

# East Orange is healthier with paid sick leave.

## NOTICE TO EMPLOYERS AND EMPLOYEES

The Paid Sick Time Ordinance, **effective January 7, 2015**, ensures that all eligible persons working in the City of East Orange earn sick time to use when they or a family member are sick, injured, or need preventive health care. The ordinance is intended to mitigate the spread of disease and to allow employees to care for themselves and family members, making East Orange a healthier, more productive community. **By law, employers who must provide sick leave must give this written notice to new employees.** This notice also must be posted in a conspicuous and accessible place in the workplace establishment.

### WHO IS ELIGIBLE FOR PAID SICK LEAVE?

**All full-time, part-time or temporary workers** are eligible. Employees begin to accrue **paid sick time** on the first day of employment. Employees are able to use accrued **paid sick time** beginning on the 90<sup>th</sup> calendar day of their employment.

### HOW MUCH PAID SICK LEAVE MAY BE USED IN A YEAR?

- All employees accrue a minimum of one (1) hour of paid sick time for every 30 hours actually worked.
- Employers with 10 or more employees are not required to provide more than 40 hours of paid sick time in a calendar year.
- Employers with less than 10 employees are not required to provide more than 24 hours of paid sick time in a calendar year (except for employees who are child care workers, home health care workers and food service workers who require up to 40 hours of paid sick time accrued in a calendar year).
- Accrued but unused paid sick time shall be carried over to the following calendar year. No more than 40 hours of unused paid sick time may be carried over from one year to the next.

### ACCEPTABLE REASONS TO USE PAID SICK LEAVE

#### Employees can use sick leave when:

- The employee has a mental or physical illness, injury or health conditions; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
- An employee needs to care for a family member with a mental or physical illness, injury or health conditions; a need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or a need for preventive medical care;
- Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care of a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care of a family member when it has been determined by health authorities having jurisdiction or by a health care provider that the family member's presence in the community would jeopardize the health of others because of exposure to a communicable disease, whether or not the family member contracted the communicable disease.

### FAMILY MEMBERS

#### The law recognizes the following as family members:

- Child (biological, adopted, or foster child; legal ward; child or an employee standing in *loco parentis*)
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child of parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)

### REQUIREMENTS FOR USING PAID SICK LEAVE

- Employees are required to notify their employer of the need to use sick time by means of the employer's established policy or standard before the start of the employees' scheduled work shift or as soon as practical.
- For absences of more than three consecutive days, an employer may require reasonable documentation signed by a licensed health care provider.
- Financial or other reimbursement for unused accrued paid sick time to an employee from an employer is not implied upon termination, resignation, retirement, or other separation from employment.

### EMPLOYEE RIGHTS WHEN TAKING PAID SICK LEAVE

#### An employer may not require an employee to:

- Search for or find a replacement worker as a condition of the use of sick time.
- Work an alternate shift to make up for the use of sick time.

#### It shall be unlawful for an employer to:

- Interfere with, restrain or deny the exercise of or the attempt to exercise the right to sick time. Violation of this Ordinance is subject to fines up to \$500 for each day on which violation occurs or continues.
- Take retaliatory personnel action or discriminate against an employee because the employee has exercised the right to protected sick time.
- Use an absence control policy to count earned sick time as an absence that may lead to or result in adverse employment action against the employee.
- Any employer who violates the provisions of the paid sick leave ordinance is subject to a fine of up to \$500.00 for every day on which a violation occurs or continues. In addition to the fines set forth above, any employer who violates this ordinance is subject to payment of restitution in the amount of any paid sick time unlawfully withheld.

