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Jersey City Sick Leave Law and Notice/Poster Requirements Effective January 24, 2014

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On September 26, 2013, the Mayor of Jersey City, New Jersey signed into law an Ordinance requiring employers to provide sick leave to their employees, effective January 24, 2014.[1] For more on the new law, see our past client alert entitled Jersey City Mayor Signs Sick Leave Law, Continues National Trend.

One of the requirements of the Ordinance is that employers display a poster in a "conspicuous and accessible" place in each business establishment no later than January 24, 2014. The poster must be posted in each language that is the primary language of at least 10% of the employer's workforce (provided that the Jersey Department of Health & Human Services ("Department") has made available a translation of the poster in that language).

In addition, all employers must give a written notice of rights to each employee individually at the time the Ordinance goes into effect, and thereafter to each new hire at the time employment commences. Notice to the individual must be provided in the primary language spoken by that employee (provided that the Department has issued a translation of the notice in that language).

The Department recently posted on its website two "FAQ" forms—one For Employers and the other For Workers—in English, Arabic, Chinese, Hindi, Spanish, and Tagalog. It appears that employers can use the FAQ forms to satisfy the notice and poster obligations under the Ordinance, unless and until the Department issues any other form of notice.

The new law is silent on permissible methods of distributing written notice to employees and new hires. Thus, it appears that electronic distribution via e-mail could be used to satisfy this obligation. Whether employers provide written notice by email or in hard copy, they should maintain records to demonstrate compliance with the notice obligations. In addition to fulfilling the notice and poster requirements, Jersey City employers also may want to consider adding a policy to their employee handbook regarding sick leave rights under the Ordinance and/or including the notice/poster on their intranet page. Please contact your Proskauer relationship attorney for further guidance on compliance.

[1] Where employees are covered by a collective bargaining agreement, the Ordinance will not take effect until the agreement has expired.

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