

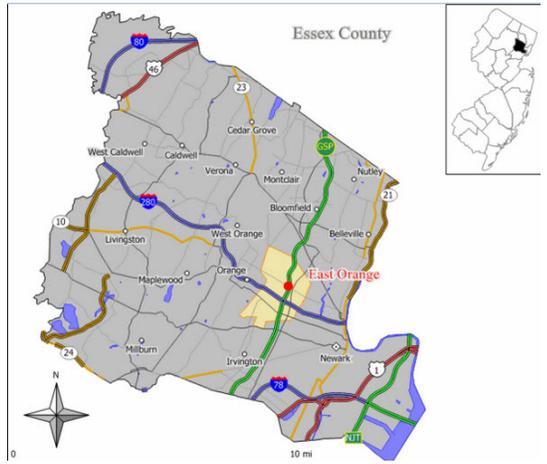
**EAST ORANGE, NEW JERSEY  
PAID SICK TIME ORDINANCE**

Businesses operating in East Orange, 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 East Orange, 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.



**EFFECTIVE: 1/6/2015**

**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 or smallest increment that employer’s payroll system uses.

“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;
- 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;
- 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 6, 2015. New employees hired after January 6, 2015 will begin to accrue sick leave when an employee begins work in East Orange, 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.

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

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# East Orange is healthier with paid sick leave.

## NOTICE TO EMPLOYERS AND EMPLOYEES

The Paid Sick Time Ordinance, **effective January 7, 2015**, ensures that all eligible persons working in the City of East Orange earn sick time to use when they or a family member are sick, injured, or need preventive health care. The ordinance is intended to mitigate the spread of disease and to allow employees to care for themselves and family members, making East Orange a healthier, more productive community. **By law, employers who must provide sick leave must give this written notice to new employees.** This notice also must be posted in a conspicuous and accessible place in the workplace establishment.

### WHO IS ELIGIBLE FOR PAID SICK LEAVE?

**All full-time, part-time or temporary workers** are eligible. Employees begin to accrue **paid sick time** on the first day of employment. Employees are able to use accrued **paid sick time** beginning on the 90<sup>th</sup> calendar day of their employment.

### HOW MUCH PAID SICK LEAVE MAY BE USED IN A YEAR?

- All employees accrue a minimum of one (1) hour of paid sick time for every 30 hours actually worked.
- Employers with 10 or more employees are not required to provide more than 40 hours of paid sick time in a calendar year.
- Employers with less than 10 employees are not required to provide more than 24 hours of paid sick time in a calendar year (except for employees who are child care workers, home health care workers and food service workers who require up to 40 hours of paid sick time accrued in a calendar year).
- Accrued but unused paid sick time shall be carried over to the following calendar year. No more than 40 hours of unused paid sick time may be carried over from one year to the next.

### ACCEPTABLE REASONS TO USE PAID SICK LEAVE

#### Employees can use sick leave when:

- The employee has a mental or physical illness, injury or health conditions; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
- An employee needs to care for a family member with a mental or physical illness, injury or health conditions; a need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or a 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 or an employee's need to care of 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 of a family member when it has been determined by 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 exposure to a communicable disease, whether or not the family member contracted the communicable disease.

### FAMILY MEMBERS

#### The law recognizes the following as family members:

- Child (biological, adopted, or foster child; legal ward; child or an employee standing in *loco parentis*)
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child of parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)

### REQUIREMENTS FOR USING PAID SICK LEAVE

- Employees are required to notify their employer of the need to use sick time by means of the employer's established policy or standard before the start of the employees' scheduled work shift or as soon as practical.
- For absences of more than three consecutive days, an employer may require reasonable documentation signed by a licensed health care provider.
- Financial or other reimbursement for unused accrued paid sick time to an employee from an employer is not implied upon termination, resignation, retirement, or other separation from employment.

### EMPLOYEE RIGHTS WHEN TAKING PAID SICK LEAVE

#### An employer may not require an employee to:

- Search for or find a replacement worker as a condition of the use of sick time.
- Work an alternate shift to make up for the use of sick time.

#### It shall be unlawful for an employer to:

- Interfere with, restrain or deny the exercise of or the attempt to exercise the right to sick time. Violation of this Ordinance is subject to fines up to \$500 for each day on which violation occurs or continues.
- Take retaliatory personnel action or discriminate against an employee because the employee has exercised the right to protected sick time.
- Use an absence control policy to count earned sick time as an absence that may lead to or result in adverse employment action against the employee.
- Any employer who violates the provisions of the paid sick leave ordinance is subject to a fine of up to \$500.00 for every day on which a violation occurs or continues. In addition to the fines set forth above, any employer who violates this ordinance is subject to payment of restitution in the amount of any paid sick time unlawfully withheld.

