

**PATERSON, NEW JERSEY  
SICK LEAVE FOR PRIVATE EMPLOYEES**

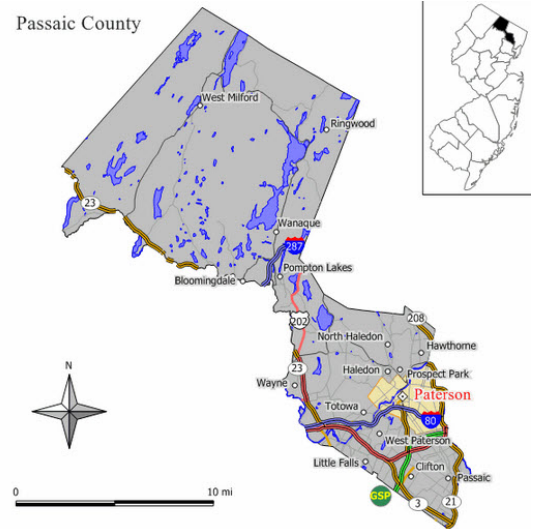
Businesses operating in Township of Montclair, New Jersey with 10 or more employees must provide up 40 hours of paid sick time in a calendar year.

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

Passaic County



**EFFECTIVE: 1/9/2015**

**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.

“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 9, 2015. New employees hired after January 9, 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.

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

07501	07510	07543
07502	07513	07544
07503	07514	
07504	07522	
07505	07524	
07509	07533	



## NOTICE REGARDING SICK LEAVE FOR PRIVATE EMPLOYEES

**The Ordinance entitled “Sick Leave for Private Employees” was enacted by the City of Paterson Municipal Council in 2014, and went into effect on January 9, 2015. Giving workers time off to care for their own health and that of family members helps ensure a healthier and more productive workforce.**

WHO IS ELIGIBLE AND WHEN AND HOW TIME CAN BE USED?

- An employee who works in the City of Paterson for more that eighty (80) hours in a year must be provided with paid sick time by his or her employer. See Paterson Code §§ 412-2, 412-4
- An employee can use earned sick time starting on the 90<sup>th</sup> calendar day of his or her employment. See Paterson Code § 412-4.
- Employees may take sick time for any of the following reasons:
  - Medical diagnosis, treatment, care or preventative care of employee or family member for mental or physical illness, injury, or health condition. See Paterson Code § 412-5.
  - Various instances of closure or quarantine by Public Health Authorities, as described in detail in Paterson Code § 412-5.

HOW IS TIME ACCRUED AND HOW MUCH CAN BE USED IN A YEAR?

- Sick leave is accrued based on the employer’s calendar year. See Paterson Code § 412-2.
- An employee begins to accrue paid sick time on the effective date of the Ordinance (January 9, 2015) or on his or her first day of employment, whichever is later. See Paterson Code § 412-4.

*Exception:* If you are covered by a collective bargaining agreement that is in effect on the effective date of the Ordinance (January 9, 2015), 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. See Paterson Code § 412-3.

- Amount of Paid Sick Time and Rate of Accrual:

If your employer has . . .	You Accrue	Not 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
<i>Exception:</i> 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

See Paterson Code § 412-4.

- 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). See Paterson Code § 412-4.

WHAT NOTICE IS REQUIRED?

- All employers must give a written notice to each new employee regarding their rights under the Ordinance, as soon as practicable if the employee is already employed at the effective date of this law. Such a notice must describe the employees’ rights under the paid sick time ordinance. See Paterson Code § 412-7.
- If the need is foreseeable, your employer can require 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. See Paterson Code § 412-5.
- 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. Such documentation may not be required to explain the nature of the illness. See Paterson Code § 412-5.

**(Please refer back to the Ordinance for additional information on any of the above sections, which can be found on the City’s website at [www.patersonnj.gov](http://www.patersonnj.gov) )**