

# Westchester County, NY Paid Safe Leave Regulations

## Frequently Asked Questions

**Q. Who is eligible for Westchester County, NY Paid Safe Leave?**

**A.** All full-time and part-time (including casual part-time or seasonal) employees who perform work in Westchester County, NY are eligible for the Paid Safe Leave benefit.

**Q. How much paid time does an employee receive under the Paid Safe Leave Plan?**

**A.** Effective October 30, 2019, all employees will receive a grant of 40 hours of Paid Safe Leave each year on their employment anniversary date. Unused Paid Safe Leave hours will not be carried over from year to year.

**Q. What can I use Paid Safe Leave for?**

**A.** An employee may use Paid Safe Leave for the following reasons:

- To attend/testify in criminal and/or civil court proceedings relating to domestic violence or human trafficking; and/or
- To move to a safe location.

**Q. Can I use accrued Paid Safe Leave immediately?**

**A.** Employees may use Paid Safe Leave PTO for the reasons listed above as of October 30, 2019.

**Q. How do I check accrued Paid Safe Leave balances?**

**A.** Paid Safe Leave balances will appear on employee paychecks under the category "Safe Leave".

**Q. How will we input and track an employee's use of Paid Safe Leave?**

**A.** Managers should code the time away from work as follows:

- Select "Safe Leave" in your timekeeping system. Paid Safe Leave will be deducted from the available Paid Safe Leave balance; OR
- Instruct employee to enter time away from work as "Safe Leave" in Kronos/Tempo using the Time Off Request process. Manager must then approve the time off request.

**Q. Will we require employees to give us notice of their need for Paid Safe Leave?**

**A.** Yes. When an employee's use of Paid Safe Leave is foreseeable, the employee must make a good faith effort to provide advance notice, and must try to schedule the use of Paid Safe Leave so that they do not disrupt business operations. When possible, the request for Paid Safe Leave should include the expected duration of the absence.

**Q. Will an employee be asked to provide documentation verifying the need for Paid Safe Leave?**

**A.** Employees may be required to provide reasonable documentation that Paid Safe Leave is being used for a permissible purpose, such as:

- Court appearance ticket or subpoena;
- Copy of a police report; or
- Affidavit from an authorized person from a reputable organization known to provide assistance to victims of domestic violence of human trafficking.

If management feels an employee is abusing the Paid Safe Leave benefit, they can contact Employee Relations via the **Employee Relations** icon on [HR Central](#). Possible signs of abuse may include, but are not limited to:

- Repeated use of unscheduled Paid Safe Leave on or adjacent to weekends, regularly scheduled days off, holidays, vacation, or pay day.
- Taking leave on days when other leave has been denied.
- Evidence that an employee engaged in an activity that is not consistent with the stated and approved need for safe leave.

**Q. Can an employee be required to find coverage for their absence?**

**A.** No. An employee is not required to find a replacement to cover their shift, but is encouraged to seek out and participate in voluntary shift trades.

**Q. Can Paid Safe Leave count as an absence under the attendance policy?**

**A.** No. It is unlawful for employers to count Paid Safe Leave as an absence that may result in discipline, discharge, demotion, suspension, or any other adverse action. However, any related absences extending beyond an employee's accrued Paid Safe Leave or PTO balances will count as an unexcused absence, provided the absence is not covered by a Company-approved leave of absence or other applicable law.

Retaliation against any employee that asserts his or her rights to receive Paid Safe Leave is strictly prohibited.

**Q. Are we required to pay out an employee's unused Paid Safe Leave when the employee terminates?**

**A.** No. Unused Paid Safe Leave will not be paid out at termination.

**Q. Where can I view a copy of the Westchester County Safe Leave Law?**

**A.** The full text of the law can be found [here](#).