

## EMPLOYER DEADLINE FOR NOTICE UNDER THE NEW JERSEY PAID SICK-LEAVE LAW IS FAST APPROACHING

The deadline for employers to fulfill the final step of The New Jersey Earned Sick Leave Law is fast approaching. N.J.A.C. 12:69. Earlier this year, New Jersey passed the Paid Sick-Leave that went into effect on October 29, 2018, requiring employers to provide employees with paid sick-leave. Per the new Law, employers that do not post the requisite by November 29, 2018, are in violation of the Law. The Law includes specific requirements for the contents of the Notice, along with requirements for employers to provide Notice to existing employees and new hires.

This Law has drastic implications for employers throughout the country and applies to not only employers located in New Jersey, but also affects companies throughout the country and there is no minimum threshold requirements for employee eligibility. Moreover, it applies to any employer of any size that employs individuals who perform work in New Jersey. Under the current version of the Law, a company, regardless of location, with one employee performing work in the state of New Jersey, must adhere to the New Jersey Paid Sick-Leave Law for that employee.

Employers may provide sick leave by two means, either through the Accrual Method or the Advancing Method. 12:69-3.2. Under the Accrual Method, an employer must give an employee 1 hour of paid sick leave for every 30 hours works. The maximum amount that an employer may provide is 40 hours of sick time. 12:69-3.3. Under the Advancing Method, employers can provide 40 hours of sick time at the beginning of each benefit year. 12:69-3.4.

Worth noting is that any employer providing paid time off to its employees for use as vacation, personal time or sick leave in the amount that meets or exceeds all of the requirements of the New Jersey Act (40 hours), is in compliance with the Law. 12:69-1.1(c).

Per the Law, employees may use the time for medical treatments and appointments (mental or physical), medical care for family members and medical attention needed from domestic abuse or sexual violence. Notably, this Law also allows employees to take time for school related meetings or functions. 12:69-3.5.

The Act outlines specific requirements for record keeping. Generally, employers must maintain records documenting sick-leave (1) advanced/accrued, (2) used, (3) paid, and (4) paid out/carried over. 12:69-1.8. The Act provides for specific terms to this recording requirement for employees that are exempt under the FLSA, and the New Jersey Wage and Hour Laws.

Employers in violation of the Act face administrative penalties including cumulative fines, additional administrative fees paid to the Commissioner, and in some cases interest on payments of owed wages. 12:69-1.3, 1.4 and 1.5. Employers that are found to knowingly and willfully violate this Act potentially face cumulative monetary fines and cumulative prison time. 12:69-1.2(8)(b)(c).

The Law provides some room for employers to limit when employees can take or utilize the sick-leave; however, it is very specific. 12:69-3.4. Furthermore, the Law compels employers to offer the option of a payout for unused sick leave or rollover to the following year. 12:69-3.7.

This New Jersey Law mimics the Philadelphia Code that also requires employers to provide paid sick-leave to certain employees.

Litchfield Cavo attorneys practice in 37 states nationwide and are available to counsel on business compliance matters surrounding this new Law. Please contact one of our local offices or attorneys with any questions regarding your company's policy on sick leave or other employment law issues.