

New York Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

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Paid Time Off (PTO) in New York

Vacation Leave Quota

0 days. New York state law doesn't require employers to provide vacation leave.

Private employers in New York are not required to provide paid or unpaid vacation.

However, employers are allowed to provide employees with more vacation time than is legally required. This is common practice in many workplaces. Typically, employees in the US receive 10 paid days off after a full year on the job, in the private sector. Still, the amount of paid time off (PTO) can vary based on factors such as the industry, location, and the employee's length of service with the company.

If an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate state law, established company policy, and the employment contract.

Accrual

The use of an accrual system is not required by law in New York, but it is a common practice among many companies.

Employers are generally free to design their own vacation accrual system, such as weekly, biweekly, semimonthly, or monthly increments. It is usually based on the pay period.

The official payroll frequency in the state of New York is weekly and semimonthly. This means that employers in New York must provide regular paydays, either weekly or semimonthly, to most of their hourly employees.

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An employer is allowed to cap (limit) the amount of vacation time an employee can accrue during the year, but they must inform the employees of the policy beforehand.

Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is allowed if employees are informed about it.

A “use it or lose it” policy forbids employees from rolling over earned, unused vacation from one year into the next one. Therefore, the employee’s untaken vacation time is lost.

This policy is not prohibited by state law; thus, an employer may implement it as long as they inform the employees about the rule in advance.

Statutory Provisions Addressing Vacation Pay

Employers must follow their policy.

If employers decide to offer paid vacation, they must adhere to their policy or agreement outlined in the employment contract.

Payment of Accrued, Unused Vacation on Termination

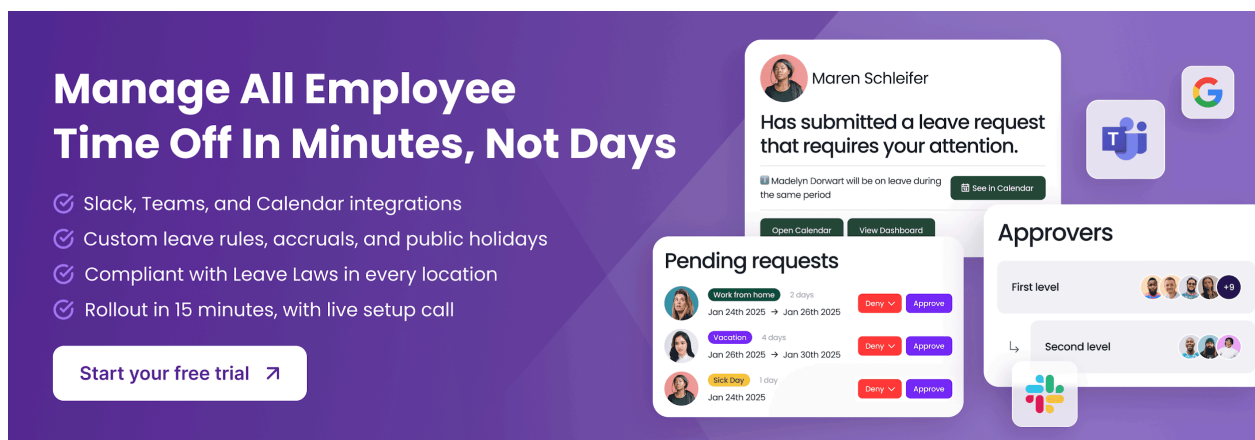
An employer policy (or employee contract) rules whether accrued and unused vacation must be paid upon termination.

Neither the legislative body nor the courts of New York have clearly stated if an employer can enforce a policy or include a clause in an employment contract that mandates employees to lose any accumulated vacation time upon leaving the company, regardless of the reason for separation.

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This means that:

- > Employers must pay any accumulated vacation time to an employee when their employment ends if their company policy or employment contract states so.
- > If the employer's policy or employment agreement does not mention anything regarding payment of accrued vacation leave upon termination of employment, the employer is still obligated to pay it to the departing employee.
- > An employer may legally establish a policy or contract that denies employees payment for accumulated vacation time upon their departure from the company.
- > Employers are also legally allowed to set a policy or include a clause in an employment contract that denies employees payment for accumulated vacation time upon leaving the company if they don't meet certain conditions, for example providing a 2-week notice or being employed on a particular date. However, for the policy to be effective, employees must be informed of it in advance.
- > Therefore, employees will lose their vacation pay upon termination of employment only if the company policy or employment contract clearly states so.



