

Notice of Employee Rights to Paid Sick Time

Under Township of Montclair Paid Sick Time Ordinance (also known as Earned Sick Days), certain employers must give their employees paid sick time.

Employees who work more than 80 hours in a calendar year in the Township of Montclair must be provided with paid sick time by their employers. The law excludes from this requirement: individuals employed by the city, state, or federal government; individuals employed by any New Jersey school district or Board of Education; and members of a construction union who are enrolled or have graduated from a registered apprenticeship program and are covered by a collective bargaining agreement.

By law, employers who must provide paid sick time must give this written notice to new employees when they begin employment and to existing employees as soon as practicable. Employers must also post this notice in a conspicuous and accessible place in each establishment where employees are employed.

YOU HAVE A RIGHT TO PAID SICK TIME, WHICH YOU CAN USE FOR THE CARE AND TREATMENT OF YOURSELF OR A FAMILY MEMBER.

Amount of Paid Sick Time and Rate of Accrual:

If your employer has . . .	You Accrue	Not required to exceed
10 or more employees	1 hour of paid sick time for every 30 hours worked	40 hours a year
Fewer than 10 employees	1 hour of paid sick time for every 30 hours worked	24 hours a year
<i>Exception:</i> Regardless of the number of people employed by your employer, if you are a child care worker, home health care worker, or food service worker	1 hour of paid sick time for every 30 hours worked	40 hours a year

Sick leave is accrued based on your employer’s calendar year. Accrued sick time may be used in the smallest increments that the employer’s payroll system uses to account for absences or use of other time.

Date Paid Sick Time Accrual Begins:

You begin to accrue paid sick time on March 4, 2015 or on your first day of employment, whichever is later.

- *Exception:* If you are covered by a collective bargaining agreement that is in effect on March 4, 2015, you begin to accrue paid sick time under this law beginning on the date that the agreement ends, unless the collective bargaining agreement expressly and clearly waives the protections of the Paid Sick Time Ordinance, in which case all or any portion of this law will not apply to you.

Date Paid Sick Time is Available for Use:

If, on March 4, 2015, you have been employed by your employer for more than 90 calendar days, you can begin using paid sick time as it is accrued. Otherwise, you can begin using paid sick time 90 calendar days after your employment begins. You may use paid sick time as it is accrued beginning on the 90th calendar day of employment.

Acceptable Reasons to Use Paid Sick Time:

You can use paid sick time when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer’s business closes due to a public health emergency; you need to care for a child whose school or child care provider closed due to a public health emergency; or you need to care for a family member whose presence in the community would jeopardize the health of others.

Family Members:

The ordinance recognizes the following as family members:

- Child (biological, adopted, or foster child, stepchild or legal ward; child of an employee standing in “loco parentis”— in place of a parent)
- Parent
- Spouse
- Domestic Partner
- Civil Union Partner
- Grandchild
- Grandparent or spouse, domestic partner, or civil union partner of a grandparent
- Child or parent of an employee’s spouse, domestic partner, or civil union partner
- Sibling

Advance Notice:

If the need is foreseeable, your employer can require no more than seven days advance notice of your intention to use paid sick time. If the need is not foreseeable, your employer may require you to give notice before the beginning of your work shift or work day, or as soon as practicable in an emergency where advanced notice is not possible.

Documentation:

If you use three or more consecutive workdays for instances of paid sick time, your employer can require reasonable documentation (signed by a health care professional) that the time has been used for acceptable purpose (listed above). Such documentation may not be required to explain the nature of the illness.

Unused Paid Sick Time:

Up to 40 hours of unused paid sick time can be carried over to the next calendar year. Your employer is only required to let you use up to 40 hours of paid sick time per calendar year. However, if your employer has fewer than 10 employees, they are not required to provide more than 24 hours of paid sick time in a calendar year (with the exception of child, home health care, and food service workers).

Retaliation is prohibited:

Your employer cannot retaliate against you for using paid sick time. Retaliation includes any threat, discipline, discharge, demotion, suspension, reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law. Your employer cannot retaliate against you for:

- Requesting and using paid sick time.
- Filing a complaint for alleged violations of the law.
- Communicating with any person, including coworkers, about any violation of the law.
- Participating in an administrative or court proceeding regarding an alleged violation of the law.
- Informing another person of that person’s potential rights.

Enforcement:

You have a right to file a complaint with the *Montclair Department of Health and Human Services*. To file a complaint, contact us at (973)509-4970. The Department will keep your identity confidential unless disclosure is necessary to resolve the investigation. The Department will notify you that they will be disclosing your identity prior to such disclosure, to the extent practicable.

You also have the right to file a complaint with the Municipal Court. To file a complaint, call (973)509-4774 for more information. You do not have to file a complaint with the *Department of Health and Human Services* before filing a complaint in Municipal Court. Filing a complaint with the Department does not prevent you from filing an action in Municipal Court.

Keep a copy of this notice and all documents that show your amount of paid sick time and your paid sick time accrual and use.

Note: The Paid Sick Leave Ordinance sets the minimum requirements for paid sick time. Your employer's leave policies may already meet or exceed the requirements of the law.

You have a right to be given this notice in English and your primary language, if your primary language is also the primary language of at least 10% of your employer's workforce.