

MONTCLAIR, NEW JERSEY

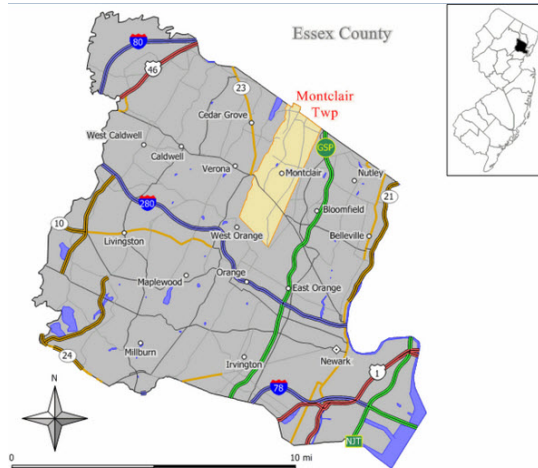
Montclair Township Paid Sick Time Law (also known as Earned Sick Days)

Businesses operating in Township of Montclair, New Jersey with 10 or more employees must provide up 40 hours of paid sick time in a calendar year.

ELIGIBILITY: Workers (full-time or part-time) employed in the Township of Montclair, 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.

No person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Ordinance. No person shall retaliate against an employee because the employee has properly exercised rights protected under this Ordinance.



EFFECTIVE: 3/4/2015

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;

Leave can be used in increments of one hour or smallest increment that employer's payroll system uses.

"Family Member" means:

- A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child of a civil union partner, or a child to whom the employee stands in loco parentis;
- A biological, foster, stepparent or adoptive parent or legal guardian of an employee or of an employee's spouse, domestic partner or civil union partner or a person who stood in loco parentis when the employee was a minor child;
- A person to whom the employee is legally married under the laws of New Jersey or any other State or with whom the employee has entered into a civil union under N.J.S.A. Title 37;
- A grandparent or spouse, civil union partner or domestic partner of a grandparent;
- A grandchild;
- A domestic partner of an employee as defined in N.J.S.A. 26:8A-3 et. Seq. or
- A sibling.

Use of Paid Sick Time (Cont.)

- 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.

Employee Notice Requirements

- 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.
- An employer may request an employee confirm in writing following use of paid sick time that the paid sick time was used for an authorized purpose under the Ordinance.
- 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 *not* require that the documentation explain the nature of the illness.

Paid Sick Time Accrual

- Sick leave accrual for all eligible existing employees begins on March 4, 2015. New employees hired after March 4, 2015 will begin to accrue sick leave when an employee begins work in Montclair, New Jersey.
- Sick leave will accrue at a rate of 1 hour for every 30 hours actually 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 paid sick time shall be carried over to the following calendar year, provided that no employer shall be required to carry over more than forty (40) hours of unused paid sick time from one calendar year to the next or allow the use of more than forty (40) hours of paid sick time in a calendar year.
- 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.

No Pay Out Upon Termination

- There will be no pay out of accrued but unused sick time upon termination, resignation, retirement, or other separation from employment.

Rehires

- If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued unpaid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued unpaid sick time and accrue additional unpaid sick time at the re-commencement of employment.

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

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NOTICE OF EMPLOYEE RIGHTS TO PAID SICK TIME

Under the Montclair Township Paid Sick Time Law (also known as Earned Sick Days), certain employers must give their employees paid sick time.

Employees who work more than 80 hours in a calendar year in Montclair Township must be provided with paid sick time by their employers. The law excludes from this requirement: individuals employed by the city, state, or federal government; individuals employed by any New Jersey school district or Board of Education; and members of a construction union who are enrolled or have graduated from a registered apprenticeship program and are covered by a collective bargaining agreement.

By law, employers who must provide paid sick time must give this written notice to new employees when they begin employment and to existing employees as soon as practicable. Employers must also post this notice in a conspicuous and accessible place in each establishment where employees are employed.

YOU HAVE A RIGHT TO PAID SICK TIME, WHICH YOU CAN USE FOR THE CARE AND TREATMENT OF YOURSELF OR A FAMILY MEMBER.

