

Effective Today: The New Jersey Paid Sick Leave Law

Today, New Jersey joins the growing list of jurisdictions that require employers to offer their employees paid sick leave. The *New Jersey Paid Sick Leave Law* (the Law), which was signed into law on May 2, 2018, and takes effect today, allows employees to accrue one hour of earned sick leave for every 30 hours worked, up to 40 hours each year. In lieu of proceeding under this accrual method, employers may offer their employees 40 hours of paid sick time at the beginning of each benefit year. Alternatively, employers may establish or rely on their own paid time off policy, as long as it provides for equal or greater paid time off benefits than those provided for under the Law.

The Law applies broadly to employers, regardless of size, that employ employees in the state of New Jersey, including temporary help service firms. While the Law applies to most employees that work in the state, it does not include employees performing service in the construction industry who are under contract pursuant to a collective bargaining agreement, per diem health care employees, or public employees who are provided with sick leave with full pay pursuant to any other law, rule, or regulation of New Jersey.

Employees are permitted to use the earned sick leave accrued for a wide variety of conditions and circumstances, including: the mental or physical illness, injury, or other adverse health condition of the employee or a family member; to recover from domestic violence affecting the employee or a family member; time during which an employee is not able to work because of the closure of work, or the closure of the school of the employee's child, due to an epidemic or other public health emergency; and time needed by an employee to attend school-related conferences, meetings, functions, or other events requested by the school in connection with the health conditions or disability or the employee's child.

The Law affords employees with a private right of action against their employers, allowing employees to seek actual damages suffered as a result of the violation plus an equal amount of liquidated damages. Employers must also be cognizant that the Law includes an anti-retaliation provision that provides for a rebuttable presumption of retaliation whenever an employer takes adverse action against an employee within 90 days of when that employee engages in protected activity under the Law, such as filing a complaint or informing any person about an employer's alleged violation of the Law.

Nearly all New Jersey employers will be impacted by this new law. Accordingly, to the extent employers have not done so already, they should review their paid time off, vacation, and other paid leave policies to determine whether they need to implement a paid sick time policy or amend existing policies to ensure compliance. Lastly, employers must post and distribute to all New Jersey employees a copy of the applicable notice, which can be found [here](#), or on the New Jersey Department of Labor and Workforce Development's website.



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