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Morristown Ordinance Alert

By: Kerri A. Wright and David L. Disler

Beginning January 11, 2017, the Town of Morristown will join the growing list of New Jersey municipalities that require local businesses to provide their employees with paid sick leave. The Ordinance will take effect on January 11th or at the expiration of the current collective bargaining agreement for unionized employees.¹

Specifically, the recently passed Morristown Ordinance No. 35-2016 requires private employers with ten or more employees to provide 40 hours of paid sick leave and employers with nine or fewer employees to provide at least 24 hours of paid sick leave.² The sick leave can be used for the employees own medical condition or to care for a "family member" in certain circumstances. There are certain requirements for an employee to qualify for the paid leave and a structure for how the employee must be permitted to accrue the leave.

Employers should be further advised that the Ordinance mandates adequate records be maintained that document each employee's hours and utilized paid sick leave. While no specific record keeping requirements are outlined, failure to maintain "adequate records" will create a rebuttable presumption that the employer violated the Ordinance. The Ordinance also includes certain notice provisions, including posting of a poster in a conspicuous and prominent location and providing written notice to 1) all new employees at the commencement of their employment, and 2) all current employees as soon as practical following the effective date. These notices must contain specific information and must be in English and, under certain circumstances, the employee's primary language. We recommend consulting an attorney to ensure your company's compliance with these various provisions.

Failure to abide by the Ordinance's requirement could lead to the employer being subject to fines, penalties, or restitution. Actions may be brought by the Morristown Department of Administration or by the employee in the Morristown Municipal Court.

The full Ordinance can be found on the Town's website located [here](#).

If you have any questions relating to the Ordinance or its impact on your business, please feel free to contact the attorneys at Porzio, Bromberg & Newman, P.C. at (973) 538-4006.

¹ If your business is physically located in Morris Plains or Morris Township, this would not apply to your business, only the Town of Morristown.

² Employers in the areas of childcare, home healthcare, and food service must provide 40 hours of paid sick time per calendar year regardless of the number of employees employed.

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