

EMPLOYMENT LAW ALERT



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New Jersey Enacts Paid Sick Leave Act

While the New Jersey Legislature has been discussing it for years, Governor Phil Murphy finally made the State the tenth to require some sort of paid sick leave. Effective October 29, 2018, all New Jersey employers are required to provide employees paid sick leave under the New Jersey Paid Sick Leave Act (the "Act"). Under the new law, employees accrue one hour of earned sick leave for every 30 hours worked, capped at 40 hours annually, and are permitted to use the time for any of the following: (i) diagnosis, care, treatment of, or recovery from an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee; (ii) to aid or care for a covered family member during diagnosis, care or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member; (iii) the employee or family member being a victim of domestic or sexual violence; (iv) if the employee is unable to work because of closure of the employee's workplace, school, or childcare due to a public health emergency; and (v) to attend a child's school-related conference, meeting, function, or other event.

The Act requires that unused sick leave carry over to the next year, although not more than 40 hours in any single year, unless the employee chooses to accept payment for unused sick time in the final month of the employees benefit year. With regards to notice, employers may require advance notice - not to exceed 7 calendar days - for foreseeable absences, may require reasonable documentation under certain circumstances (including if an absence is for three or more consecutive days), and must conspicuously post a notice at the workplace. If unforeseeable, employees must give notice as soon as practicable. Finally, companies with personal, vacation, sick or paid time off (PTO) policies may utilize those policies to satisfy the requirements of the Act provided the policies meet the Act's minimum requirements, including that the accrual rate is equal to or greater than what is required and employees can use their earned sick time for the same permissible purposes.

Like most benefit laws, employers must carefully comply with this law to avoid scrutiny by the The New Jersey Department of Labor and Workforce Development or a private suit by employees who, under the law, are entitled to their actual damages *and* an equal amount of liquidated damages. In that regard, employers are encouraged to review their existing PTO, sick and vacation policies to ensure that they are in compliance with the act. As always, MARC's employment group is available to assist with any questions.

ABOUT MARC'S EMPLOYMENT LAW PRACTICE

The maze-like rules, regulations and laws governing labor and employment can be a minefield for employers. MARC's extensive litigation experience in all types of employment-related claims helps clients defend against lawsuits early and forcefully. Our successful representations run the gamut from trial verdicts on behalf of Fortune 50 corporations to dismissal of claims before administrative agencies. We investigate complaints from their inception and work with in-house counsel, management and corporate employees to aggressively defend our clients.

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