



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 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.