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Notification: Maren Schleifer has submitted a leave request that requires your attention. Madelyn Dorwart will be on leave during the same period. [See in Calendar](#)

[Open Calendar](#) [View Dashboard](#)

Pending requests

Request Type	Duration	Period	Deny	Approve
Work from home	2 days	Jan 24th 2025 → Jan 26th 2025	Deny	Approve
Vacation	4 days	Jan 26th 2025 → Jan 30th 2025	Deny	Approve
Sick Day	1 day	Jan 24th 2025	Deny	Approve

Approvers

First level: [User 1] [User 2] [User 3] (+9)

Second level: [User 4] [User 5]

Sick Leave in New York

Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

The standard federal Family and Medical Leave Act (FMLA) applies to New York (as it is in all the states in the U.S.A). The leave is job-protected.

Employees qualify for FMLA benefits only if:

- they have been employed for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- they work in a location where at least 50 people are employed by the company (in a 75-mile radius)

The FMLA entitles qualified employees to take up to 12 weeks off for:

- personal medical reasons – illness or injury
- to care for a close family member (child, spouse, or parent) suffering from a severe illness
- maternity or paternity leave.

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

To learn more about federal laws in the United States, check out our [US Leave Laws](#) page.

New York State Laws

For more information, please visit vacationtracker.io

All private employers are required to offer sick leave.

In New York State, all private sector employees are protected under the coverage, regardless of their industry, job role, whether they work part-time, or if they are exempt from receiving overtime pay.

Whether an employer is required to offer paid or unpaid sick leave depends on their size and net income, as determined by the state. Some employers must provide paid sick leave, while others must offer only unpaid leave.

0-4 employees, and annual net income of \$1 million or less: Up to 40 hours of unpaid sick leave.

0-4 employees, and annual net income over \$1 million: Up to 40 hours of paid sick leave.

5 – 99 employees: Up to 40 hours of paid sick leave.

100+ Employees: Up to 56 hours of paid sick leave per calendar year.

All employees accrue at a rate of 1 hour of sick leave per 30 hours worked. As an alternative to employees accruing sick leave, frontloading is permitted at the beginning of each calendar year. There's no waiting period; accrual begins immediately upon hire. Employees may roll over accrued and unused sick leave from one year to the next.

Leave can be used for the employee's health, or to care for a sick family member:

- physical or mental illness, injury, or health issue
- diagnosis, care, or treatment of a physical or mental illness, injury, or health issue
- domestic violence, a family offense, sexual offense, stalking issues, or human trafficking

Payout

Employees must receive their regular pay rate for any time they take as paid leave. However, employers are not obligated to pay out unused sick leave upon termination of employment.

Paid Sick Leave in Westchester County

It applies to employers with five or more employees (unpaid if fewer than five).

All employees who work more than 80 hours a year in Westchester County are covered.

Employers are required to give 1 hour for every 30 hours worked. The annual accrual cap is 40 hours. Employees are allowed to use a maximum of 40 hours per year.

Sick leave covers the following reasons: an employee's or a family member's illness, injury, or condition; preventive care; exposure to communicable disease.

Maternity, Paternity, FMLA in New York

Federal Law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that allows eligible workers to take up to 12 weeks of unpaid, job-protected leave per year for family or medical reasons, including maternity or paternity leave. Unless otherwise authorized by the employer, an employee must take this leave continuously. More information about FMLA eligibility can be found above, under the section *Sick Leave in New York: Federal Laws – Leave Quota*.

The Pregnancy Discrimination Act (PDA) is one more federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of

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employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

Additional State Laws in New York

In addition to the FMLA and the Pregnancy Discrimination Act, New York has the following laws regarding maternity and paternity Leave:

New York's Paid Family Leave Law

This law offers partial compensation for lost income and job security for workers who take leave for eligible reasons.

Employees are entitled to receive 12 weeks of paid family leave.

This leave is permitted for parenting, to care for a family member with a serious health condition, or to handle certain matters arising from a family member's active-duty deployment in the military.

