

**SENATE, No. 2171**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED MARCH 5, 2018

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senator Greenstein**

**SYNOPSIS**

Requires certain employers provide earned sick leave to employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/27/2018)**

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2

1 AN ACT concerning earned sick leave and supplementing P.L.1966,  
2 c.113 (C.34:11-56a et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. For the purposes of this act:

8 "Benefit year" means the period of 12 consecutive months  
9 established by an employer in which an employee shall accrue and use  
10 earned sick leave as provided pursuant to section 2 of this act,  
11 provided that once the starting date of the benefit year is established by  
12 the employer it shall not be changed unless the employer notifies the  
13 commissioner of the change in accordance with regulations  
14 promulgated pursuant to this act. The commissioner shall impose a  
15 benefit year on any employer that the commissioner determines is  
16 changing the benefit year at times or in ways that prevent the accrual  
17 or use of earned sick leave by an employee.

18 "Certified Domestic Violence Specialist" means a person who has  
19 fulfilled the requirements of certification as a Domestic Violence  
20 Specialist established by the New Jersey Association of Domestic  
21 Violence Professionals.

22 "Child" means a biological, adopted, or foster child, stepchild or  
23 legal ward of an employee, child of a domestic partner or civil union  
24 partner of the employee.

25 "Civil union" means a civil union as defined in section 2 of  
26 P.L.2006, c.103 (C.37:1-29).

27 "Commissioner" means the Commissioner of Labor and  
28 Workforce Development.

29 "Department" means the Department of Labor and Workforce  
30 Development.

31 "Designated domestic violence agency" means a county-wide  
32 organization with a primary purpose to provide services to victims of  
33 domestic violence, and which provides services that conform to the  
34 core domestic violence services profile as defined by the Division of  
35 Child Protection and Permanency in the Department of Children and  
36 Families and is under contract with the division for the express  
37 purpose of providing the services.

38 "Domestic or sexual violence" means stalking, any sexually violent  
39 offense, as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or  
40 domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-  
41 19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

42 "Domestic partner" means a domestic partner as defined in section  
43 3 of P.L.2003, c.246 (C.26:8A-3).

44 "Employee" means an individual engaged in service to an  
45 employer in the business of the employer for compensation.  
46 "Employee" does not include an employee performing service in the  
47 construction industry that is under contract pursuant to a collective  
48 bargaining agreement.

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1 "Employer" means any person, firm, business, educational  
2 institution, nonprofit agency, corporation, limited liability company or  
3 other entity that employs employees in the State, including a  
4 temporary help service firm. In the case of a temporary help service  
5 firm placing an employee with client firms, earned sick leave shall  
6 accrue on the basis of the total time worked on assignment with the  
7 temporary help service firm, not separately for each client firm to  
8 which the employee is assigned.

9 "Family member" means a child, grandchild, sibling, spouse,  
10 domestic partner, civil union partner, parent, or grandparent of an  
11 employee, or a spouse, domestic partner, or civil union partner of a  
12 parent or grandparent of the employee, or a sibling of a spouse,  
13 domestic partner, or civil union partner of the employee, or any other  
14 individual related by blood to the employee or whose close  
15 association with the employee is the equivalent of a family  
16 relationship.

17 "Health care professional" means any person licensed under  
18 federal, State, or local law, or the laws of a foreign nation, to provide  
19 health care services, or any other person who has been authorized to  
20 provide health care by a licensed health care professional, including  
21 but not limited to doctors, nurses and emergency room personnel.

22 "Parent" means a biological, adoptive, or foster parent, stepparent,  
23 or legal guardian of an employee or of the employee's spouse,  
24 domestic partner, or civil union partner, or a person who stood in loco  
25 parentis of the employee or the employee's spouse, domestic partner,  
26 or civil union partner when the employee, spouse or partner was a  
27 minor child.

28 "Retaliatory personnel action" means denial of any right  
29 guaranteed under this act and any threat, discharge, including a  
30 constructive discharge, suspension, demotion, unfavorable  
31 reassignment, refusal to promote, disciplinary action, sanction,  
32 reduction of work hours, reporting or threatening to report the actual or  
33 suspected immigrant status of an employee or the employee's family,  
34 or any other adverse action against an employee.

35 "Sibling" means a biological, foster, or adopted sibling of an  
36 employee.

37 "Spouse" means a husband or wife.

