

City Clerk File No. Ord. 14.096

Agenda No. 3.E 1st Reading

Agenda No. 4.E. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.096

**TITLE: AN ORDINANCE TO MAKE A TECHNICAL AMENDMENT TO THE CITY'S PAID SICK LEAVE ORDINANCE TO CORRECT TYPOGRAPHICAL ERRORS IN SECTIONS § 3-52B(3),(7),(8) and (10)**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, in preparing the Jersey City Paid Sick Leave Ordinance for codification in the Municipal Code the City Clerk noticed discrepancies between the title of Section B entitled "Accrual of Unpaid Sick Time Section" and the text of Section B which referenced paid sick time in subparts (3)(7)(8) and (10); and

**WHEREAS**, the Law Department reviewed the text of the Ordinance and agreed that these subparts should be amended to avoid confusion; and

**WHEREAS**, amending the Jersey City Paid Sick Leave Ordinance to correct these typographical errors is in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of Jersey City that § 3-52B(3)(7)(8)(10) be amended as follows:

**B. Accrual of Unpaid Sick Time.**

1. Employees who are not entitled to paid sick time under this ordinance, shall accrue a minimum of one hour of unpaid sick time for every 30 hours worked.
2. Employers who employ less than ten employees for compensation are not required to provide more than 40 hours of unpaid sick time in a calendar year. In determining the number of employees performing work for an employer, all employees performing work for compensation on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.
3. Employees who are exempt from overtime requirements under 29 U.S.C. § 201 et seq. of the Federal Fair Labor Standards Act are assumed to work 40 hours in each work week for purposes of unpaid sick time accrual unless their normal work week is less than 40 hours, in which case unpaid sick time accrues based upon that normal work week.
4. Unpaid sick time as provided in this section begins to accrue at the commencement of employment.
5. Employees begin to accrue unpaid sick time on the first day of employment. Employees are entitled to use accrued unpaid sick time beginning on the 90th calendar day of their employment. After the 90th calendar day of employment, employees may use unpaid sick time as it is accrued.
6. Unpaid sick time is carried over to the following calendar year except that no employer is required to carry over more than 40 hours of unpaid sick time from one calendar year to

the next and nothing in this section entitles an employee to use more than 40 hours of unpaid sick time in a calendar year.

- 7. Any employer with a **paid sick** leave policy, such as a **paid** time off policy, that provides an amount of **paid sick** leave sufficient to meet the total annual accrual requirements of this section that may be used for the same purposes and under the same conditions as **paid** sick time under this Ordinance is not required to provide additional **paid** sick time.
- 8. Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued **paid** sick time that has not been used.
- 9. If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all unpaid sick time accrued at the prior division, entity, or location and is entitled to use all unpaid sick time as provided in this section. If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued unpaid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued unpaid sick time and accrue additional unpaid sick time at the re-commencement of employment.
- 10. When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all **unpaid** sick time accrued when employed by the original employer and are entitled to use all **unpaid** sick leave previously accrued.
- 11. At its discretion, an employer may loan sick time to an employee in advance of accrual by such employee.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect at the time and in the manner as provided by law.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

**Note:** All new material is underlined; words in **boldface** and ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH  
8/11/14

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required   
Not Required

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Business Administrator

**ORDINANCE FACT SHEET -- NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

AN ORDINANCE TO MAKE A TECHNICAL AMENDMENT TO THE CITY'S PAID SICK LEAVE ORDINANCE TO CORRECT TYPOGRAPHICAL ERRORS IN SECTIONS § 3-52B(3),(7),(8) and (10)

**Initiator**

Department/Division	Department of Law	
Name/Title	John J. Hallanan III	Assistant Corporation Counsel
Phone/email	(201)-547-5952	jhallanan@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

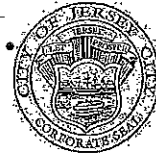
To eliminate confusion regarding Section B (3)(7)(8) and (10) of the Jersey City Paid Sick Leave Ordinance, references to paid sick time will be amended to read "unpaid sick time" or "sick time" as the case may be so as to be consistent with the section heading.

I certify that all the facts presented herein are accurate.

John J. Hallanan III  
Signature

8/13/14  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. 14.096

TITLE: 3.E. AUG 20 2014 4.E. SEP 10 2014

An ordinance to make a technical amendment to the city's paid sick leave ordinance to correct typographical errors in Sections §3-52b(30), (7), (8) and (10).

RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 20 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 10 2014 8-0											
Councilperson <u>LAVARRO</u>			moved, seconded by Councilperson <u>COLEMAN</u>						to close P.H.		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson			moved to amend* Ordinance, seconded by Councilperson						& adopted		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
SEP 10 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

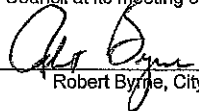
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 20 2014

Adopted on second and final reading after hearing on SEP 10 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 10 2014

  
Robert Byrne, City Clerk

APPROVED:



Rolando R. Lavarro, Jr., Council President

Date SEP 10 2014

APPROVED:



Steven M. Fulop, Mayor

Date SEP 11 2014

Date to Mayor SEP 11 2014

\*Amendment(s):