

NEW JERSEY SIGNS PAID SICK LEAVE INTO LAW

Here's What You Need to Know

Last week, we became the 10th state in the nation to enact paid sick leave legislation when Governor Phil Murphy signed the New Jersey Sick Leave law into effect. The law guarantees some NJ workers the ability to take an occasional sick day without losing any pay.

Not every worker in the state will benefit. It does not include employees in a collective bargaining agreement in the construction industry, per diem healthcare workers, or public employees provided sick leave pursuant to any other law, rule, or regulation in New Jersey. It does not apply to people who reside in New Jersey but work out of state.

The new law will go into effect in October, 180 days after enactment. At that time, employees will begin to accrue leave. The accrual rate is one hour per 30 worked, up to a maximum of 40 hours in one year. Employees will be eligible to use the accrued leave 120 days later. For employees hired after the effective date of the law, benefits will begin to accrue immediately, and they will be eligible to use the leave after 120 days. However, employers may agree to an earlier date.

Employees may use earned sick days for:

- Their own health needs or that of a family member, defined in the law as a "child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship";
- Issues resulting from an employee (or family member of employee) being a victim of domestic or sexual violence, including medical attention necessary for physical or psychological injury; obtaining services from a designated domestic violence agency or other victim services organization; relocation; or legal services, including participation in any related legal proceeding;

- Closure of the employee's workplace, school, or childcare due to a public health emergency;
- A child's school-related conference, meeting, function, or other event.

In order to take advantage of the law, employers may require "reasonable documentation" for absences of three or more days. Documentation depends on the type of absence and is spelled out in the law.

The new law provides that employee sick leave does not accumulate beyond 40 hours in any one-year period. The law provides that you may carry forward unused time from one year to the next as long as your accrued time does not exceed 40 hours. The New Jersey Department of Labor and Workforce Development, which has oversight and responsibility for implementation and enforcement of the new law, will develop regulations that spell out how this will be implemented and enforced.

There are strong provisions in the law to address employer non-compliance. The process by which an employee can use these provisions to report non-compliance will be outlined in the forthcoming regulations.

While there will be some cost to employers, research shows that the benefits of paid sick leave laws far outweigh the costs. Benefits include reduced employee turnover (and the subsequent reduced cost of hiring and training new employees), higher productivity and morale, and better public health.

For more information on the law and how it may affect you or your business, contact the team at Baratz & Associates, PA. We are here to help.

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