

Jersey City, New Jersey, Extends Paid Sick Leave Requirements to More Employers

By **Justin B. Cutlip** and **[Luke P. Breslin](#)**

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The Jersey City Council has approved and adopted an ordinance amending the Jersey City sick leave law to make paid sick leave available to more workers in the second largest city in New Jersey.

Revisions under Ordinance 15.145, adopted on October 28, 2015, to existing Jersey City sick leave law include requiring employers with fewer than 10 employees to provide paid sick leave time, allowing waiver of the law's requirements under a collective bargaining agreement, and raising the fine for each infraction from \$1,250 to \$2,000, among other changes. (For details for the Jersey City sick leave law, Ordinance No. 13.097, see our article, [Jersey City Ordinance to Require Sick Leave for All Private Sector Employees Working in City.](#)) Employers should review the new law and adjust their practices and policies to account for the changes.

Ordinance 15.145 will become effective 60 days following signing by Jersey City Mayor Steven M. Fulop, which is expected soon.

Covered Employers

To align the Jersey City sick leave ordinance with other existing paid sick leave ordinances throughout New Jersey (the state has not enacted a statewide mandate), Jersey City will require that employers who employ fewer than 10 employees provide their workers up to 24 hours of *paid* sick leave time and 16 hours of unpaid sick time. Under the original Jersey City sick leave law, employers of fewer than 10 employees were only required to provide up to 40 hours of *unpaid* sick leave time to workers.

Furthermore, as a result of the amendments, employers cannot require their employees who have accrued both paid and unpaid sick leave time to exhaust unpaid sick leave time prior to being entitled to use paid sick leave time.

Collective Bargaining Agreement

Following enactment of Ordinance 15.145, the requirements of providing paid and unpaid sick leave time do not apply to employees covered by a collective bargaining agreement (CBA) to the extent such requirements are expressly waived in a clear and unambiguous manner in the CBA.

With respect to existing CBAs at the time of the enactment of Ordinance 15.145, the requirements of the ordinance do not apply until the expiration of the CBA. Nevertheless, to the extent the expired CBA provided greater paid sick leave time than that provided by the ordinance, the terms of the expired CBA will govern.

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Damages

The final major change to Jersey City's paid sick leave law is the damages provision. Ordinance 15.145 provides that employers will be subject to a possible fine of \$2,000 for each infraction, as opposed to \$1,250 under the original law.

Jackson Lewis attorneys are experienced in dealing with the issues in this Ordinance and are available to assist employers in their compliance efforts. If you have questions about this Ordinance or any other workplace issues, please contact the Jackson Lewis attorney with whom you regularly work.

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