



Metropolitan Interpreters and Translators

**MEMORANDUM**

(Supersedes all Previous Memos)

February 1, 2016

To: All Metlang Employees Not Working under the Service Contract Act

From: Joseph Citrano, Vice President

Re: **Paid Sick Leave**

**Paid Sick Leave (New Brunswick, New Jersey work sites)**

New Brunswick, New Jersey has adopted a local law that entitles employees who are regularly scheduled to work at least twenty (20) hours per week to accrue certain paid sick leave. Eligible New Brunswick employees may accrue up to forty (40) hours of paid sick leave per year. The New Brunswick sick leave law provides that accrued paid sick leave can be used for the following purposes:

- An Employee's mental or physical illness, injury, or health condition; an Employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an Employee's need for preventive medical care;
- Care of a Family Member with a mental or physical illness, injury, or health condition; care of a Family Member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a Family Member who needs preventive medical care;
- Closure of the Employee's place of business by order of a public official due to a public health emergency or an Employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for Family Member when it has been determined by the health authorities or by a health care provider that the Family Member's presence in the community would jeopardize the health of others because of the Family Member's exposure to a communicable disease;
- For any of the following reasons related to domestic violence, sexual assault, or stalking, as set forth below:
  - To enable the Employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the Employee or the Employee's family members including, but not

limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;

- To enable the Employee to seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the Employee's family member;
- To enable the Employee to obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;
- To enable the Employee to obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the Employee or the Employee's family member was a victim of domestic violence, sexual assault, or stalking; or
- To enable the Employee to participate in safety planning, temporarily or permanently relocate or take other actions to increase the safety of the Employee or Employee's family members from future domestic violence, sexual assault, or stalking.

"Family Member" is defined as: a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child of a civil union partner, or a child to whom the employee stands in loco parentis; a biological, foster, stepparent or adoptive parent or legal guardian of an employee or of an employee's spouse, domestic partner or civil union partner or a person who stood in loco parentis when the employee was a minor child; a person to whom the employee is legally married under the laws of New Jersey or any other State or with whom the employee has entered into a civil union under New Jersey law; a grandparent or spouse, civil union partner or domestic partner of a grandparent; a grandchild; a domestic partner of an employee as defined by New Jersey law; or a sibling.

This law provides that certain employees (i.e. those working at least 20 hours per week) are entitled to accrue one (1) hour of paid sick leave for every thirty-five (35) hours worked, up to a maximum of either twenty-four (24) or forty (40) hours (depending on whether the employee is part-time or full-time, as defined by the law) of paid sick leave per year. Metlang uses a consecutive 12-month period based upon the employee's hire date for purposes of a "year." Under Company policy, Metlang employees not working under the Service Contract Act accrue paid vacation (which employees are entitled to use for the purposes of paid sick leave) and/or sick time as follows:

- Hourly employees are entitled to accrue paid sick leave for purposes of this sick leave law, effective with the employee's date of hire, at the rate of one (1) hour for every thirty-five (35) hours worked up to a maximum of forty (40) hours per year solely for the purposes set forth in the this law. However, employees in their initial year of employment may not begin to use their accrued sick time until after ninety (90) days of employment.
  - Employees with unused accrued sick time at that end of the year can rollover up to forty (40) hours to the new year. However, employees may not use more sick time than they would otherwise accrue in a single calendar year, as set forth above. The rollover provision allows employees to use paid sick time at the start of a year where they might not yet have accrued such time.
- Salaried employees accrue one (1) week of paid sick leave, in addition to their allotted vacation time after one (1) year of service.
  - During a salaried employee's initial year of employment, i.e. that time prior to the employee's first anniversary based upon his/her date of hire and during which time the employee would not have otherwise accrued paid vacation or sick time as set forth above, the employee will be entitled to accrue paid sick leave solely for purpose of this sick leave law, effective with the employee's date of hire, at the rate of one (1) hour for every thirty-five (35) hours worked up to a maximum of forty (40) hours in this initial year of employment. However, employees in their initial year of employment may not begin to use accrued sick time until after ninety (90) days of employment.

Accordingly, Metlang employees accrue paid vacation and/or sick time at a rate that is equal to or more generous than what is required under this law (i.e., the law provides for accrual of one (1) hour of paid sick time for every thirty-five (35) hours worked).

Metlang employees who are eligible for paid sick leave pursuant to New Brunswick's sick leave law are entitled to use their accrued paid vacation time for vacation, personal reasons and for the sick time reasons specified above. However, employees are not entitled to additional paid time off under this law, on top of the paid vacation and/or sick time accrued under Company policy. Time taken for sick leave purposes under New Brunswick's sick leave law will count against the employee's paid vacation or sick time, as applicable.

If an employee at the end of a calendar year does not accrue as much paid leave as he/she has used during that year, the employee's vacation or sick leave accrual for the following year will be reduced to the extent of such overuse, to the extent permitted by applicable law. If an employee's employment is terminated for any reason(s) other than job elimination after taking more paid leave than was

earned, this will be treated as a wage advance, which the Company can deduct from the employee's final paycheck subject to the provisions of State Law.

Notice of the need to use paid vacation or sick time for purposes of illness of the employee or the employee's family member shall be provided before the start of the employee's shift on the day such leave is required, if possible. If circumstances beyond the employee's control prevent such notice, the employee shall be required to provide as much notice as possible.

Employees who need to use paid vacation or sick time, for any of the other purposes outlined in the New Brunswick sick leave law, must provide seven (7) calendar days' notice before the requested day off in the case of foreseeable situations, and as soon as practicable in unforeseeable situations.

If an employee is absent for more than three (3) consecutive work days, for any of the purposes outlined in the New Brunswick sick leave law, the Company may require reasonable documentation from the employee's medical provider that the use of sick time was authorized. The Company may also require the employee to submit written confirmation that the employee used paid sick leave under this policy for one of the purposes outlined in the New Brunswick sick leave law.

The use of vacation time for vacation or personal reasons must be requested no less than one (1) month in advance of the need for such leave. In such case, vacation time will generally be approved on a first-come, first-served basis.

Sick time (whether used via paid vacation time or sick time) may be taken in no less than one (1) hour increments (for example if an employee needs to come in late after a doctor appointment).

Employees who are eligible for sick leave under this law will receive written notice of their rights. A copy of this notice is posted in the nearest Metlang administrative office and can also be found on our website [www.metlang.com](http://www.metlang.com) under the forms section.

Metlang prohibits retaliation against any employee who uses sick time, or who otherwise exercises their rights under the New Brunswick sick leave law.

More information on the New Brunswick sick leave law for employees can be found at:

<http://thecityofnewbrunswick.org/planninganddevelopment/paid-sick-safe-leave-ordinance/>

Please direct any questions to me at: [Jcitrano@metlang.com](mailto:Jcitrano@metlang.com)

Thank you.