



January 2017

## Morristown, New Jersey, Implements Paid Sick Leave Ordinance

On Jan. 11, 2017, [Ordinance 35-2016](#) took effect in Morristown, New Jersey, entitling private-sector employees who work at least 80 hours during a calendar year in Morristown to paid sick leave. The Ordinance, which was passed by the Town Council on Sept. 13, 2016, grants employees leave to care for their own health needs or those of their family members. Morristown joins a growing list of states and cities that have enacted comparable sick leave laws.

### Application

The Ordinance applies to employers with any employees working in the Town of Morristown, with a handful of exceptions. The Ordinance does not apply to employees of any governmental entity or instrumentality, or those covered by a collective bargaining agreement, “to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.”

### Key Provisions

Under the Ordinance, all covered employees accrue a minimum of one hour of paid sick time for every 30 hours worked.

Employers who employ: (1) 10 or more employees for compensation; or (2) any number of child care workers, home health care workers, and food service workers, are not required to provide more than 40 hours of paid sick time in a calendar year. Employers who employ fewer than 10 employees for compensation are not required to provide more than 24 hours of paid sick time in a calendar year.

No more than 40 hours of unused paid sick time can be carried from one calendar year to the next, and employers are not required to allow the use of more than 40 hours of unused paid sick time in a calendar year. Paid sick time starts to accrue on an employee’s first day of employment, or Jan. 11, 2017, and may be used after the 90th day of employment.

## Notice and Posting Requirements and Anti-Retaliation Provision

The Ordinance does not affect more generous sick leave policies that an employer may already have in place. In all cases, however, including where a more generous sick leave plan already exists, the Ordinance requires employers to provide written notice to each employee at the time of hire, or as soon as practicable if the employee is already employed as of the effective date of the Ordinance, of his or her right to paid sick time, the accrual rate, the prohibition against retaliation, and other provisions of the Ordinance. An employer must also display a poster (in English and in any language that at least 10 percent of the workforce speaks) containing the required information in a conspicuous place. The Town of Morristown has also provided a [sample notice](#).

## Enforcement and Fines

An employer who violates the Ordinance may be subject to a fine and payment of restitution in the amount of any paid sick time unlawfully withheld. The Ordinance gives employees the right to bring a private action in the Morristown Municipal Court.

For more information you can access the Town's [Frequently Asked Question sheet](#).

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