



JUNE 2014

NEWARK PAID SICK LEAVE ORDINANCE EFFECTIVE JUNE 21, 2014; ENGLISH “POSTER” AVAILABLE ONLINE

By Ian W. Siminoff

By way of update to our previous alert, the Newark Paid Sick Leave Ordinance goes into effect on June 21, 2014 (the original May 29, 2014, effective date was revised to reflect the late release of the poster – see below). Newark becomes the second New Jersey municipality to require paid time off for private employees, the other being Jersey City.

By way of brief summary, the law applies to all private sector full- or part-time employees working in the City of Newark for at least 80 hours per year (covered employees), regardless of the size of the employer. Employers with 10 or more covered employees must provide up to 40 hours (i.e., five days) of paid sick leave to covered employees over a calendar year, and employers with less than 10 covered employees must provide up to 24 hours (i.e., three days) of paid sick leave to covered employees over a calendar year. The law does not apply to covered employees currently covered by a collective bargaining agreement (CBA), but it will apply upon the CBA's expiration, unless expressly waived in any subsequent CBA.

By June 21, 2014, employers are required to provide all covered current employees with individual written notice explaining their rights under the ordinance. Covered employees hired after June 21,

2014, should be provided with the notice upon hire. While the notice is not yet available, Fox Rothschild can provide one for your use. The notice is required to be in English and the primary language spoken by the covered employee, so long as the primary language of that covered employee is also the primary language of at least 10 percent of the employer's workforce. In addition, by June 21, 2014, employers must also conspicuously display, in each business establishment where covered employees work, a poster informing covered employees of their rights under the ordinance. The City of Newark Department of Child and Family Well-Being recently prepared a “Frequently Asked Questions” (FAQ) document, which should be used as the poster, for now. The FAQ can be found here. While the Ordinance explains that the poster should be in English and in any language that is the first language of at least 10 percent of the workforce, only the English poster is available currently.

Finally, employers that employ covered employees should adopt the key provisions of the ordinance into their employee handbooks.

For more information regarding this Alert, please contact Ian W. Siminoff at 973.994.7507 or isiminoff@foxrothschild.com or any member of the Labor & Employment Department.

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