

## Newark Paid Sick Leave Ordinance to take effect on June 21

In January 2014, Newark became the second city in New Jersey and the seventh major US city to require most private sector employers to provide paid sick time for their employees. Under a new ordinance, businesses will have to provide a minimum amount of paid sick time to any of their employees who work in the city for at least 80 hours in a year. The city has announced that the ordinance becomes effective on June 21. In addition to making any necessary changes to existing sick leave policies, employers should prepare to provide written notices to employees and to display a poster in the workplace when the new law takes effect.

### Background

On January 29, 2014, Newark Mayor Luis Quintana signed the city's [Sick Leave for Private Employees Ordinance](#) (ordinance) into law. The ordinance requires all private sector employers with 10 or more employees working in the city to provide up to five days (40 hours) of job-protected paid sick leave per year, while smaller employers will be required to provide up to three days (24 hours) of paid sick time per year. Under the new ordinance, private sector employees (other than members of a construction union or certain employees covered by a current collective bargaining agreement) who work in the city of Newark for at least 80 hours in a calendar year will be eligible for paid sick time. (See our [March 18, 2014 For Your Information](#).)

### Notice and posting requirements

On June 1, the city of Newark announced on its new [webpage](#) that the sick leave ordinance becomes effective on June 21, 2014, and reminded employers of their notice and posting obligations under the new law. Employers must provide current employees with written notice of their rights and obligations under the ordinance by June 21, and notice to subsequent hires when they begin employment. The ordinance requires notice to be provided in English and in any language that is the first language of at least 10% of the employer's workforce.

Although Newark's Department of Child and Family Well-Being (Department) was expected to make model notices available, it has not



yet done so. Instead, the city recommends that employers prepare a written notice that incorporates the key terms of the ordinance.

**Buck comment.** Employers should also update their employee handbooks and other policies and procedures to reflect the ordinance's provisions.

In addition to individual notices, employers must post an employee rights notice in a conspicuous location in each of their business establishments where eligible employees work. Like the individual notices, the workplace posting must be in English and in any language that is the first language of at least 10% of the employer's workforce. The Department has made available an English version of "Frequently Asked Questions" ([FAQs](#)) for employers and employees on the ordinance's webpage, which the city indicates may be used to satisfy the posting requirement — but not the individual notice requirement.

The FAQs contain a noteworthy clarification on reinstatement of previously accrued but unused paid sick time upon rehire. The FAQs confirm that the ordinance does not provide for vesting sick time if an employee quits. Rather, sick time is reinstated only if the employee is fired or laid off and rehired within six months.

**Buck comment.** Employers should continue to check the new webpage for additional compliance assistance as the ordinance's effective date approaches.

## In closing

Some employers doing business in Newark will soon have to provide a new employee benefit while others will have to fine tune their current sick leave benefits. As employers await further compliance assistance, they should make sure that they are taking steps to satisfy their notice and posting obligations and implement any necessary changes to their existing leave programs by June 21.

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