

Montclair and Trenton Join Ranks of New Jersey Cities with Paid Sick Leave Laws

November 19, 2014

By Mollie K. O'Brien

Election Day 2014 saw the passage of two more paid sick leave municipal ordinances, bringing the New Jersey state total to eight as of this writing. Suburban Montclair and the capital city of Trenton have joined East Orange, Irvington, Jersey City, Newark, Passaic, and Paterson in mandating that private-sector employers operating in those municipalities provide employees with paid sick leave.

Although each local ordinance contains subtle nuances, they are largely identical: private employers with 10 or more “employees” (defined as including most full-time, part-time, and temporary workers) must provide up to 40 hours of paid sick leave each calendar year, with employers having fewer than 10 employees being required to provide up to 24 hours of unpaid sick leave. Additionally, each ordinance contains notice and accrual requirements, record-keeping responsibilities, anti-retaliation provisions, and instructions regarding an employee’s right to file a complaint with a designated entity for an employer’s alleged non-compliance with the ordinance.

Employers, however, may soon find these local measures preempted by state law. Noting the unintended consequence of “patchwork regulation” and the need for uniformity across the state upon which small business owners can rely, the New Jersey Legislature has proposed a state-wide [paid sick leave law](#), which, if enacted, would preempt local mandates requiring such benefits.

Until then, New Jersey employers will need to contend with the patchwork. We have previously provided advisories about the inaugural ordinances that have gone into effect in [Newark](#) and [Jersey City](#). The text of the ordinances for those cities can be found, respectively, [here](#) and [here](#).

The effective date of each recently enacted ordinance is as follows:

[East Orange](#): Effective date is January 7, 2015.

Irvington: Effective date is January 28, 2015.

<u>Montclair:</u>	Effective date is on or about March 4, 2015 (adopted November 4, 2014).
<u>Passaic:</u>	Effective date is in or around January 3, 2015 (adopted September 2, 2104).
<u>Paterson:</u>	Effective date is January 10, 2015.
Trenton:	Effective date is on or about March 4, 2015 (adopted November 4, 2014).

Although a state-wide paid sick leave law appears to be on the horizon, employers should nevertheless monitor the municipalities in which they operate for potential new ordinances.

What Employers Should Do Now

Employers subject to the paid sick leave ordinance in **East Orange, Irvington, Jersey City, Montclair, Newark, Passaic, Paterson, or Trenton** are reminded to do the following:

- Determine which employees are covered by the ordinance.
- Review and, when necessary, modify current leave and anti-retaliation policies to ensure compliance with at least the minimum requirements of the ordinance.
- Watch for the publication/availability of the notice of employees' rights under the ordinance—which is required to be distributed to employees and must be in English and the primary language of at least 10 percent of your workforce—and the poster to be displayed in the workplace.
- Determine the primary language spoken by at least 10 percent of your workforce.
- Ensure that time, payroll, and benefits systems properly track, calculate, and sufficiently show the hours worked and sick time taken by employees.
- Train managers and human resource personnel about the ordinance and its non-retaliation provisions.

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