Amount of Paid Sick Time and Rate of Accrual:

If your employer has . . .	You Accrue	Not required to exceed
10 or more employees	1 hour of paid sick time for every 30 hours worked	40 hours a year
Fewer than 10 employees	1 hour of paid sick time for every 30 hours worked	24 hours a year
Exception: Regardless of the number of people employed by your employer, if you are a child care worker, home health care worker, or food service worker	1 hour of paid sick time for every 30 hours worked	40 hours a year

Sick leave is accrued based on your employer’s calendar year. Accrued sick time may be used in the smallest increments that the employer’s payroll system uses to account for absences or use of other time.

Date Paid Sick Time Accrual Begins:

You begin to accrue paid sick time on (120 days following enactment of the ordinance or as specified in the ordinance) or on your first day of employment, whichever is later.

- **Exception:** If you are covered by a collective bargaining agreement that is in effect on (effective date as stated above), you begin to accrue paid sick time under this law beginning on the date that the agreement ends, unless the collective bargaining agreement expressly and clearly waives the protections of the Paid Sick Time Law, in which case all or any portion of this law will not apply to you.

Date Paid Sick Time is Available for Use:

If, on (effective date of ordinance), you have been employed by your employer for more than 90 calendar days, you can begin using paid sick time as it is accrued. Otherwise, you can begin using paid sick time 90 calendar days after your employment begins. You may use paid sick time as it is accrued beginning on the 90th calendar day of employment.

Acceptable Reasons to Use Paid Sick Time:

You can use paid sick time when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency; you need to care for a child whose school or child care provider closed due to a public health emergency; or you need to care for a family member whose presence in the community would jeopardize the health of others.

Family Members:

The law recognizes the following as family members:

- Child (biological, adopted, or foster child, stepchild or legal ward; child of an employee standing in "loco parentis"— in place of a parent)
- Parent
- Spouse
- Domestic Partner
- Civil Union Partner
- Grandchild
- Grandparent or spouse, domestic partner, or civil union partner of a grandparent
- Child or parent of an employee's spouse, domestic partner, or civil union partner
- Sibling

Advance Notice:

If the need is foreseeable, your employer can require no more than up to seven days advance notice of your intention to use paid sick time. If the need is not foreseeable, your employer may require you to give notice before the beginning of your work shift or work day, or as soon as practicable in an emergency where advanced notice is not possible.

Documentation:

If you use three or more consecutive workdays for instances of paid sick time, your employer can require reasonable documentation (signed by a health care professional) that the time has been used for acceptable purpose (listed above). Such documentation may not be required to explain the nature of the illness.

Unused Paid Sick Time:

Up to 40 hours of unused paid sick time can be carried over to the next calendar year. Your employer is only required to let you use up to 40 hours of paid sick time per calendar year. However, if your employer has fewer than 10 employees, they are not required to provide more than 24 hours of paid sick time in a calendar year (with the exception of child, home health care, and food service workers).

Retaliation is prohibited:

Your employer cannot retaliate against you for using paid sick time. Retaliation includes any threat, discipline, discharge, demotion, suspension, reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law. Your employer cannot retaliate against you for:

- Requesting and using paid sick time.
- Filing a complaint for alleged violations of the law.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in an administrative or court proceeding regarding an alleged violation of the law.
- Informing another person of that person's potential rights.

Enforcement:

You have a right to file a complaint with the Department of Health and Human Services. The Department will keep your identity confidential unless disclosure is necessary to resolve the investigation. The Department will notify

you that they will be disclosing your identity prior to such disclosure, to the extent practicable. Please call the Department for more information: 973-509-4970.

You also have the right to file a complaint with the Municipal Court. You do not have to file a complaint with the *Department of Health and Human Services* before filing a complaint in Municipal Court. Filing a complaint with the Department does not prevent you from filing an action in Municipal Court.

Keep a copy of this notice and all documents that show your amount of paid sick time and your paid sick time accrual and use.

Note: The Paid Sick Leave Law sets the minimum requirements for paid sick time. Your employer's leave policies may already meet or exceed the requirements of the law.

You have a right to be given this notice in English and your primary language, if your primary language is also the primary language of at least 10% of your employer's workforce.