38

39 2. a. Each employer shall provide earned sick leave to each  
40 employee working for the employer in the State. For every 30 hours  
41 worked, the employee shall accrue one hour of earned sick leave,  
42 except that an employer may provide an employee with the full  
43 complement of earned sick leave for a benefit year, as required under  
44 this section, on the first day of each benefit year in accordance with  
45 subsection c. or subsection d. of section 3 of this act. The employer  
46 shall not be required to permit the employee to accrue at any one time,  
47 or carry forward from one benefit year to the next, more than 72 hours  
48 of earned sick leave. Unless the employee has accrued earned sick

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1 leave prior to the effective date of this act, the earned sick leave shall  
2 begin to accrue on the effective date of this act for any employee who  
3 is hired and commences employment before the effective date of this  
4 act and the employee shall be eligible to use the earned sick leave  
5 beginning on the 100th calendar day after the employee commences  
6 employment, and if the employment commences after the effective  
7 date of this act, the earned sick leave shall begin to accrue upon the  
8 date that employment commences and the employee shall be eligible  
9 to use the earned sick leave beginning on the 100th calendar day after  
10 the employee commences employment, unless the employer agrees to  
11 an earlier date. The employee may subsequently use earned sick leave  
12 as soon as it is accrued.

13 b. An employer shall be in compliance with this section if the  
14 employer offers paid time off which is fully paid and may be used for  
15 the purposes of section 3 of this act in the manner provided by this act,  
16 and is accrued at a rate equal to or greater than the rate described in  
17 this section.

18 c. The employer shall pay the employee for earned sick leave at  
19 the same rate of pay with the same benefits as the employee normally  
20 earns, except that the pay rate shall not be less than the minimum wage  
21 required for the employee pursuant to section 5 of P.L.1966, c.113  
22 (C.34:11-56a4).

23 d. Upon the mutual consent of the employee and employer, an  
24 employee may voluntarily choose to work additional hours or shifts  
25 during the same or following pay period, in lieu of hours or shifts  
26 missed, but shall not be required to work additional hours or shifts or  
27 use accrued earned sick leave. An employer may not require, as a  
28 condition of an employee's using earned sick leave, that the employee  
29 search for or find a replacement worker to cover the hours during  
30 which the employee is using earned sick leave.

31 e. If an employee is transferred to a separate division, entity, or  
32 location, but remains employed by the same employer, then the  
33 employee shall be entitled to all earned sick leave accrued at the prior  
34 division, entity, or location, and shall be entitled to use the accrued  
35 earned sick leave as provided in this act. If an employee is terminated,  
36 laid off, furloughed, or otherwise separated from employment with the  
37 employer, any unused accrued earned sick leave shall be reinstated  
38 upon the re-hiring or reinstatement of the employee to that  
39 employment, within six months of termination, being laid off or  
40 furloughed, or separation, and prior employment with the employer  
41 shall be counted towards meeting the eligibility requirements set forth  
42 in this section.

43

44 3. a. An employer shall permit an employee to use the earned  
45 sick leave accrued pursuant to this act for any of the following:

46 (1) time needed for diagnosis, care, or treatment of, or recovery  
47 from, an employee's mental or physical illness, injury or other

1 adverse health condition, or for preventive medical care for the  
2 employee;

3 (2) time needed for the employee to aid or care for a family  
4 member of the employee during diagnosis, care, or treatment of, or  
5 recovery from, the family member's mental or physical illness,  
6 injury or other adverse health condition, or during preventive  
7 medical care for the family member;

8 (3) absence necessary due to circumstances resulting from the  
9 employee, or a family member of the employee, being a victim of  
10 domestic or sexual violence, if the leave is to allow the employee to  
11 obtain for the employee or the family member: medical attention  
12 needed to recover from physical or psychological injury or  
13 disability caused by domestic or sexual violence; services from a  
14 designated domestic violence agency or other victim services  
15 organization; psychological or other counseling; relocation; or legal  
16 services, including obtaining a restraining order or preparing for, or  
17 participating in, any civil or criminal legal proceeding related to the  
18 domestic or sexual violence;

19 (4) time during which the employee is not able to work because  
20 of a closure of the employee's workplace, or the school or place of  
21 care of a child of the employee, by order of a public official due to  
22 an epidemic or other public health emergency, or because of the  
23 issuance by a public health authority of a determination that the  
24 presence in the community of the employee, or a member of the  
25 employee's family in need of care by the employee, would  
26 jeopardize the health of others; or

27 (5) time needed by the employee in connection with a child of  
28 the employee to attend a school-related conference, meeting,  
29 function or other event requested or required by a school  
30 administrator, teacher, or other professional staff member  
31 responsible for the child's education, or to attend a meeting  
32 regarding care provided to the child in connection with the child's  
33 health conditions or disability.

