## Include if user has 1 or more Employees in New York City

## Explain this to me

New York City’s Temporary Schedule Change Law took effect July 18, 2018. The law provides covered employees the right to temporary changes to their work schedules for certain “personal events,” such as to care for a child or disabled family member or to attend legal proceedings or hearings for public benefits for a child or family member. This law applies to all employers who have one (1) or more employees in New York City. The Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) enforces the law and has issued guidance on it, including FAQs available online at <https://www1.nyc.gov/assets/dca/downloads/pdf/workers/FAQs-TemporaryScheduleChangeLaw.pdf>

## This handbook policy is optional, but the DCA FAQs state that “employers’ policies must meet or exceed the requirements of the Temporary Schedule Change Law.” In addition, employers must post a notice in the workplace explaining rights under the law. The DCA provides a model notice online at <https://www1.nyc.gov/assets/dca/downloads/pdf/workers/TemporaryScheduleChange-Notice-English.pdf>.

## Employees covered by a collective bargaining agreement (CBA) in effect on July 18, 2018 are not covered by the law until that CBA expires. Additionally, the law does not cover government employees or certain employees in motion picture, television and live entertainment industries.

## Types of Leave: The temporary schedule change may include the use of short-term unpaid leave, paid leave, working remotely or swapping shifts. Employers may grant employees unpaid leave in lieu of providing the temporary change requested by the employee. However, employers may not require the use of paid leave earned under New York City’s Paid Sick and Safe Leave Law for a temporary schedule change. A request from an eligible employee must be granted unless the employee has exceeded the number of allowable requests provided by the law or does not have a “personal event” that qualifies for the temporary schedule change.

## Retaliation Prohibition: Employers may not retaliate against workers who exercise their rights under the law.

## New York City Temporary Schedule Change

Employees who work 80 or more hours in New York City in a calendar year and have been employed by ##company\_name## for 120 or more days are eligible for two (2) temporary changes to their work schedules each calendar year for certain “personal events.”

**Personal Events**

A “personal event” includes the following:

* the need to care for a child under the age of 18 for whom the employee provides direct and ongoing care;
* the need to care for an individual (“care recipient”) with a disability who is a family member or who resides in the caregiver’s household for whom the employee provides direct and ongoing care to meet the needs of daily living;
* the need to attend a legal proceeding or hearing for public benefits to which the employee, a family member or the employee’s minor child or care recipient is a party; or
* any other reason for which the employee may use leave under New York City’s Paid Safe and Sick Leave law.

For purposes of this policy a “family member” includes: a child (biological, adopted, or foster child, legal ward, child of an employee standing in loco parentis); a grandchild; a spouse (current or former regardless of whether they reside together); a domestic partner (current or former regardless of whether they reside together); a parent; a grandparent; a child or parent of an employee’s spouse or domestic partner; a sibling (including a half-, adopted or step-sibling); any other individual related by blood to the employee; and any individual whose close association with the employee is the equivalent of family.

**Temporary Schedule Change**

A temporary schedule change may last up to one (1) business day on two (2) separate occasions or up to two (2) business days on one (1) occasion each calendar year. A business day is any 24-hour period during which an employee is required to work any amount of time.

A temporary change means an adjustment to an employee’s usual schedule including in the hours, times or locations an employee is expected to work. The change can include:

* using short-term unpaid leave;
* using paid time off;
* working remotely; or
* swapping or shifting working hours with a co-worker.

The ##Company## has the option of granting unpaid leave in lieu of the temporary change requested by the employee.

**Request for Schedule Change**

Request for a temporary schedule change must be made orally or in writing to the ##Company## or to the employee’s direct supervisor as soon as practicable after the employee becomes aware of the need for the change. The request should include:

* the date of the temporary schedule change;
* that the change is due to a personal event; and
* proposed type of temporary schedule change (unless the employee would like to use leave without pay).

The ##Company## will respond immediately to such requests. Assuming the employee has not exceeded the number of allowable requests and the request is for a qualifying reason, the ##Company## will either approve the proposed type of temporary schedule change or provide leave without pay. The ##Company## also may offer employees the ability to use paid time off. Employees will not be required to use leave under New York City’s Paid Safe and Sick Leave law for a temporary schedule change.

If the employee requested the schedule change in person or by phone, the employee must submit a written request no later than the second business day after the employee returns to work. The employee should include in the written request the date of the temporary schedule change and that the change was due to a personal event.

The ##Company## will provide a written response to any written request for temporary schedule change within 14 days. The response will include:

* if the request was granted or denied;
* how the request was accommodated (if granted) or the reason for denial (if denied);
* number of requests the employee has made for temporary schedule changes; and
* how many days the employee has left in the year for temporary schedule changes.

Employees have the right to temporary schedule changes and may file a complaint for alleged violations of this policy and applicable law with the New York City Department of Consumer Affairs. The ##Company## prohibits retaliation or the threat of retaliation against an employee for exercising or attempting to exercise any right provided in this policy and applicable law, or interference with any investigation, proceeding or hearing related to or arising out of employees’ rights pursuant to this policy and applicable law.

Employees with questions concerning this policy should contact ##BenefitAuthority##.