



## Legal Alert: Mayor Approves Newark Paid Sick Leave; Ordinance Expected To Take Effect Mid-June 2014

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**Executive Summary:** As anticipated, Newark Mayor Luis Quintana approved an ordinance requiring private employers to provide paid sick leave to employees who work in Newark at least 80 hours per year. The ordinance is expected to take effect in mid-June, provided no further changes are made.

### **Employees Who Work in the City At Least 80 Hours Per Year Entitled To Up to 40 Hours of Paid Sick Leave**

As we previously reported [here](#), employees of private-sector employers who work in Newark at least 80 hours in a year are eligible to earn paid sick time under the new ordinance. The ordinance specifically exempts public employees, employees of construction unions covered by collective bargaining, and employees covered by collective bargaining agreements that waive paid sick leave requirements.

Eligible employees will earn one hour of paid sick time for every 30 hours worked. Employees of employers with at least 10 employees and those who work in the childcare, home health care and food service industries can accrue up to 40 hours in a calendar year. Employees of employers with nine or fewer employees who do not work in the listed industries can accrue up to 24 hours of paid sick time in a calendar year. Employees are able to carry over up to 40 hours of paid sick time from one year to the next.

Employees are eligible to earn paid sick leave immediately upon hire, although they would not be eligible to use it until they have been employed for 90 days.

### **Permissible Uses for Paid Sick Time**

Eligible employees may use paid sick time provided by the ordinance for their own or a family member's mental or physical illness, injury, or health condition; for closure of the employee's place of business by order of a public health official; to care for a child whose school or daycare has been closed by order of a public health official; or to care for a family member whose exposure to a communicable disease would jeopardize the health of others in a community, as determined by appropriate governmental authorities, regardless of whether the family member has actually contracted the disease.

Under the ordinance, the term "family members" includes:

- Biological, adopted, foster or stepchildren, legal wards, and children to whom the employee stands in loco parentis;
- Biological, foster, adoptive and stepparents, and legal guardians of the employee or an employee's spouse, domestic partner or civil union partner, and persons who stood in loco parentis when the employee was a



child;

- Spouses, civil union partners, and domestic partners;
- Grandparents, including the spouse, civil union partner or domestic partner of a grandparent;
- Grandchildren; and
- Siblings.

### **What Does this Mean for Employers?**

Employers with sick leave policies that are more generous than the ordinance will not be required to provide additional sick leave. However, employers should take note of additional recordkeeping requirements, such as tracking employees' use of time that may not otherwise be tracked as sick time under some paid time off or PTO policies.

Employers should review their existing leave policies to ensure compliance with the new ordinance. Due to the ordinance's application to employees who work in Newark at least 80 hours in a calendar year, the ordinance may apply to employees who work in the city only occasionally. We will update this Alert when Newark approves a form of posting and also will keep you posted on a statewide initiative pending in the New Jersey Assembly.

If you have any questions regarding this Alert or other labor or employment related issues, please contact the authors, [Salvador P. Simao](mailto:ssimao@fordharrison.com), [ssimao@fordharrison.com](mailto:ssimao@fordharrison.com), who is a partner in our [Berkeley Heights](#), New Jersey office, or [Joanna S. Rich](mailto:jrich@fordharrison.com), [jrich@fordharrison.com](mailto:jrich@fordharrison.com), who is a senior associate in our [Berkeley Heights](#) office. You may also contact the FordHarrison attorney with whom you usually work.