

Newark City Council Introduces Paid Sick Leave Ordinance



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On October 29, 2013, Newark City Council unanimously voted to introduce legislation that would require private employers operating in the city to provide paid sick time to their employees. If the ordinance is enacted, eligible employees will be entitled to paid sick time to attend to their health conditions, to care for a family member's health condition, to care for a child whose school or daycare has been closed due to a public health emergency, or when their own place of business has been closed due to a public health emergency.

Under the proposed ordinance, employers with 10 or more employees are required to provide a minimum of 40 hours of paid sick time per calendar year, while employers with less than 10 employees are required to offer at least 24 hours per calendar year. Employees accrue a minimum of 1 hour of paid sick time for every 30 hours worked, however, employers are not required to carry over more than 40 hours from one calendar year to the next. Accrual of paid sick time begins on the employee's first day of employment, and may be used after the first 90 days of employment upon the employee's written request.

The proposed ordinance is subject to a public hearing and the mayor's approval, which could happen within the next month. If enacted, the ordinance will take effect within 120 days. Employers should track the status of this legislation as its

enactment will further require employers to display a poster with the its provisions in a conspicuous place, and provide employees with a written notice explaining their paid sick time entitlement at the commencement of employment or as soon as practicable with respect to current employees. Failure to comply with the notice requirements could result in a fine of up to \$100 for each employee found not to have received appropriate notice. Additionally, fines of up to \$500 are possible for failure to display the required poster in the workplace, or for unlawful denials of paid sick time. For other violations, fines of up to \$2,000 may be imposed. Importantly, the ordinance expressly prohibits retaliation, and allows a private cause of action for employees alleging violations.

Employers that already have paid leave policies that meet the requirements of the ordinance will not be required to provide any additional paid sick time, however, employers with existing paid sick time policies should reevaluate them in the event of enactment to ensure they clearly state that employees are entitled to paid sick time for the same purposes and under the same conditions mandated by the ordinance. Please check back periodically for updates regarding this proposed legislation.

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