

**NEWARK, NEW JERSEY
PAID SICK LEAVE ORDINANCE**

Businesses operating in Newark, New Jersey with 10 or more Newark-based employees must provide up to five paid sick days to their employees each year.

No person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Ordinance.

ELIGIBILITY: Workers (full-time or part-time) employed in Newark, New Jersey, for at least 80 hours in a calendar year are covered. Employees are eligible for one hour of paid sick leave per 30 hours worked, with a maximum of 40 hours in a calendar year.

Note: Any type of paid leave, paid time off, vacation, personal days, etc., will count for purposes of complying with the law as long as it can be used for sick leave purposes.



EFFECTIVE: 6/21/2014

Use of Paid Sick Time

Accrual begins at commencement of employment (or effective date), but sick time cannot be used during the first 90 calendar days of employment.

Upon request, employees can use accrued paid sick time for the following reasons:

- An employee's or a family member's mental or physical illness, injury, or health condition;
- An employee's or a family member's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- An employee's or a family member's need for preventive medical care;
- Closure of the employee's place of business by order of a public official due to a public health emergency;
- An employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency;
- Care for a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease, whether or not the family member has actually contracted the communicable disease.

Leave can be used in increments of one hour.

Employee Notice Requirements	
<ul style="list-style-type: none"> Where the need for leave is foreseeable, an Employer may require reasonable advance notice of the intention to use Paid Sick Time. In no event shall an Employee be required to give notice more than seven days prior to the date such sick time is to begin. Where such notice is not foreseeable, an Employer may require an Employee to provide notice of the need for the use of sick time before the beginning of the Employee's work shift or work day or, in cases such as emergencies where advanced notice is not possible, as soon as practicable. 	<p>If three consecutive days or three consecutive instances of Paid Sick Time is used, an Employer may require reasonable documentation signed by a health care professional indicating that the Paid Sick Time was necessary; however, an Employer may <i>not</i> require that the documentation explain the nature of the illness.</p>
Paid Sick Time Accrual	
<ul style="list-style-type: none"> Sick leave accrual for all eligible existing employees begins on June 21, 2014. New employees hired after June 21, 2014 will begin to accrue sick leave when an employee begins work in Newark, New Jersey. Sick leave will accrue at a rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours per calendar year. Employees are required to immediately begin accruing sick leave, but cannot take accrued leave until after 90 calendar days of employment with that employer. In addition, an employee who has not worked 80 hours inside the city limits in a year is not eligible to use accrued sick leave. Accrued but unused sick leave carries over to the following year, but employer is not required to give more than five days annually (i.e., 40 hours). For hourly employees, overtime hours are included in that calculation; salaried employees are presumed to work 40 hours a week, unless their contract provides for a lesser workweek. 	<p>If an employee works in Newark (over 80 hours per year), his or her hours working in Newark will be counted as earned sick time. Any work outside of Newark will not count toward the employee's earned sick time.</p>
No Pay Out Upon Termination	
<ul style="list-style-type: none"> There will be no pay out of accrued but unused sick leave upon termination, resignation, retirement, or other separation from employment. <p>Rehires</p> <ul style="list-style-type: none"> The ordinance does not provide for vesting sick time if an employee quits. If the employee is terminated (fired or laid off) and rehired within six months, any unused sick time is reinstated and prior employment shall be counted towards meeting the 90 day requirement. 	

Newark, New Jersey – In SmartSearch, if the employee is working in Newark, New Jersey, mark Personnel subarea as “Newark.” If they live in the Newark but do not work in Newark, mark Personnel subarea as “New Jersey.”

07101	07112	07193
07102	07114	07195
07103	07175	07198
07104	07184	07199
07105	07188	
07106	07189	
07107	07191	
07108	07192	

City of Newark

Paid Sick Leave Ordinance

For Employers

1. If my company employs nine or fewer workers, are the employees eligible for sick leave?

Yes.

2. Does it matter whether an employee is full-time or part-time?

No -so long as the employee works at least 80 hours per year.

