

Be Prepared: New Jersey's Broad Paid Sick Leave Law Effective October 29, 2018

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Effective October 29, 2018, the [New Jersey Paid Sick Leave Law](#) will require that all private sector employers, regardless of size, provide forty (40) hours of paid sick leave each benefit year to employees working in New Jersey. If the employer already offers a minimum of 40 hours of paid time off, the employer is in compliance with the law as long as employees can use the time for the purposes stated under the law, e.g., personal days, vacation days, or sick days. If the employer is not currently offering this benefit, here are some of the things the employer needs to know in order to fashion a compliant policy:

- The law covers part-time, full-time, exempt, non-exempt, and temporary workers. The law does not cover properly classified independent contractors or employees covered by a collective bargaining agreement;
- Notification of the law must be provided in a [form issued by the DOL commissioner](#) to employees and it should be posted in a place accessible to all employees;
- A single benefit year for all employees must be established by the employer. Once established, the benefit year cannot be changed without notifying the NJDOL, who can deny the change if it determines the change is intended to evade the law's accrual and use requirements;
- Employers are entitled to choose whether to use the "accrual method" or the "front-load method." Regardless of the method, employers are not required to allow employees to accrue or use in any one benefit year, or carry over from one benefit year to the next, more than 40 hours of sick leave;
- Employees must be paid at the same rate of pay they normally receive. Tipped employees must be paid the state minimum wage;
- Employers must retain records documenting the hours worked by employees and earned sick leave for five years; and
- The law prohibits employers from retaliating against an employee because he or she requests or uses sick leave in accordance with the act of the employer's sick leave policy.

With the effective date quickly approaching, employers are well-advised to use the next couple of weeks to ensure compliance. Employers not in compliance in a timely manner could face liability, including hefty fines,

back pay, liquidated damages and attorneys' fee awards.

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Topics

New Jersey, Sick Leave, Paid Time Off, Paid Leave, Paid Sick Leave Law, NJ Paid Sick Leave Law, NJ DOL