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NEW YORK STATE DEPARTMENT OF LABOR ANNOUNCES LAWFUL ABSENCE PROTECTIONS NOW IN EFFECT

The New York State Department of Labor (NYSDOL) today reminds New Yorkers that a new law is in effect that reiterates New York State’s commitment to protecting workers who take legally protected absences from work. The [law](#), signed in November by Governor Kathy Hochul, clarifies that it is illegal for employers to threaten, penalize, discriminate, or retaliate against employees for using absences protected under federal, state, or local law, including time off covered by [New York State Paid Family Leave](#) and [New York State Paid Sick Leave](#).

“This is a major victory for all workers across New York State,” said **New York State Department of Labor Commissioner Roberta Reardon**. “Employees should not have to fear for their jobs when taking legally protected time away from work. This new law reassures our workforce that we value their work and their well-being.”

Under the new law, employers are specifically prohibited from assigning or deducting points under an absence control policy for using legally protected absences, including those related to sickness, disability, pregnancy, and caregiving obligations. Other examples of legally protected absences include domestic violence leave, jury duty leave, voting leave, and blood donor leave. Employers who violate this law face penalties up to \$10,000 for initial violations and up to \$20,000 for subsequent violations. Impacted employees may also be eligible to receive backpay and other damages.

The Department also reminds New Yorkers that it is illegal for employers to retaliate against an employee for asserting their rights under the labor law. Retaliation can occur in many forms, including dismissal from employment, reduction of hours, alteration of work schedule, pay reduction, disciplinary action, assignment to difficult duties, and more.

Senator Liz Krueger said, “Protecting the rights of workers is critical to ensuring the wellbeing and quality of life of New York families. We have several laws in place to allow workers to take leave for important reasons, like caring for a sick child, voting, or giving blood. Employers must follow the letter and the spirit of those laws, and not penalize

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workers for exercising their right to take legally protected leave. I thank Governor Hochul for signing this bill last fall, and Commissioner Reardon for swiftly implementing it.”

Workers who believe their employers have violated state labor law should report it to NYSDOL’s [Division of Labor Standards](#) at 1-888-52-LABOR or LSAsk@labor.ny.gov. In 2022, the Division of Labor Standards investigated more than 5,500 reports of labor violations related to COVID-19 and New York State Paid Sick Leave from workers across New York State.

For more information about this law and the state’s retaliation law, visit NYSDOL’s [webpage](#).

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