34 b. If an employee's need to use earned sick leave is foreseeable,  
35 an employer may require advance notice, not to exceed seven  
36 calendar days prior to the date the leave is to begin, of the intention  
37 to use the leave and its expected duration, and shall make a  
38 reasonable effort to schedule the use of earned sick leave in a  
39 manner that does not unduly disrupt the operations of the employer.  
40 If the reason for the leave is not foreseeable, an employer may  
41 require an employee to give notice of the intention as soon as  
42 practicable, if the employer has notified the employee of this  
43 requirement. For earned sick leave of three or more consecutive  
44 days, an employer may require reasonable documentation that the  
45 leave is being taken for the purpose permitted under subsection a. of  
46 this section. If the leave is permitted under paragraph (1) or (2) of  
47 subsection a. of this section, documentation signed by a health care  
48 professional who is treating the employee or the family member of

1 the employee indicating the need for the leave and, if possible,  
2 number of days of leave, shall be considered reasonable  
3 documentation. If the leave is permitted under paragraph (3) of  
4 subsection a. of this section because of domestic or sexual violence,  
5 any of the following shall be considered reasonable documentation  
6 of the domestic or sexual violence: medical documentation; a law  
7 enforcement agency record or report; a court order; documentation  
8 that the perpetrator of the domestic or sexual violence has been  
9 convicted of a domestic or sexual violence offense; certification  
10 from a certified Domestic Violence Specialist or a representative of  
11 a designated domestic violence agency or other victim services  
12 organization; or other documentation or certification provided by a  
13 social worker, counselor, member of the clergy, shelter worker,  
14 health care professional, attorney, or other professional who has  
15 assisted the employee or family member in dealing with the  
16 domestic or sexual violence. If the leave is permitted under  
17 paragraph (4) of subsection a. of this section, a copy of the order of  
18 the public official or the determination by the health authority shall  
19 be considered reasonable documentation. An employer who chooses  
20 to require documentation for earned sick leave shall pay all out-of-  
21 pocket expenses the employee incurs to obtain the documentation.

22 c. Nothing in this act shall be deemed to require an employer to  
23 provide earned sick leave for an employee's leave for purposes  
24 other than those identified in this section, or prohibit the employer  
25 from taking disciplinary action against an employee who uses  
26 earned sick leave for purposes other than those identified in this  
27 section. An employer may provide an offer to an employee for a  
28 payment of unused earned sick leave in the final month of the  
29 employer's benefit year. The employee shall choose, no later than  
30 10 calendar days from the date of the employer's offer, whether to  
31 accept a payment or decline a payment. If the employee agrees to  
32 receive a payment, the employee shall choose a payment for the full  
33 amount of unused earned sick leave or for 50 percent of the amount  
34 of unused earned sick leave. The payment amount shall be based on  
35 the same rate of pay that the employee earns at the time of the  
36 payment. If the employee declines a payment for unused earned  
37 sick leave, or agrees to a payment for 50 percent of the amount of  
38 unused sick leave, the employee shall be entitled to carry forward  
39 any unused or unpaid earned sick leave to the proceeding benefit  
40 year as provided pursuant to subsection a. of section 2 of this act. If  
41 the employee agrees to a payment for the full amount of unused  
42 earned sick leave, the employee shall not be entitled to carry  
43 forward any earned sick leave to the proceeding benefit year  
44 pursuant to subsection a. of section 2 of this act.

45 d. If an employer foregoes the accrual process for earned sick  
46 leave hours pursuant to subsection a. of section 2 of this act and  
47 provides an employee with the full complement of earned sick leave  
48 for a benefit year on the first day of each benefit year, then the

1 employer shall either provide to the employee a payment for the full  
2 amount of unused earned sick leave in the final month of the  
3 employer's benefit year or carry forward any unused sick leave to  
4 the next benefit year. The employer may pay the employee the full  
5 amount of unused earned sick leave in the final month of a benefit  
6 year pursuant to this subsection only if the employer forgoes, with  
7 respect to that employee, the accrual process for earned sick leave  
8 during the next benefit year. Unless an employer policy or  
9 collective bargaining agreement provides for the payment of  
10 accrued earned sick leave upon termination, resignation, retirement  
11 or other separation from employment, an employee shall not be  
12 entitled under this section to payment of unused earned sick leave  
13 upon the separation from employment.

