You Have a Right to Temporary Changes to Your Work Schedule

Under NYC's Temporary Schedule Change Law, covered employees have a right to temporary changes to their work schedule for certain "personal events." Employers must post this notice where employees can easily see it at each NYC workplace.

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

The law applies regardless of immigration status.

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

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 below.

Definitions

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 you 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

Temporary change

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

Your Rights

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

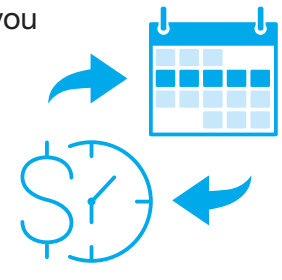
The change must be to accommodate a *personal event*. See Definitions. Your employer must grant requests for up to:

- 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.

If you need a temporary change to your work schedule:

As soon as you become aware of the need for a temporary schedule change, request one from your employer or direct supervisor either orally or in writing. Your request should include the date of the change, that the change is due to a personal event, and propose the type of temporary change you want (for example, to work from home), unless you would like to use leave without pay.

- Your employer must respond immediately.
- ***If you requested the schedule change orally (for example, in person or by phone),*** you must submit a written request no later than the second business day after you return to work. Include in the written request the date of the temporary schedule change and that the change was due to a personal event. Your employer must provide a written response within 14 days. *If you do not submit a written request, your employer is not required to provide a written response but cannot deny your request because you did not submit a written request.*
- Make sure to keep all of your schedules and any communications with your employer about scheduling.

File a Complaint

The Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) enforces NYC's Temporary Schedule Change Law and other NYC workplace laws.

To file a complaint with OLPS, go to **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 your complaint. **OLPS will keep your identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

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

Contact OLPS

Visit **nyc.gov/dca**, email **olps@dca.nyc.gov**, or **contact 311** (212-NEW-YORK outside NYC) and ask for "Temporary Schedule Change Law."

NYC Consumer Affairs

Bill de Blasio
Mayor

Lorelei Salas
Commissioner

You have a right to be given this notice in English and in any language that is the primary language of at least 5 percent of the workers at your workplace if the translation is available on the DCA website.

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