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CITY OF TRENTON
DEPARTMENT OF HEALTH & HUMAN SERVICES

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Director

Frequently Asked Questions:
City of Trenton Paid Sick Leave Ordinance

On March 4, 2015, the City of Trenton’s Paid Sick Leave Ordinance went into effect. The Ordinance requires employers to provide paid sick leave to their private-sector employees (see below exemptions) who work within Trenton’s city limits. The Department of Health and Human Services is responsible for coordinating implementing and enforcing this Ordinance.

This Frequently Asked Questions (FAQ) sheet addresses some of the most common questions about the ordinance. Do you have a question that isn’t covered by this FAQ? Contact Gwendolyn Carter MSN RN at the Division of Health ,Department of Health and Human Services at 218 North Broad Street, Trenton New Jersey, Tel: 609-989-3242 ext. 120, E-mail: sickleave@trentonnj.org, Fax: (609) 989-3242.

A. General provisions

1. What does the ordinance do?

The Paid Sick Leave Ordinance (PSL) establishes minimum standards for employers to provide paid sick leave to employees who work within Trenton City limits. The ordinance also prescribes penalties, remedies and enforcement procedures.

2. When did the PSL Ordinance take effect?

The PSL Ordinance took effect on March 4, 2015

3. Who is covered?

Employees who work more than 80 hours a year in the City of Trenton. The law excludes individuals employed by the city, state, or federal government; individuals employed by any New Jersey school district of Board of Education; and members of a construction union who are enrolled or have graduated from a registered apprenticeship program and are covered by a collective bargaining agreement.

4. How much paid sick leave must be provided to employees?

It depends on the number of total employees at a place of work. See the below chart for annual amount of paid sick time and rate of accrual. Accrued sick time may be used in the smallest increments that the employer’s payroll system uses to account for absences or use of other time.

If an employer has...	Employees accrue	Not required to exceed
10 or more employees	1 hr of paid sick time for every 30 hrs worked	40 hours a year
Fewer than 10 employees	1 hr of paid sick time for every 30 hrs worked	24 hours a year
Exception: Regardless of the number of people employed by your employer, if you are a child care worker, home health care worker, or food service worker	1 hr of paid sick time for every 30 hrs worked	40 hours a year

5. For what purposes can paid sick time be used?

- An employee's mental or physical illness, injury, health condition, need for medical diagnosis care or treatment of a mental or physical illness, injury or health condition, or an employee's need for preventive medical care.
- An employee needs to provide care for a family member with a mental or physical illness, injury, health condition, or preventive medical care and diagnosis.
- Family members include an employee's child (biological, foster, step, adopted, or legal guardianship), Grandchild, Spouse, Domestic Partner, Civil Union Partner, Parent, Grandparent or Spouse (including domestic partner or civil union partner) of a Grandparent, Child or Parent of an employee's spouse (or domestic partner or civil union partner), and Sibling.
- An employee's place of business has been closed due to a public health emergency.
- An employee needs to care for a child whose school or place of care has been closed due to a public health emergency.

6. When do employees begin to accrue paid sick leave?

On the effective date of the paid sick time ordinance or on the first day of their employment, whichever is later. Exception is when an employee is covered by a collective bargaining that is effective on the effective date of the paid sick time ordinance, they begin to accrue paid sick time under beginning on the date that the agreement ends, unless the collective bargaining agreement expressly and clearly waives the protections of the Paid Sick Time Law, in which case all or any portion of this law will not apply to them.

7. When can employees begin to take their accrued paid sick leave?

If on the effective date of the paid sick time ordinance a worker has been employed for more than 90 calendar days, they can begin using paid sick time as it is accrued. Otherwise, they can begin using their time 90 calendar days after employment begins.

8. Does an employee have to provide advance notice to their employer when planning to take paid sick time?

If the need is foreseeable (i.e., preventative doctor appointment), the employee can be asked to provide no more than up to seven days advance notice. If the need is not foreseeable, an employer may require their employee to give notice before the beginning of work or as soon as practicable in an emergency where advanced notice is not possible. Employees may be required to provide a signed doctor's note (not required to disclose the nature of illness) if taking sick time of more than 3 consecutive days.

9. What type of notice must an employer provide their employees?

All employers must give a written notice to each new employee regarding their rights under the Ordinance, as soon as practicable if the employee is already employed at the effective date of this law. Such a notice must describe the employees' rights under the paid sick time ordinance. The notice must be provided in English and in the primary language of at least 10% of the employer's workforce. The notice must be displayed in a conspicuous and accessible place at the workplace.

10. What actions can an employee take to ensure that an employer complies with the law?

Employees can file a complaint with the Department of Health and Human Resources at 218 North Broad Street, Trenton, New Jersey, Tel: 609-989-3242 ext. 120, E-mail: sickleave@trentonnj.org, Fax: (609) 989-0324, Web: www.trentonnj.org. They may also file a complaint with the Municipal Court. Employers are **not** permitted to retaliate against employees for using paid sick time they are entitled to.