



Paid Sick Leave Comes To Morristown

TOWN JOINS EVER-GROWING LIST OF NEW JERSEY MUNICIPALITIES REQUIRING PAID LEAVE

Insights

9.21.16

On September 13, 2016, the Morristown Town Council passed Ordinance No. 35-2016, which will soon require all private employers in Morristown to provide paid sick time to employees. The ordinance goes into effect on October 4, 2016 for non-unionized employees, and at the expiration of any collective bargaining agreement currently in effect for unionized employees.

Coverage Of Morristown Ordinance

Much like similar ordinances adopted by twelve other New Jersey municipalities, Morristown's ordinance will require private employers with ten or more employees to provide 40 hours of paid sick leave during a calendar year. Employers with nine or fewer employees will only need to provide at least 24 hours of paid sick leave during a calendar year.

However, if an employer operates in the areas of childcare, home healthcare, or food service, it must provide up to 40 hours of paid sick time per calendar year regardless of the number of employees employed.

Accrual And Use Of Paid Sick Leave

Employees will accrue their paid sick leave at a rate of one hour for every 30 hours worked. To qualify for the leave, employees must work at least 80 hours in a calendar year for an employer operating in Morristown.

Employees begin to accrue paid sick leave their first day of employment, but cannot begin to use the time until after their 90th day of employment. Employers may allow unused accrued leave to be carried over from one calendar year to the next; however, employers need not provide more than 40 hours of paid sick leave in any calendar year. Also, employers do not need to pay out unused accrued paid sick leave upon an employee's separation from employment.

Employees may use the sick leave for either their own medical condition or to care for a "Family Member" as defined in the ordinance. Employers may request written confirmation that employees used their paid sick leave for an authorized purpose under the ordinance.

Also, employers may require employees provide reasonable documentation that the leave was used for an authorized purpose after paid sick leave is used for three consecutive days or three

consecutive instances. Employers, however, cannot require information about the nature of the illness. Additionally, employers cannot retaliate against or interfere with employees' right to use paid sick leave.

Posting, Notice, And Recordkeeping Requirements

Like so many other laws in New Jersey, the Morristown paid sick leave ordinance contains a notice, posting, and recordkeeping requirements. Employers must provide written notice to each employee about the rights provided by the ordinance. Employers also must display a poster (in English and any language that is the primary language of at least 10% of the workforce) containing the same information in the notice in a conspicuous and accessible place.

Employers must also maintain records documenting hours and paid sick leave utilized by employees. Failure to maintain adequate records creates a rebuttable presumption that an employer violated the ordinance.

Morristown Is Not Alone

As noted above, with passage of this ordinance, Morristown becomes the thirteenth municipality in the state to require some form of paid sick leave. The following twelve New Jersey municipalities have also enacted paid sick leave ordinances: [Bloomfield](#), [East Orange](#), [Elizabeth](#), [Irvington](#), [Jersey City](#), [Montclair](#), [Newark](#), [New Brunswick](#), [Paterson](#), [Passaic](#), [Plainfield](#), and [Trenton](#).

What Employers Should Do Now

A full copy of the recently enacted ordinance can be found [here](#). If your organization has any employees in Morristown, you should ensure that your relevant policies (such as sick time or paid time off and retaliation policies) are reviewed by counsel to ensure compliance with the ordinance. You should provide training to supervisors and managers on how they should track the accrual and use of paid sick time, and also on how they should handle requests for written confirmation on the use of the paid sick leave.

Finally, you should begin preparing notices and postings in English and any language that is the primary language of at least 10% of your workforce and be prepared to distribute and post them when the law goes into effect. For many employers, the effective date is rapidly approaching in just a few weeks, so you should act diligently now to avoid problems later.

For more information about how this ordinance affects your workplace, contact any attorney in [our New Jersey office](#) at 908.516.1050 or your regular Fisher Phillips attorney.

This Legal Alert provides information about a specific new town ordinance. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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