3. All my employees were hired pursuant to a collective bargaining agreement. Will this law change our agreement?

This law will change the agreement only upon the expiration of the current collective bargaining agreement unless the requirements provided for in this Ordinance are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

4. Do I have to retain records that the City can review, documenting the number of hours my employees work and how much earned sick time they've taken?

Yes. See paragraph 8 of the Ordinance as to record retention.

5. What will happen if I don't retain these records?

An employer is subject to fines for failing to maintain adequate records required by the ordinance. See, paragraph 7 (as to fines) and 8 (as to the records), generally. Also, it creates a rebuttable presumption that the employer has violated this Ordinance absence clear and convincing evidence otherwise.

6. Do I have to inform employees about the City's sick time law?

Yes. See, paragraph 6.

7. Do I have to display anything in my business about the law?

Yes. See, paragraph 6.

8. If most of my workforce speaks Spanish, do I have to provide and display Spanish-language notices and posters?

Yes. The ordinance requires that notice be in English and the primary language spoken by an employee, as long as that language is spoken by at least 10% of the Employer's workforce.

9. Can I be fined if I don't provide notice?

Yes. See, paragraph 6.

10. If an employee asks to use sick time to care for an ailing family member, can I ask that the employee describe the family member's condition?

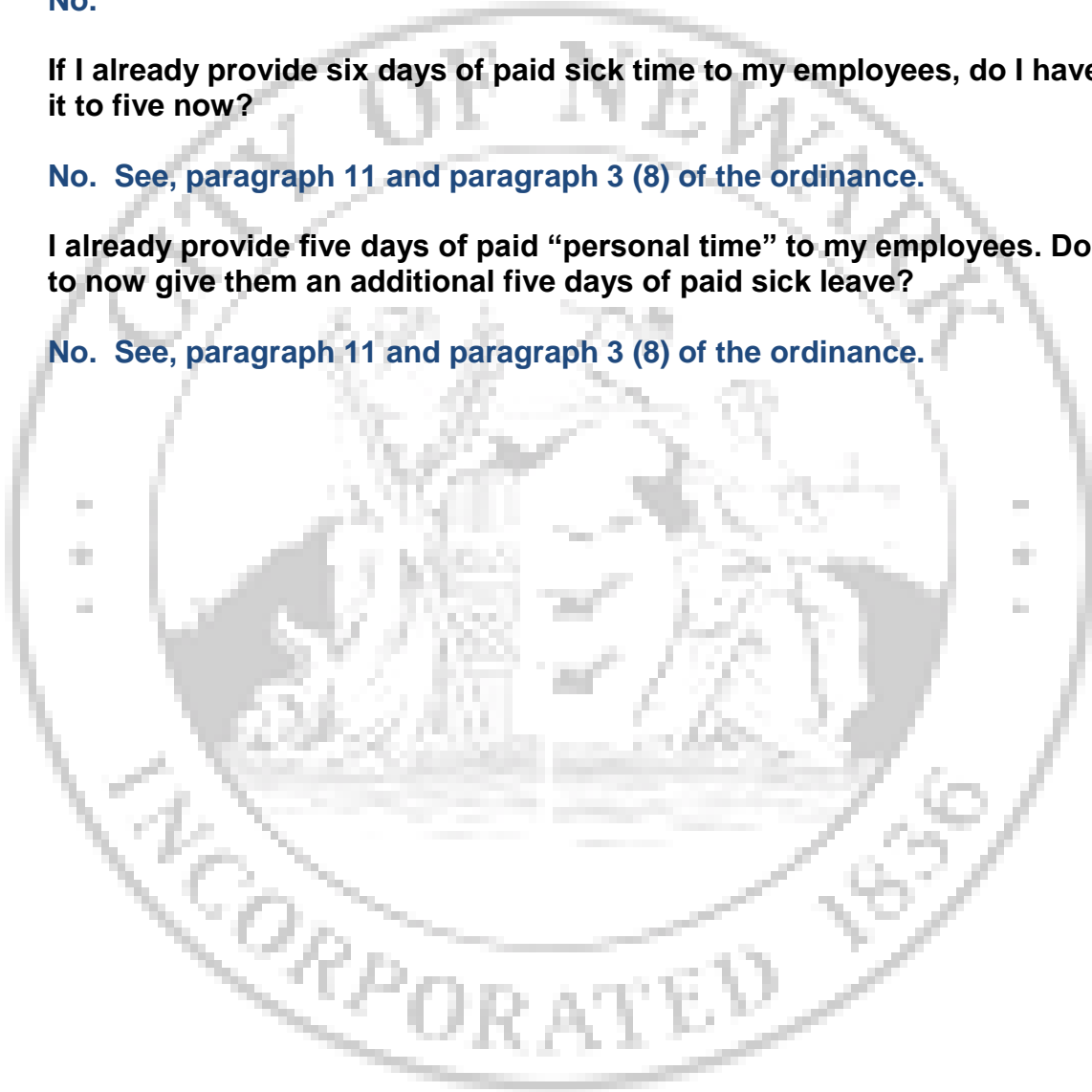
No.

