

## Several More New Jersey Cities Pass Paid Sick Leave Legislation

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Following Newark and Jersey City's lead, the cities of Passaic, East Orange, Paterson, and Irvington recently passed their own paid sick leave ordinances that will provide the majority of private employees working in those cities with paid sick leave. Additionally, on Election Day voters in Montclair and Trenton approved similar measures to bring paid sick leave to their cities. The Passaic ordinance becomes effective December 31, 2014; the East Orange ordinance on January 6, 2015; the Paterson and Irvington ordinances on January 7, 2015; and the Montclair and Trenton ordinances on March 4, 2015. When these laws take effect, it will bring the total number of New Jersey cities with paid sick leave ordinances to eight.

Under each of the new ordinances, which closely track Newark's ordinance (but not Jersey City's), employers with 10 or more employees in those cities must provide up to 40 hours of paid sick leave over a calendar year, and employers with fewer than 10 employees must provide up to 24 hours of paid sick leave over a calendar year. Employees covered by the ordinances will accrue at least one hour of paid sick leave for every 30 hours worked, and exempt employees are assumed to work 40 hours per week.

Aside from providing paid sick leave, employers in these municipalities must also provide all covered employees with written notice explaining their rights under the ordinance(s) upon hire or, for current employees, as soon as practicable following the law's effective date. Employers must also display a poster (not yet available) informing employees of their rights under the ordinance. The ordinance also requires employers to maintain adequate records documenting the amount of hours worked by each eligible employee and the amount of sick leave taken.

Although the Passaic, East Orange, Paterson, Irvington, Montclair, and Trenton ordinances are almost identical to the Newark ordinance, they differ with respect to use of paid sick time and the relief that can be granted for a violation of the ordinance. Under the Newark ordinance, an employer can determine whether paid sick time may be used in increments of less than one day, but under the Passaic, East Orange, Paterson, Montclair, and Trenton ordinances, accrued sick time may be used in either hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time. Additionally, in terms of relief that can be granted for violations of the ordinances, the Newark ordinance allows the municipal court to require restitution for any violation, whereas the Passaic, East Orange, Paterson, Irvington, Montclair, and Trenton ordinances allow the

municipal court to provide any relief it deems appropriate, including restitution, reinstatement, injunctive, or declaratory relief.

For more information regarding the requirements under these ordinances, please refer to our summary of the Newark sick leave ordinance in the March 2014 issue of the *New Jersey eAuthority*, as, notwithstanding the differences noted above, that ordinance is nearly identical to the ordinances of East Orange, Paterson, Passaic, Irvington, Montclair, and Trenton. Likewise, any notices already prepared to comply with the notice obligations under the Newark sick leave ordinance will be easily convertible to the notices required under East Orange, Paterson, Passaic, Montclair, Trenton, and Irvington's ordinances, as they each track the Newark ordinance almost verbatim.

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