

Westchester County Adopts Safe Time Law

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On May 3, 2019, Westchester County Executive George Latimer formally signed into law the County's Safe Time Leave for Victims of Domestic Violence and Human Trafficking Law ("Safe Time Law"), which provides eligible employees who are victims of domestic violence or human trafficking with up to 40 hours of *paid* leave in a calendar year to attend criminal and civil court proceedings and/or relocate to a safe location. The Safe Time Law becomes effective in 180 days from adoption, which is in late *October 2019*.

The Safe Time Law is separate from the [Westchester County Earned Sick Leave Law](#) and provides additional leave. With limited exception, any employee who works more than 90 days in Westchester County in a calendar year is eligible for Safe Time. At the beginning of each year - calendar or anniversary year as chosen by the employer - employers must give eligible employees 40 hours of Safe Time in a bank. There is no accrual option.

Employees can use Safe Time in full day increments. Employers may require that employees provide reasonable documentation demonstrating that they are using Safe Time for purposes covered by the Safe Time Law. Such documentation can include: (1) a court appearance ticket or subpoena; (2) a police report; (3) an affidavit from an attorney involved in a domestic violence or human trafficking court proceeding; or (4) an affidavit from an organization known to provide assistance to victims of domestic violence and/or human trafficking. Employers will need to be mindful of confidentiality provisions in the law. For example, health or safety

information possessed by an employer regarding an employee or employee's family member will need to be placed in confidential files, maintained separate and apart from an employee's personnel file.

Covered employers must give employees written notice of how the Safe Time Law applies to employees and a copy of the law. The Safe Time Law also has a posting requirement. Failure to comply with the Safe Time Law can result in civil fines and other penalties.

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