11. If I already provide six days of paid sick time to my employees, do I have to lower it to five now?

No. See, paragraph 11 and paragraph 3 (8) of the ordinance.

12. I already provide five days of paid "personal time" to my employees. Do I have to now give them an additional five days of paid sick leave?

No. See, paragraph 11 and paragraph 3 (8) of the ordinance.



FOR EMPLOYEES

1. Who is eligible?

An employee as defined in NJSA 34:11-56a1(h), who works in Newark for at least 80 hours in a year, but not employed by any governmental entity or instrumentality, including any school district, board of education, including Rutgers and subdivisions of Rutgers or any member of a construction union covered by a collective bargaining agreement.

2. How much earned sick time am I eligible for?

All employees accrue a minimum of one hour of paid sick time for every thirty hours actually worked, subject to certain limits: (i) If your employer has ten or more employees, your paid sick time is capped at 40 hours in a calendar year; or (ii) If your employer has fewer than ten employees for compensation, your paid sick time is capped at 24 hours in a calendar year; unless, you are a child care worker, home health care worker or food service worker, in which event, you are entitled to up to 40 hours in a calendar year.

3. What if I work for a company that employs nine or fewer workers?

You are still eligible to accrue paid sick time so long as you are an Employee as defined in the Ordinance.

4. Does it matter whether I am a full-time or part-time employee?

No.

5. Am I eligible as soon as I start working?

An employee begins to accrue paid sick time on the first day of employment, but can't use it until the 91st calendar day. See, paragraph 3(6) of the ordinance.

6. Can I carry over my unused sick leave?

Yes. See, paragraph 3(7) of ordinance.

7. Can I receive payment for any unused sick leave if I quit?

No. See, paragraph 3(9).

8. I quit my job and was then rehired by the same company. Do I lose my accrued sick time?

Yes. The ordinance does not provide for vesting sick time if an employee quits. If the employee is terminated (fired or laid off) and rehired within 6 months, the sick time is reinstated. See, paragraph 3(10).

9. My company was just bought out by another firm. Do I lose my accrued sick time?

No. See, paragraph (11) of the ordinance.

10. Can I only use my sick time if I am sick?

No. You can also use your sick time for the care of a family member, closure of your place of employment because of a public health emergency; care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or if a family member has a communicable disease. See, paragraph 4(c).

11. If I am entitled to five earned sick days in one year and take all five, can I get in trouble with my boss?

Not if use your sick time for the care of a family member, closure of your place of employment because of a public health emergency; care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or if a family member has a communicable disease. See, paragraph 4(c).

12. What do I do if I believe my employer isn't granting me sick time I am entitled to?

You can file a complaint in the City of Newark's Municipal Court; or

You can notify the Department of Child & Family Well-Being, City of Newark, who can attempt to resolve the issue with the employer and/or file a complaint on your behalf in Municipal Court as well as a complaint on behalf of the City of Newark.

