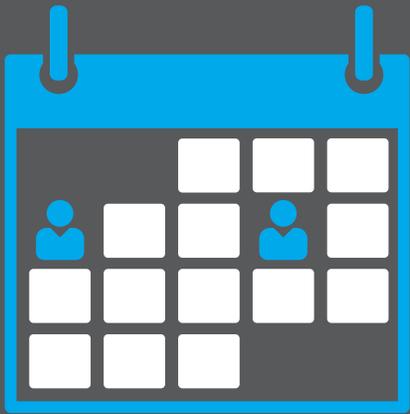


# Temporary Schedule Change Law: What Employers and Workers Need to Know



The Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) enforces NYC's Temporary Schedule Change Law, which took effect July 18, 2018. Under the law, covered employees have a right to temporary changes to their work schedule for certain "personal events." DCA created this overview for employers and employees. Visit [nyc.gov/dca](http://nyc.gov/dca) for more information, including Frequently Asked Questions.

**NOTE:**

- Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See the section Contact OLPS.
- The law covers workers regardless of immigration status.

**Definitions**

**Temporary change**

A "temporary change" means an adjustment to an employee's usual schedule. This can include: using short-term unpaid leave, paid time off, working remotely, or swapping or shifting working hours.

**Personal event**

A "personal event" can be any of the following:

- The need to care for a child under the age of 18
- The need to care for a "care recipient," a person with a disability who is a family or household member and relies on the employee for medical care or 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
- Any other reason for which the employee may use leave under NYC's Paid Safe and Sick Leave Law

**Family member**

"Family members" include:

- Any individual whose close association with the employee is the equivalent of family
- Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic Partner
- Parent
- Grandparent
- Child or Parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)
- Any other individual related by blood to the employee

**Who Does the Law Cover?**

**Employees Covered by the Law**

All employees who work 80+ hours per calendar year in NYC and who have been employed by their employer 120 or more days

**Employees NOT Covered by the Law**

- Government employees
- Certain employees subject to a collective bargaining agreement
- Certain employees in motion picture, television, and live entertainment industries

**Notice of Rights**

Employers must post the notice "You Have a Right to Temporary Changes to Your Work Schedule" where employees can easily see it at each NYC workplace. Employers must post this notice in English and in any language that is the primary language of at least 5 percent of the workers at a workplace if the translation is available on the DCA website [nyc.gov/dca](http://nyc.gov/dca).

## Overview of Employee Rights



### Temporary change to work schedule on up to two (2) occasions each calendar year

The change must be to accommodate a *personal event*. See Definitions.  
Your employer must grant requests for up to:

- Two (2) separate occasions, each totaling one (1) business day *OR*
- One (1) occasion for up to two (2) business days



### Freedom from retaliation for additional schedule change requests

You can request additional changes to your schedule. Employers are not required to grant additional requests; however, they cannot retaliate against you.



### Ability to propose type of temporary change

You can propose the type of *temporary change* you would like when you request it.  
See Definitions.

Your employer must:

- Approve your proposal. *OR*
- Provide leave without pay.

Your employer may:

- Offer you the ability to use paid time off. Note: The law does not require employers to offer paid time off, and you do not need to accept such an offer.

Your employer may NOT:

- Require you to use leave earned under NYC's Paid Safe and Sick Leave Law for a temporary schedule change.

Note: If an employer has an existing policy allowing employees to request a temporary schedule change, the policy must meet or exceed the requirements of the law.

### **Requesting a temporary schedule change:**

As soon as employees become aware of the need for a temporary schedule change, they should request one from their employer or direct supervisor either orally or in writing. The request should include:

- Date of the temporary schedule change
- That the change is due to a personal event
- Proposed type of temporary change (unless the employee would like to use leave without pay)

Employers must respond immediately.

*If an employee requested the schedule change orally (for example, 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.*

Employers must provide a written response within 14 days. The response must 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
- How many days the employee has left in the year for temporary schedule changes

Note: If the employee does not submit a written request, the employer is not required to provide a written response but cannot deny the request because the employee did not submit a written request.

## Recordkeeping

Employers must retain electronic records documenting their compliance with the law for three (3) years unless another law requires that records be maintained for a longer period. If an employer fails to retain or produce records, employees receive a “rebuttable presumption” in their favor when they bring their complaint in court. This means that the burden will be on employers to show they did not violate the law.

## Complaints

**Employees can file a complaint with OLPS.** Go to [nyc.gov/dca](http://nyc.gov/dca) or **contact 311** (212-NEW-YORK outside NYC) and ask for “Temporary Schedule Change Law.” OLPS will conduct an investigation and try to resolve a complaint. **OLPS will keep a complainant’s identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

If an employee files a complaint, OLPS will contact the employer by mail for written response. The employer must respond to DCA within the time period written on the notice.

**Employees can also file an action in court.** However, employees cannot have a complaint with OLPS and a claim in court at the same time.

## Notice of Hearing

If employers receive a Notice of Hearing, they have the opportunity to settle the alleged violations without a hearing or to appear before an impartial judge at the City’s administrative tribunal.

## Contact OLPS

Visit [nyc.gov/dca](http://nyc.gov/dca), email [olps@dca.nyc.gov](mailto:olps@dca.nyc.gov), or **contact 311** (212-NEW-YORK outside NYC) and ask for “Temporary Schedule Change Law.”



Bill de Blasio  
Mayor

**Consumer  
Affairs**

Lorelei Salas  
Commissioner

*The NYC Department of Consumer Affairs (DCA) protects and enhances the daily economic lives of New Yorkers to create thriving communities.*