



## **NYS and NYC Paid Sick and Safe Leave Guidelines**

### **A. Overview**

1. Under NYS's *Paid Sick and Safe Leave Law* and NYC's *Earned Safe and Sick Time Act*, all full-time and part-time employees of the **Fashion Institute of Technology Student Housing Corporation** ("SHC") have the right to use safe and sick leave for:

- **Health:** For the care and treatment of themselves (including prenatal care) or a family member; and
- **Safety:** To seek assistance or take other safety measures if the employee or a family member may be the victim of any act or threat of domestic violence, unwanted sexual contact, stalking, or human trafficking.

2. SHC employees are eligible for **40 hours** of paid safe and sick leave ("SSL") during the 12-month period from September 1 - August 30 and an **additional 20 hours** of paid prenatal personal leave ("PPL") during any 52-week calendar period. SSL and PPL hours are in addition to SHC's employees' existing leave entitlements, such as leave under the NYS Paid Family Leave (PFL) Law and the federal Family and Medical Leave Act (FMLA).

3. New full-time employees will be provided with their 40 SSL hours effective as of their date of hire; for continuing employees, SSL hours will be front-loaded annually on September 1, up to a maximum of 40 hours. Part-time employees will accrue hours of SSL at the rate established by FIT.

4. Full-time and part-time employees who are eligible for PPL will be entitled to 20 PPL hours effective as of their date of hire and may utilize their hours during any 52-week period. The first time the employee uses PPL begins the 52-week period for that employee.

5. SSL and PPL hours are included in the sick and personal leave days already provided to SHC's employees through FIT policy. It is up to the employee to designate and verify that leave taken was for authorized health and safety purposes.

6. If an employee has SSL hours remaining on August 30, the unused SSL will be carried over to the next 12-month period (September 1 - August 30), up to a maximum of 40 hours.

7. Upon the employee's termination, resignation, retirement, or other separation from employment, any accrued but unused SSL and/or PPL will *not* be paid out to the employee.

### **B. Authorized Purposes to Use SSL and/or PPL**

SHC employees may use SSL and/or PPL for absences from work during hours the employee was scheduled to work for the following reasons only:

1. **Personal Medical Care and/or Personal Prenatal Care:** The employee's mental or physical illness, injury, or health condition; or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or need for preventative medical care. Leave may also be taken for the employee's prenatal health care services, including physical examinations, medical



procedures, monitoring and testing, discussions with a health care provider, and fertility treatment or care, including in vitro fertilization (IVF).

2. **Family Medical Care:** Care of the employee's family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition or who needs preventative medical care.

3. **Safe Time:** When the employee or a family member of the employee has been the victim of domestic violence as defined by the NYS Human Rights Law, a family offense matter, sexual offense, stalking, or human trafficking for the following reasons:

- To obtain services from a domestic violence shelter, rape crisis center, or other services program;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- To meet with an attorney or other social service provider to obtain information and advice to obtain information and advice related to a criminal or civil case, including custody, visitation, child support, divorce, orders of protection, immigration, housing, or discrimination;
- To file a complaint or domestic incident report with law enforcement or meet with a district attorney's office;
- To attend civil or criminal court dates related to any act or threat of domestic violence, unwanted sexual contact, stalking, or human trafficking;
- To enroll children in a new school; or
- To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

4. **Declared Public Health Emergency:** Declaration by a public official of a public health emergency requiring the closure of FIT or the employee's need to care for a child whose school or childcare provider has been closed due to a declared public health emergency.

### **C. Definitions for the Use of Safe Time**

1. **"Family offense matter"** means an act or threat of an act that may constitute the following crimes (as defined in NY Penal Law) occurring between spouses or former spouses, parent, and child, or members of the same family or household:



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- Disorderly conduct
- Harassment in the first or second-degree
- Aggravated harassment in the second degree
- Sexual misconduct
- Forcible touching
- Sexual abuse in the second or third degree
- Stalking
- Criminal mischief
- Menacing in the second or third degree
- Reckless endangerment
- Strangulation in the first or second degree
- Criminal obstruction of breathing or blood circulation
- Assault in the second degree or third degree, or an attempted assault
- Identity theft in the first, second, or third degree
- Grand larceny in the third or fourth degree
- Coercion in the second degree

2. **“Family member”** means an employee’s:

- Child
- Spouse
- Domestic partner
- Parent
- Sibling
- Grandchild
- Grandparent
- Child or parent of an employee’s spouse or domestic partner
- Any other individual related by blood to the employee
- Any other individual whose close association with the employee is the equivalent of a family relationship

3. **“Member of the same family or household”** means persons:

- Related by blood or marriage
- Legally married to or in a domestic partnership with one another
- Formerly married to or in a domestic partnership with one another, regardless of whether they still reside in the same household
- Who has a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time
- Who are not related by blood or through marriage and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

**D. Procedures for Utilizing SSL and/or PPL**

1. Employees must provide written notice to their supervisor of a *planned* use of SSL and/or PPL time, for example, to attend a scheduled doctor’s appointment or court hearing.

- Employees should give at least seven days advance notice when the need for SSL and/or PPL time is foreseeable.
- If the need for SSL and/or PPL time is not foreseeable at least seven days in advance, the employee must give written notice to their supervisor as soon as feasible or practicable.



2. No advance notice is required if an employee needs to use SSL and/or PPL for an unexpected reason, for example, a sudden illness or medical emergency.

3. Employees are entitled to privacy; they do not have to provide details about why they used SSL or PPL. However, if an employee utilizes more than three consecutive workdays of SSL and/or PPL time, employees will be required to [submit a verification](#) to FIT's Office of Human Resource Management and Labor Relations, certifying that they used SSL and/or PPL for an authorized purpose.

#### **E. Retaliation**

SHC employees may not be retaliated against for requesting or using SSL and/or PPL. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction of hours, or any other adverse employment action for exercising or attempting to exercise any right guaranteed under applicable law, which includes actions related to perceived immigration status or work authorization.