14 e. Any information an employer possesses regarding the health  
15 of an employee or any family member of the employee or domestic  
16 or sexual violence affecting an employee or employee's family  
17 member shall be treated as confidential and not disclosed except to  
18 the affected employee or with the written permission of the affected  
19 employee.

20

21 4. a. No employer shall take retaliatory personnel action or  
22 discriminate against an employee because the employee requests or  
23 uses earned sick leave either in accordance with this act or the  
24 employer's own earned sick leave policy, as the case may be, or  
25 files a complaint with the commissioner alleging the employer's  
26 violation of any provision of this act, or informs any other person of  
27 their rights under this act. No employer shall count earned sick  
28 leave taken under this act as an absence that may result in the  
29 employee being subject to discipline, discharge, demotion,  
30 suspension, a loss or reduction of pay, or any other adverse action.

31 b. There shall be a rebuttable presumption of an unlawful  
32 retaliatory personnel action under this section whenever an  
33 employer takes adverse action against an employee within 90 days  
34 of when that employee: files a complaint with the department or a  
35 court alleging a violation of any provision of this section; informs  
36 any person about an employer's alleged violation of this section;  
37 cooperates with the department or other persons in the investigation  
38 or prosecution of any alleged violation of this section; opposes any  
39 policy, practice, or act that is unlawful under this section; or  
40 informs any person of his or her rights under this section.

41 c. Protections of this section shall apply to any person who  
42 mistakenly but in good faith alleges violations of this act.

43 d. Any violator of the provisions of this section shall be subject  
44 to relevant penalties and remedies provided by the "New Jersey  
45 State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.),  
46 including the penalties and remedies provided by section 25 of that  
47 act (C.34:11-56a24), and relevant penalties and remedies provided

1 by section 10 of P.L.1999, c.90 (C.2C:40A-2), for discharge or  
2 other discrimination.

3  
4 5. Any failure of an employer to make available or pay earned  
5 sick leave as required by this act, or any other violation of this act,  
6 shall be regarded as a failure to meet the wage payment  
7 requirements of the “New Jersey State Wage and Hour Law,”  
8 P.L.1966, c.113 (C.34:11-56a et seq.), or other violation of that act,  
9 as the case may be, and remedies, penalties, and other measures  
10 provided by that act, R.S.34:11-58, and section 10 of P.L.1999, c.90  
11 (C.2C:40A-2) for failure to pay wages or other violations of that act  
12 shall be applicable, including, but not limited to, penalties provided  
13 pursuant to sections 23 and 25 of that act (C.34:11-56a22 and  
14 34:11-56a24), and civil actions by employees pursuant to section 26  
15 of that act (C.34:11-56a25), except that an award to an employee in  
16 a civil act shall include, in addition to the amount provided pursuant  
17 to section 26 of that act (C.34:11-56a25), any actual damages  
18 suffered by the employee as the result of the violation plus an equal  
19 amount of liquidated damages.

20  
21 6. Employers shall retain records documenting hours worked  
22 by employees and earned sick leave taken by employees, for a  
23 period of five years, and shall, upon demand, allow the department  
24 access to those records to monitor compliance with the  
25 requirements of this act. If an employee makes a claim that the  
26 employer has failed to provide earned sick leave required by this act  
27 and the employer has not maintained or retained adequate records  
28 documenting hours worked by the employee and earned sick leave  
29 taken by the employee or does not allow the department access to  
30 the records, it shall be presumed that the employer has failed to  
31 provide the earned sick leave, absent clear and convincing evidence  
32 otherwise. In addition, the penalties provided by the “New Jersey  
33 State Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.)  
34 for violations of the requirements of that act regarding the  
35 maintaining and disclosure of records shall apply to violations of  
36 the requirements of this section.

