


Overview of Paid Sick Time Laws in the United States

Updated on October 13, 2020

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (abetterbalance.org)</p>	<p>New Jersey</p>
<p>Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.</p>	<p>Workers employed in New Jersey are covered. Public employees who are provided with sick leave with full pay pursuant to any other law, rule, or regulation of the State, are exempted. Per diem health care employees are also exempted. Per diem health care employees may include any (1) health care professional licensed in NJ employed by a health care facility licensed by the state; (2) any individual that is in the process of applying to the state for a license to provide health care services who is employed by a state licensed health care facility; or (3) any first aid, rescue or ambulance squad member employed by a hospital system. These individuals are considered “per diem health care employees”—and therefore exempt from the law—if they: (1) work on an as-needed basis to supplement, replace, or substitute for a health care employee; (2) work only when they indicate that they are available to work; and (3) either: (a) have the opportunity for full time or part time employment under that healthcare provider (in their scope of practice) which offers paid time off benefits greater in length than provided under this law; or (b) have waived earned sick leave benefits as provided under this law. Any individual who is certified as a homemaker-home health aide is not exempted from the law as a “per diem health care employee.”</p>
<p>Can sick time be used to care for loved ones?</p>	<p>Yes: children; grandchildren; siblings; spouses; registered domestic partners; civil union partners; parents (including parents of an employee's spouse, registered domestic partner, or civil union partner); grandparents; spouses, registered domestic partners, or civil union partners of a parent or grandparent; siblings of a spouse, registered domestic partner, or civil union partner; and any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.</p>
<p>How is “child” defined?</p>	<p>Biological, adopted, or foster child, stepchild, legal ward, child of a registered domestic partner or civil union partner of the employee.</p>
<p>Can sick time be used for specific “safe time” purposes (related to domestic violence, sexual assault, or stalking)?</p>	<p>Yes, when the worker or the worker's family member is the victim.</p>
<p>Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.</p>	<p>No.</p>



For more information visit A Better Balance (abetterbalance.org)

New Jersey

Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?

Yes. In addition, sick time can be used in connection with a child of the employee to attend a school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

Rate at which workers earn paid sick time?

1 hour for every 30 hours worked.

Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?

No.

Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)

Up to 40 hours a year.

When do workers begin to earn paid sick time?

At the commencement of employment. However, workers aren't entitled to use earned sick time until the 120th calendar day after employment commenced.

Does unused sick time carry forward to the subsequent year?

Workers are entitled to carry forward up to 40 hours of unused paid sick time, but employers are not required to allow use of more than 40 hours of paid sick time a year.

Private Right of Action to go to Court?

Yes.

Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?

The law does not apply to employees performing service in the construction industry that are under contract pursuant to a CBA. All or any part of the law may be waived during the negotiation of a CBA. No provision of the law applies until the stated expiration of the collective bargaining agreement in effect before October 29, 2018.

What Agency or Official Enforces the Law?

Department of Labor and Workforce Development

For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?

No. New Jersey's law preempts—or prohibits—cities from passing their own sick time laws, and nullifies all previously enacted local sick time laws in New Jersey.

Statutory Citation(s)

N.J. Stat. Ann. § 34:11D-1 et seq.



For more information visit A Better Balance (abetterbalance.org)

New Jersey

Additional Notes

Once New Jersey's statewide sick time law took effect on October 29, 2018, previously enacted local sick time laws were no longer effective in the following New Jersey cities: Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield, Morristown, and New Brunswick.