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Notice of Employee Rights Under Westchester County’s Safe Time Leave Law

Under Westchester County’s Safe Time Leave Law, covered employers must give their covered employees safe time leave. Safe time leave must be paid.

Employers covered by the Safe Time Leave Law must give written notice of the Safe Time Leave Law to existing covered employees no later than January 28, 2020. New employees hired after January 28, 2020 must be given written notice of the Safe Time Leave Law when they begin employment. Covered employers must also display a copy of the Safe Time Leave Law and a poster explaining the Safe Time Leave Law in a conspicuous location accessible to employees. Sample posters in English and Spanish are available on the webpage of the Westchester County Human Rights Commission. The term “you” herein refers to a covered employee.

YOU HAVE A RIGHT TO SAFE TIME LEAVE, WHICH YOU CAN USE TO ATTEND OR TESTIFY IN CRIMINAL OR CIVIL COURT PROCEEDINGS RELATING TO DOMESTIC VIOLENCE OR HUMAN TRAFFICKING OR TO MOVE TO A SAFE LOCATION.

AMOUNT OF SAFE TIME LEAVE

Your employer must allow you to take up to 40 hours of safe time leave per year, in full days or increments. Your employer’s year is:

Start of Year: January 1 End of Year: December 31

DATE SAFE TIME LEAVE IS AVAILABLE FOR USE

Employees who have already worked for an employer for 90 days by October 30, 2019, are covered employees who are eligible to take safe time leave as of October 30, 2019. Newly or recently hired employees become eligible to take safe time leave 90 days after the first date of employment.

ACCEPTABLE REASONS TO USE SAFE TIME LEAVE

If you are a victim of domestic violence or a victim of human trafficking, you may use safe time leave to:

- Attend or testify in criminal or civil court proceedings relating to domestic violence;
- Attend or testify in criminal or civil court proceedings relating to human trafficking; and/or
- Move to a safe place.

ADVANCE NOTICE

If the need is foreseeable, you must make a good faith effort to provide notice of your intention to use safe time leave.

DOCUMENTATION

Your employer can require you to provide reasonable documentation that the safe time leave will be, or has been used, for a purpose covered under the Safe Time Leave Law. Such documentation may include a court appearance ticket or subpoena, a copy of a police report, an affidavit from an attorney involved in the court proceeding, or an affidavit from an authorized person from a reputable organization known to provide assistance to victims of domestic violence or human trafficking. This information must be treated as confidential and maintained on a separate form and in a separate file from other personnel information.

YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SAFE TIME LEAVE.

Your employer cannot retaliate against you for:

- Requesting and using safe time leave;
- Filing a complaint for alleged violations of the law;
- Participating in an administrative proceeding regarding an alleged violation of the law; and
- Informing another person of that person's potential rights under the law.

Retaliation includes any threat, discharge, suspension, demotion, reduction of hours, reporting or threatening to report an employee's suspected citizenship or immigration status, or the suspected citizenship or immigration status of a family member of the employee to a federal, state, or local agency.

YOU HAVE A RIGHT TO FILE A COMPLAINT

You can file a complaint with the Westchester County Department of Consumer Protection. Visit www.consumer.westchestergov.com or call (914) 995-2155 for information. You can also file a complaint in a court of competent jurisdiction within one year of the alleged violation.

Note: The Safe Time Leave Law sets the minimum requirements for safe time leave. Your employer's leave policies may already meet or exceed the requirements of the law.

The Westchester County Human Rights Law protects you from discrimination on the basis of your status as a victim of domestic violence, sexual abuse, or stalking. For more information visit www.humanrights.westchestergov.com.