37  
38 7. a. Employers shall provide notification, in a form issued by  
39 the commissioner, to employees of their rights under this act,  
40 including the amount of earned sick leave to which they are entitled  
41 and the terms of its use, and remedies provided by this act to  
42 employees if an employer fails to provide the required benefits or  
43 retaliates against employees exercising their rights under this act.  
44 Each covered employer shall conspicuously post the notification in  
45 a place or places accessible to all employees in each of the  
46 employer's workplaces. The employer shall also provide each  
47 employee employed by the employer with a written copy of the  
48 notification: not later than 30 days after the form of the notification



1 is issued; at the time of the employee's hiring, if the employee is  
2 hired after the issuance; and at any time, when first requested by the  
3 employee. The commissioner shall make the notifications available  
4 in English, in Spanish, and any other language that the  
5 commissioner determines is the first language of a significant  
6 number of workers in the State and the employer shall use the  
7 notification in English, Spanish or any other language for which the  
8 commissioner has provided notifications and which is the first  
9 language of a majority of the employer's workforce.

10 b. The commissioner shall advise any employee who files a  
11 complaint pursuant to this section and is covered by a collective  
12 bargaining agreement, that if the agreement provides for earned sick  
13 leave, the employee may have a right to pursue a grievance under  
14 the terms of the agreement.

15

16 8. a. The governing body of a county or municipality shall not,  
17 after the effective date of this act, adopt any ordinance, resolution,  
18 law, rule, or regulation regarding earned sick leave. The provisions  
19 of this act shall preempt any ordinance, resolution, law, rule, or  
20 regulation regarding earned sick leave unless adopted by the  
21 governing body of a county or municipality prior to the effective  
22 date of this act. This act shall not be construed to preempt, limit, or  
23 otherwise affect the applicability of any provision of an ordinance,  
24 resolution, law, rule, or regulation regarding earned sick leave  
25 adopted by a county or municipality prior to the effective date of  
26 this act that provides rights or benefits to employees which are  
27 more favorable to employees than those required by this act or that  
28 provides rights or benefits to employees not covered by this act, but  
29 shall preempt any provision which is less favorable to employees  
30 than is required by this act.

31 b. No provision of this act, or any regulations promulgated to  
32 implement or enforce this act, shall be construed as:

33 (1) requiring an employer to reduce, or justifying an employer  
34 in reducing, rights or benefits provided by the employer pursuant to  
35 an employer policy or collective bargaining agreement which are  
36 more favorable to employees than those required by this act or  
37 which provide rights or benefits to employees not covered by this  
38 act;

39 (2) preventing or prohibiting the employer from agreeing,  
40 through a collective bargaining agreement or employer policy, to  
41 provide rights or benefits which are more favorable to employees  
42 than those required by this act or to provide rights or benefits to  
43 employees not covered by this act;

44 (3) prohibiting an employer from establishing a policy whereby  
45 an employee may donate unused accrued earned sick leave to  
46 another employee or other employees; or

47 (4) superseding any law providing collective bargaining rights  
48 for employees, or in any way reducing, diminishing, or adversely

1 affecting those collective bargaining rights, or in any way reducing,  
2 diminishing, or affecting the obligations of employers under those  
3 laws.

4 c. With respect to employees covered by a collective  
5 bargaining agreement in effect at the time of the effective date of  
6 this act, no provision of this act shall apply until the stated  
7 expiration of the collective bargaining agreement.

8 d. This act shall not be construed to preempt, limit, or  
9 otherwise affect the applicability of any provision of any State law  
10 or regulation regarding earned sick leave for employees of public  
11 employers that provides rights or benefits to employees which are  
12 more favorable to employees than those required by this act or that  
13 provides rights or benefits not covered by this act, but shall  
14 supersede any provision of any State law or regulation which is less  
15 favorable to the employees than what is required by this act,  
16 notwithstanding the provisions of those other laws or regulations.

17

18 9. The provisions of this act shall be deemed to be severable  
19 and if any section, subsection, paragraph, sentence or other part of  
20 this act is declared to be unconstitutional, or the applicability  
21 thereof to any person is held invalid, the remainder of this act shall  
22 not thereby be deemed to be unconstitutional or invalid.

23

24 10. The commissioner shall develop and implement a  
25 multilingual outreach program to inform employees, parents, and  
26 persons under the care of health care providers about the  
27 availability of earned paid sick leave pursuant to this act. The  
28 program shall include the distribution of written materials in  
29 English, Spanish and any language that is the primary language of  
30 10 percent or more of the registered voters in the State to all child  
31 care and elder care providers, domestic violence shelters, schools,  
32 hospitals, community health centers and other healthcare providers.  
33 The commissioner shall, during each calendar year, allocate not less  
34 than \$500,000 to the program, which shall be regarded as a cost of  
35 administration of temporary disability and family temporary  
36 disability benefits and be charged to the administration account of  
37 State disability benefit fund, except that the allocation made  
38 pursuant to this subsection shall not result in the total amount  
39 credited to administrative costs exceeding the maximum amount  
40 permitted pursuant to subsection (a) of section 22 of P.L.1948,  
41 c.110 (C.43:21-46).

