

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

Businesses operating in Elizabeth, 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 the Elizabeth, for at least 80 hours in a calendar year are covered. Employees are eligible for one hour of paid sick leave per 30 hours actually 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: 3/2/2016**

**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:

1. An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventive medical care;
2. Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care;
3. Closure of the employee's place of business by order of a public official due to a public health emergency or 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, or care for 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.

"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.

## 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 2, 2016. New employees hired after March 2, 2016 will begin to accrue sick leave when an employee begins work in Elizabeth, 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.
- Employees who are exempt from overtime requirements under the federal Fair Labor Standards Act are assumed to work 40 hours in each work week unless their normal work week is less than 40 hours, in which case paid sick time accrues based upon that normal work week.

## 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.

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

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# ELIZABETH, NJ PAID SICK LEAVE EMPLOYEE NOTICE

## Overview

Effective March 2, 2016, eligible employees in Elizabeth, New Jersey, will be eligible to accrue paid sick leave. This serves as written notice of their entitlement to such leave under the law.

## Notice to Employee

### ACCEPTABLE SICK LEAVE REASONS

Employees can use their paid sick leave not only for their own physical or mental illness or injury, or for the purpose of receiving their own medical care, treatment, diagnosis, or preventative care, but also for the care of a family member, closure of the employee's 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.

### EMPLOYEE ELIGIBILITY

An employee must work 80 hours annually and not be employed by any governmental entity or instrumentality, or be a member of a construction union covered by a collective bargaining agreement. An employee must re-establish the 80-hour requirement annually (January through December). An employee is eligible to use paid sick leave on or after their 90<sup>th</sup> day of employment, as long as the hourly city requirement is met.

### ACCRUAL START DATE

An employee shall begin to accrue paid sick leave at the commencement of employment. Current employees will begin accruing leave on March 2, 2016. Hours accrue only for work performed in Elizabeth.

### ACCRUAL AND USE

Employees earn one hour of paid sick leave for every 30 hours worked. Employees may accrue and use a maximum of 40 hours of paid sick time in a calendar year.

### UNUSED LEAVE

An employee's accrued, but unused, paid leave carries over from year to year. However, employees are limited to using a maximum of 40 hours per year. Employers do not have to pay employees for unused leave upon termination or resignation of employment.

### RIGHT TO BE FREE FROM RETALIATION

Employees who assert their rights pursuant to the applicable paid sick leave ordinance are protected from retaliation.

### RIGHT TO FILE A COMPLAINT

An employee has the right to file a complaint with the applicable city agency or bring an action in municipal court, if an employer violates the ordinance.