- Time needed to provide care for the employee's minor child or care recipient
- Time to initiate, attend or prepare for a legal proceeding or hearing related to subsistence benefits or housing, or to take steps to apply for, maintain, or restore such benefits or shelter, for the employee, a family member or a care recipient

The law also formally incorporates the existing 20 hours of paid prenatal leave provided for by New York State law. Finally, ESSTA now incorporates many of the situations previously covered under the Temporary Schedule Change Act, and employers are no longer required to approve up to two temporary schedule changes annually.

In light of these new requirements, all New York City employers should review their sick and safe leave policies immediately. That means structuring leave banks so that paid leave is applied first before the 32 hours of unpaid leave, and ensuring your timekeeping, paystub reporting, and employee notices reflect both paid and unpaid balances in compliance with ESSTA's documentation requirements. Employers should revisit existing leave categories and clarify how they interact with ESSTA's expanded uses, especially where caregiving, emergency closures, or public-official directives might trigger leave. Managers and Human Resources teams should be trained on implementing these changes.

For any questions about [New York City's Earned Safe and Sick Time Act \(ESSTA\)](#), please contact the labor and employment team at Kelley Drye.