

**JERSEY CITY, NEW JERSEY
EARNED SICK LEAVE ORDINANCE (the “JCESTO”)
(PAID SICK LEAVE LAW)**

Businesses operating in Jersey City with 10 or more 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 Jersey City 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: 1/24/2014

Paid Sick Time Ordinance

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

1. Employee's sickness or preventive care;
2. Care for a family member (a child, parent, spouse, civil union partner, domestic partner, grandparent, grandchild or sibling) who is ill or needs to go to the doctor;
3. Place of employment or child's school is closed due to a public health emergency.

Leave can be used in increments of one hour.

Employee Notice Requirements

- If the paid leave is unforeseeable, the employee must provide notice as soon as practicable and must generally comply with the company's/customer's usual and customary notice and procedural requirements for absences and/or requesting leave.
- If paid leave is foreseeable, a written request shall be provided at least 10 days in advance of the paid leave, or as early as possible, unless the customer's normal policy requires less advance notice. When the use of accrued time is foreseeable, employee must schedule the use of sick leave in a manner that does not unduly disrupt the operations of the customer.

For sick time of more than three consecutive days, an employer may require reasonable documentation that the paid sick time has been used for a purpose covered by this ordinance. Reasonable documentation includes: documentation signed by a health care professional indicating that paid sick time is necessary. 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 24, 2014. New employees hired after January 1, 2014, will begin to accrue sick leave when an employee begins work in Jersey City, 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 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.

If an employee works in Jersey City (over 80 hours per year), his or her hours working in Jersey City will be counted as earned sick time. Any work outside of Jersey City will not count toward the employee's earned sick time.

No Pay Out Upon Termination

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

Rehires

- If an employee is rehired within six months, the employer must reinstate previously accrued sick leave that has not been used (unless the employer paid the employee for unused sick leave when the employee left). If an employee has been gone longer than six months, they lose their accrued sick time. The employee is entitled to use accrued sick time and accrue additional sick time at the re-commencement of employment.

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

07097	07307
07302	07308
07303	07310
07304	07311
07305	07395
07306	07399



JERSEY CITY'S EARNED SICK LEAVE ORDINANCE FREQUENTLY ASKED QUESTIONS



THE NEW LAW TAKES EFFECT JANUARY 24, 2014

The Jersey City Municipal Council recently passed the Jersey City Earned Sick Leave Ordinance requiring that all local businesses operating in Jersey City with 10 or more employees provide up to 5 paid sick days to their employees each year and that companies with fewer employees provide 5 unpaid sick days. Below are the answers to some frequently asked questions:

FOR EMPLOYERS

Is this new Ordinance a part of Obamacare?

No. This is a municipal ordinance and is not a part of the Affordable Care Act, commonly known as Obamacare.

What if my company employs nine or fewer workers, are the employees eligible for sick leave?

Employees at business with nine or fewer are eligible for one hour of unpaid sick leave per 30 hours worked, with a maximum of 40 hours annually.

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

No. Full-time/part-time status is determined by the employer. The earned sick leave law makes no distinction between part-time and full-time employees. Anyone who works 80 hours in a calendar year in Jersey City is an employee for the purposes of the law.

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

No. Your current labor agreement remains as is and the new law cannot alter it.

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

Yes, for three years, and the City reserves the right to access these records.

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

Failure to provide the records upon demand will "create a rebuttable presumption" that you have violated the Ordinance.

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

Yes. You will be required to give each employee written notice regarding their rights under the new law.

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

Yes. You must display this poster in a "conspicuous and accessible" place in each business.

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

Yes. You must provide a translation of the notices and posters in any language that is the first language of at least 10 percent of the workforce.

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

Yes. Not providing notice of the new law can result in a fine up to \$100 for each employee who was not given notice and \$500 for each establishment where a poster was not displayed.

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.

If I own one restaurant with eight workers and another with seven, both in Jersey City, am I exempt from having to provide earned sick time?

No. Because you employ a total of 10-plus workers, you must provide earned sick leave to all of them.

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

No. Nothing about the law forbids you from providing more generous benefits.

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

No. If the personal time benefit meets the same accrual requirements of the new law and can be used for the same purposes and under the same conditions as earned sick time, then you do not have to provide additional earned sick time.



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FOR WORKERS

Who is eligible?

Full-time, part-time and seasonal workers in companies that employ 10 or more employees. Freelancers or independent contractors are not eligible.

How much earned sick time am I eligible for?

One hour of earned sick time for each 30 hours worked, with a maximum of 40 hours (or five days) annually.

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

You are eligible for one hour of unpaid sick leave per 30 hours worked, with a maximum of 40 hours annually.

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

No. Full-time/part-time status is determined by the employer. The earned sick leave law makes no distinction between part-time and full-time employees. Anyone who works 80 hours in a calendar year in Jersey City is an employee for the purposes of the law.

Am I eligible as soon as I start working?

No. You begin accruing sick leave when you start working, but your employer isn't obligated to give it to you until your 90th day on the job.

Can I carry over my unused sick leave?

Yes, but your employer isn't required to give you more than five days annually. City officials included this requirement so that you don't go back to zero sick days every January 1st.

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

The law doesn't require employers to reimburse employees for unused time.

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

Not if you were rehired within six months of quitting. If it's longer than six months, you lose your accrued sick time.

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

No. If one company purchases another, employees of the original company retain their accrued sick time.

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

You can use your sick time if you are sick but also if you need to go to the doctor for preventive care or if you need to care for a family member (a child, parent, spouse, civil union partner, domestic partner, grandparent, grandchild or sibling) who is ill or needs to go to the doctor. Sick time can also be used if your place of employment or your child's school is closed due to a public health emergency.

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

No. The law forbids employers from retaliating against employees who use the sick time they are entitled to.

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

You have two options. You can call the Jersey City Department of Health and Human Services, (201) 547-6800, which may be able to help. Or you can file a complaint with the Jersey City Municipal Court.