



# Compliance Alert

## New York City and New Jersey Paid Sick Leave Updates

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The New York City Paid Safe and Sick Leave Law originally went into effect April 1, 2014. The law mandated that employers with five or more employees who are employed for more than 80 hours a calendar year in New York City must provide paid sick leave. Employees can begin using leave 120 days after their first day of work.

Employers with fewer than five employees must provide unpaid sick leave.

The law was amended to allow New York City employees to use earned sick time to address issues relating to the employee's or a family member's domestic violence, sexual offense, stalking or human trafficking. In addition, the definition of "family member" was broadened to include any individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship. The amended law took effect May 5, 2018.

The Department of Consumer Affairs just published the [revised notice](#) and announced employers must distribute it to New York City employees by **June 4, 2018**.

### Next Steps for Employers with Employees in New York City:

1. Revise your New York City sick time policy if necessary
2. Provide [written notice](#) to employees by June 4.
3. Train supervisors on acceptable uses for safe time off.
4. Keep records proving that notices were distributed in a timely manner.

### New Jersey Safe/Sick Leave

The State of New Jersey just passed a [sick/safe leave law](#) that preempts all local sick leave ordinances. The NJ sick/safe leave law is effective October 29, 2018.

### Who is Covered?

The act applies to all employers and paid employees working in New Jersey

## How is Leave Accrued?

- Employers designate a 12 consecutive month period as a “Benefit Year”. Once this benefit year is established it cannot be changed unless the employer notifies the New Jersey Department of Labor and Workforce Development.
- For every 30 hours worked in the benefit year, the employee accrues one hour of earned sick leave.
- The employer may provide an employee with the full complement of earned sick leave for a benefit year.
- The employer is not required to permit the employee to accrue more than 40 hours of earned sick leave in a benefit year.
- Employers with existing paid time off (PTO), personal days, vacation days and sick-day policies may utilize those policies to satisfy the requirements of the act, as long as employees can use the time off as required by the act.

## How Can Leave Be Used?

Employers are not required to permit employees to use more than 40 hours of sick leave in a benefit year. Employees can use accrued sick time after the 120<sup>th</sup> day of the first date of employment (and no earlier than October 29, 2018) for the following reasons:

- Time needed for diagnosis, care or treatment of, or recovery from, an employee’s mental or physical illness, injury or other adverse health condition or for preventive medical care for the employee;
- Time needed for the employee to aid or care for a family member of the employer during diagnosis, care or treatment of, or recovery from, the family member’s mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow for medical attention needed to recover from the physical or psychological injury or disability caused by domestic or sexual violence, or to receive services from a designated domestic violence agency;
- Time during which the employee is not able to work because of the employee’s workplace closure, or the school or place of care of a child of the employee;
- Time needed by the employee to attend a school related conference, meeting, function or other event requested or required by the school.

“Family member” is loosely defined as a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of the employee or spouse, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

## What Notice and Documentation is Required?

For foreseeable absences, employers may require a maximum of seven calendar days advance notice of the intention to use the leave, and the expected duration.

For unforeseeable absences, employers may require employees to give notice of the intention to use the leave as soon as practicable.

For absences of three days or more, the employer may require documentation confirming the employee used the sick leave for a covered purpose.

### **Next Steps for New Jersey Employers:**

1. Review your paid time off, vacation and other paid leave policies to determine if they need amending to ensure compliance.
2. Review your handbook to determine if it will need to be updated.
3. Inform managers and supervisors of any new policy changes.
4. Post a notification of employees' rights and provide a written copy of the notice within 30 days after the department has issued a model notice, and upon new hire, or request.
5. Maintain records documenting hours worked by employees and paid sick time taken for a period of five years.

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