JERSEY CITY'S EARNED SICK LEAVE ORDINANCE
FREQUENTLY ASKED QUESTIONS

THE NEW LAW TAKES EFFECT JANUARY 24, 2014

The Jersey City Municipal Council recently passed the Jersey City Earned Sick Leave Ordinance requiring that all local businesses operating in Jersey City with 10 or more employees provide up to 5 paid sick days to their employees each year and that companies with fewer employees provide 5 unpaid sick days. Below are the answers to some frequently asked questions:

FOR WORKERS

Who is eligible?
Full-time, part-time and seasonal workers in companies that employ 10 or more employees. Freelancers or independent contractors are not eligible.

How much earned sick time am I eligible for?
One hour of earned sick time for each 30 hours worked, with a maximum of 40 hours (or five days) annually.

What if I work for a company that employs nine or fewer workers?
You are eligible for one hour of unpaid sick leave per 30 hours worked, with a maximum of 40 hours annually.

Does it matter whether I am a full-time or part-time employee?
No. Full-time/part-time status is determined by the employer. The earned sick leave law makes no distinction between part-time and full-time employees. Anyone who works 80 hours in a calendar year in Jersey City is an employee for the purposes of the law.

Am I eligible as soon as I start working?
No. You begin accruing sick leave when you start working, but your employer isn't obligated to give it to you until your 90th day on the job.

Can I carry over my unused sick leave?
Yes, but your employer isn't required to give you more than five days annually. City officials included this requirement so that you don't go back to zero sick days every January 1st.

Can I receive payment for any unused sick leave if I quit?
The law doesn't require employers to reimburse employees for unused time.

I quit my job and was the rehired by the same company. Do I lose my accrued sick time?
Not if you were rehired within six months of quitting. If it's longer than six months, you lose your accrued sick time.

My company was just bought out by another firm. Do I lose my accrued sick time?
No. If one company purchases another, employees of the original company retain their accrued sick time.

Can I only use my sick time if I am sick?
You can use your sick time if you are sick but also if you need to go to the doctor for preventive care or if you need to care for a family member (a child, parent, spouse, civil union partner, domestic partner, grandparent, grandchild or sibling) who is ill or needs to go to the doctor. Sick time can also be used if your place of employment or your child's school is closed due to a public health emergency.

If I am entitled to five earned sick days in one year and take all five, can I get in trouble with my boss?
No. The law forbids employers from retaliating against employees who use the sick time they are entitled to.

What do I do if I believe my employer isn't granting me sick time I am entitled to?
You have two options. You can call the Jersey City Department of Health and Human Services, (201) 547-6800, which may be able to help. Or you can file a complaint with the Jersey City Municipal Court.

For more information, please visit the city website at: http://www.jerseycitynj.gov/business.aspx?id=13851