Employers must either buy a Paid Family Leave insurance policy or arrange for their own insurance coverage. Coverage for paid family leave benefits is typically included under an employer's existing disability benefits policy.

PFL benefits are obtained through deductions from an employee's salary. Although employers are not obligated to contribute or finance such benefits, they may opt to do so voluntarily.

Employees who take PFL will receive 67% of their AWW (average weekly wage), up to a cap of 67% of the current SAWW (Statewide Average Weekly Wage). The maximum weekly benefit is currently \$1,068.36 (0.67x SAWW).

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The law provides job reinstatement and continuation of health insurance while on paid family leave.

Employees are eligible for paid family leave after 26 consecutive weeks of full-time employment (or if they work at least 20 hours per week). If employees work less than 20 hours per week, they are entitled to take leave after they have worked 175 days.

Federal FMLA/New York's Paid Family Leave Law: If an employee's leave is eligible for both federal and state leave, the employee must take them at the same time (i.e., the employee cannot take federal and state leave separately within a year).

New York's Temporary Disability Benefits Law

This law requires employers to provide 4 to 6 workweeks of paid leave and short-term disability coverage due to temporary disability related to pregnancy and birth. This insurance provides partial wage replacement to employees who are temporarily unable to work for any reason, including pregnancy. The maximum period of disability under the law is 26 weeks, but the employee is required to provide additional medical documentation.

An employee is entitled to collect short-term disability benefits only while she is actually unable to work due to pregnancy or childbirth.

Adoptive Parents Leave

All employers that provide parental leave following the birth of a child must make the same leave available to parents who adopt a child under the age of five, or under the age of 18 if the child has special needs.

Bereavement Leave in New York (Funeral Leave)

An employer is not required to provide bereavement leave.

An employer is not legally required to provide any paid or unpaid bereavement leave, or any time off to attend an immediate family member's funeral.

However, at present, 94% of companies in the United States provide paid bereavement leave to their employees. If an employee loses a first-degree relative (a parent, spouse, or child), he/she is usually entitled to up to 3 consecutive days off. The companies that are most generous regarding bereavement leave offer 5 or 6 days.

Payout

Bereavement leave in New York is unpaid.

Jury Duty Leave in New York

Employers are required to provide leave for jury duty.

Employers are required to provide employees with job-protected leave to participate in jury selection or jury duty. Notice requirements do apply, so employees may have to show their employer their jury summons (within a reasonable period after receiving it) to be given the necessary leave. Serving as a juror in a court trial or judicial hearing is a civic responsibility required of all citizens in the United States. An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

Read everything about jury duty leave in our [Glossary section](#).

For more information, please visit vacationtracker.io

Payout

There is no requirement in New York state law for employers to offer paid leave. However, some employers must pay at least 40,00\$.

An employer with fewer than 10 employees is allowed to withhold the entire wages of an employee who misses work due to jury duty. If the employer has more than 10 employees, they must pay the employee at least \$40.00 per day for the first 3 days of jury service.

Witness Leave and Crime Victim Leave in New York

Employers are also obligated to grant time off to employees who are either victims of a crime or have been called as witnesses in criminal trials. This leave is without pay, and the employee must comply with the requirements for giving notice and providing certification.

Military Leave in New York

Federal law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law that applies to employers of all sizes and types in the U.S. USERRA protects employees called to active duty in the U.S. military, including the U.S. Armed Forces, Reserves, and National Guard. USERRA provides reinstatement rights, protection from discrimination, the right to continue group health care benefits for up to 24 months during their leave, and up to 5 years of unpaid leave for military service (with exceptions to this 5-year limit).

New York State Law

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In addition to the protections provided by the USERRA law, military members of New York and the U.S. are also protected by New York employment laws.

The U.S. armed forces and organized militia are eligible for unpaid leave for activities such as service school, reserve drills, full-time or active-duty training, active service, and annual training. Upon returning from their leave, employees are entitled to their previous job or a similar one, unless the employer's circumstances have changed so much that making reemployment would not be possible.

To be eligible for reinstatement, employees must apply within:

- 10 days after completing school, reserve drills;
- 60 days after completing full-time or active-duty training;
- 90 days of being discharged from active service, or annual training.

