

**CITY OF PASSAIC, NEW JERSEY
PAID SICK TIME ORDINANCE**

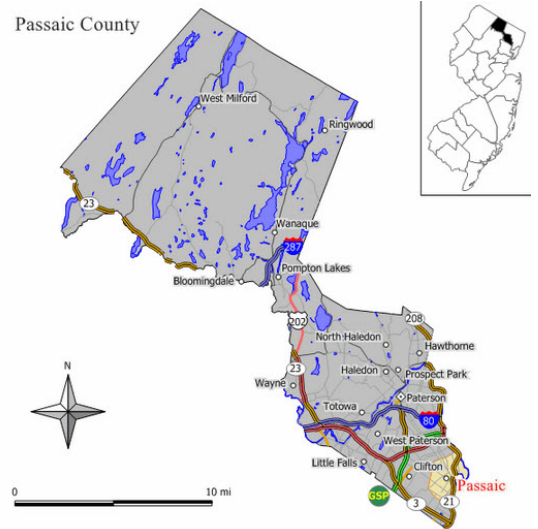
Businesses operating in City of Passaic, New Jersey with 10 or more employees must provide up to 40 hours of paid sick time in a calendar year.

ELIGIBILITY: Workers (full-time or part-time) employed in City of Passaic, 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.

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.

Passaic County



EFFECTIVE: 12/31/2014

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;

Leave can be used in increments of one hour.

“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 January 1, 2015. New employees hired after January 1, 2015 will begin to accrue sick leave when an employee begins work in City of Passaic, 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.

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

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Know your rights: Passaic Paid Sick Time Law

All private sector workers in Passaic
have the right to earn paid sick time*



1. What is the Passaic Sick Time law?

The law allows private sector workers in the city of Passaic to earn up to 40 paid sick hours each year to recover from their own physical/mental illness or injury, seek medical treatment, or care for a sick family member (spouse, civil union partner, domestic partner, child, legal ward, sibling, parent, grandparent, and grandchild).

2. How much sick time am I entitled to earn?

Passaic workers are eligible to earn **1** hour of sick time for every **30** hours worked. Businesses with **10** or more employees are required to provide at least **40** paid sick hours a year, and those with fewer employees must provide at least **24** paid sick hours a year. Direct service workers who are in contact with the public, such as food-service, child or elder care workers, earn a minimum of **40** paid sick hours per year, regardless of the business size.

3. When can I begin using my sick time?

You began to earn paid sick time on **January 1, 2015**, or on your first day of employment, whichever came first. You may use your available paid sick time 90 days later.

4. What if I already have paid time off?

If you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time to care for yourself or a family member, and it's at least the same amount you would earn under this ordinance, the law does not give you any additional paid time off.

You are protected.

You are protected against being fired or punished for using or requesting sick time. Employers are not permitted to retaliate against employees who use the sick time they are entitled to.



For more, visit the NJ Time to Care Coalition website,
www.njtimetocare.com/PSCPSLFAQ or email info@njtimetocare.org
or call the Department of Human Services **973-365-5595**
or email vamm@cityofpassaicnj.gov



*Must work in the city of Passaic for at least 80 hours in a year