42

43 11. The commissioner shall adopt rules and regulations pursuant  
44 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
45 1 et seq.) to effectuate the purposes of this act.

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47 12. This act shall take effect on the 120th day following  
48 enactment.

STATEMENT

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This bill requires each employer to provide earned sick leave to each employee it employs in the State. The bill provides that an employee accrues one hour of earned sick leave for every 30 hours worked. The employer is not required to permit the employee to accrue at any one time, or carry forward from one year to the next, more than 72 hours of earned sick leave. Accrual begins on the effective date of the bill for any employee who commenced employment, but had not accrued leave, before the effective date, and the employee may use the earned sick leave beginning on the 100th day after employment commenced. If employment commences after the effective date, the accrual of earned sick leave will begin when employment commences and the employee may use the earned sick leave beginning on the 100th day after employment commences, unless the employer agrees to an earlier date. The employee may subsequently use earned sick leave as soon as it is accrued.

The employer is required to pay the employee for earned sick leave at the same rate of pay, and with the same benefits, as the employee normally earns. Earned sick leave may be used for:

1. time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;

2. time needed for the employee to care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or preventive medical care for the family member;

3. absence needed due to circumstances resulting from the employee or a family member being a victim of domestic or sexual violence, if the leave is to obtain medical attention, counseling, relocation, legal or other services; or

4. time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, in connection with an epidemic or other public health emergency, or because of an official determination that the presence in the community of the employee, or a member of the employee's family, would jeopardize the health of others; or

5. time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, or event requested or required by a school official or responsible professional staff member, or to attend a meeting regarding care for the child.

The bill permits employers to require employees to provide advanced notice of up to seven days prior to leave when the need to take the leave is foreseeable, and to make a reasonable effort to schedule the leave in a non-disruptive manner. The bill permits an

1 employer to require reasonable documentation of the need for the  
2 leave if it is for three or more consecutive days, and provides  
3 guidelines for what constitutes reasonable documentation for  
4 specified reasons for leave.

5 The bill permits an employer to offer payment to an employee  
6 for unused earned sick leave in the final month of the benefit year,  
7 which the employee may accept or decline. If the employee  
8 declines a payment for unused earned sick leave, or agrees to a  
9 partial payment, the employee may have the unused leave carried  
10 forward to the following year. If the employee accepts the full  
11 payment, the entire accrual for the following year must be made  
12 available at the beginning of that year.

13 The bill prohibits retaliatory personnel actions against an  
14 employee for the use or requested use of earned sick leave or for  
15 filing of a complaint for an employer violation. The bill sets  
16 requirements for record keeping and for notifying workers of their  
17 rights under the bill. In cases of employer non-compliance with the  
18 requirements of the bill, including the requirements regarding  
19 retaliation, record keeping, and notification to employee of their  
20 rights, the bill provides certain penalties based on the penalties for  
21 non-compliance with State laws regarding the payment of wages,  
22 including the "New Jersey State Wage and Hour Law," P.L.1966,  
23 c.113 (C.34:11-56a et seq.).

24 The bill prohibits counties and municipalities, after the effective  
25 date of the bill, from setting new requirements regarding earned  
26 sick leave. In the case of local requirements adopted before the  
27 effective date, the bill does not preempt provisions which are more  
28 favorable to employees, but does preempt less favorable provisions.  
29 Also, the bill does not preempt provisions of any employer policies  
30 or collective bargaining agreements which are more favorable to  
31 employees, including policies or agreements permitting employees  
32 to donate unused accrued earned sick leave to other employees.  
33 Finally, in cases where the provisions of other State laws  
34 concerning earned sick leave for public employees are more or less  
35 favorable to the employees than the provisions of the bill, the bill  
36 provides that the more favorable provisions shall apply.

37 The bill directs the Commissioner of Labor and Workforce  
38 Development to implement a multilingual outreach program to  
39 inform employees, parents, and persons under the care of health  
40 care providers about the availability of earned paid sick leave, and  
41 allocate not less than \$500,000 to the program from the  
42 administration account of State disability benefit fund.