After being reinstated, employees cannot be terminated without proper cause for 12 months. Employers are also prohibited from discriminating against employees who are on state or federal military duty.

New York Military Family Leave (Military Spouse Leave)

This is the law that provides military family leave applicable to employers with 20 or more employees who must have worked an average of 20+ hours per week. Employers must provide an employee who is the spouse of a deployed military service member with up to 10 days of unpaid leave during a time of military conflict. This leave can only be taken during the period when the spouse is on leave during their deployment.

Payout

Military leave is unpaid, but there are exceptions.

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USERRA doesn't mandate paid military leave, but employers must treat military leave similarly to other comparable types of leave offered. If the employer offers paid leave for such types of leave, they must pay for military leave as well. Employers cannot discriminate by paying for some leave but not for military service obligations.

It's not clear what other leave is comparable to military leave, so employers should be cautious and seek legal advice if needed.

Voting Leave in New York

Employees are entitled to "sufficient time to vote". Up to 2 hours are paid.

Employees who are eligible to vote and are registered are entitled to take time off from work if they don't have enough time outside of their working hours to vote. The duration of the time needed must be decided individually as the wait time at polling stations, traffic situations, and other variables may differ.

An employer must pay an employee only for up to 2 hours of time taken off for voting.

The employer can choose the hours when the employee can take leave for voting. It is usually at the start or end of an employee's work schedule, unless otherwise agreed upon mutually.

However, employers are not required to provide any time off if an employee has sufficient time to vote. An employee is considered to have sufficient time to vote outside of their work hours if they have 4 consecutive hours either between the opening of the polling station and the start of their work, or between the end of their work and the closing of the polling station.

An employee must inform their employer of the intended absence for voting at least 2 days and no more than 10 days before the election day.

All employers must publicly post a notice outlining voting provisions at least 10 working days prior to Election Day.

Payout

Voting leave is paid by an employer, for up to 2 hours.

New York State Holidays for 2025

New York law doesn't require private employers to provide their employees with paid or unpaid holiday leave.

In New York, a private employer can require employees to work on holidays. Even so, most employers in New York offer several paid holidays.

Also, a private company is not required to provide extra pay to an employee for working on holidays (such as 1.5 times the usual rate), unless the employee is entitled to overtime pay according to standard overtime regulations. Despite all this, if the company decides to offer holiday time off, it must follow the rules outlined in its established policy or employment agreement.

New York officially observes 13 state holidays.

A complete list of holidays celebrated in New York state in 2025:

Holiday	Observed in 2025	General Date
New Year's Day 2025	Wednesday, January 1	January 1

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Martin Luther King, Jr.	Monday, January 20	3rd Monday in January
Lincoln's Birthday (*)	Wednesday, February 12	February 12
Washington's Birthday	Monday, February 17	3rd Monday in February
Memorial Day	Monday, May 26	Last Monday in May
Juneteenth	Thursday, June 19	June 19
Independence Day	Friday, July 4	July 4
Labor Day	Monday, September 1	1st Monday in September
Columbus Day	Monday, October 13	2nd Monday in October
Veterans' Day	Tuesday, November 11	November 11
Thanksgiving Day	Thursday, November 27	4th Thursday of November
Christmas Day	Thursday, December 25	December 25

(*) *The State has declared Lincoln's Birthday as a floating holiday for State employees belonging to specific bargaining units.*

*** Holidays that fall on Saturday are observed on Friday; holidays that fall on Sunday are observed on Monday.*

2026

Holiday	Observed in 2026	General Date
New Year's Day 2026	Thu, Jan 1, 2026	January 1
Martin Luther King, Jr.	Monday, January 19	3rd Monday in January

Election Day as a State Holiday

New York recognizes *Election Day* as a public holiday.

Election Day in the US is always on Tuesday. It is considered a public holiday in New York, which means state employees are entitled to a day off. Nevertheless, most businesses work as usual because it's not a federal holiday. It happens in even-numbered years.

The tradition of Election Day occurring on a Tuesday has become debatable in the last few decades because many people may be unable to vote due to work requirements. As in New York, it's a public holiday in West Virginia, Virginia, New Jersey, Hawaii, Delaware, Illinois, Kentucky, Louisiana, and Montana.