

Earned Sick Leave Compliance Checklist

If you can't check "Yes" to each question, your business may not be in compliance with NJ's Earned Sick Leave law. Learn more about Earned Sick Leave at: mysickdays.nj.gov

Are you in compliance with the law?

YES
<input type="checkbox"/>

NO
<input type="checkbox"/>

1. Do you provide your employees with paid sick time?

Employees can earn 40 hours of sick leave at the beginning of each year **OR** accrue 1 hour of leave for every 30 hours worked, up to a max of 40 leave hours per year. (Note: If you have an existing sick leave policy, it must meet or exceed these requirements).

YES
<input type="checkbox"/>

NO
<input type="checkbox"/>

2. Have you displayed the required Earned Sick Leave poster AND given your employees a written notice about their rights?

Employers must display the **required earned sick leave poster** where all employees can see it. Download and print a free copy of the required poster from NJDOL's website: nj.gov/labor/earnedsick. Employers must also distribute copies of this poster to all employees to provide them with a **written notice** of their Earned Sick Leave rights.

YES
<input type="checkbox"/>

NO
<input type="checkbox"/>

3. Are you paying your employees Earned Sick Leave at their normal rate of pay in the same pay period they took it, or the next pay period?

Employees must be **paid at the same rate they would normally earn** when they use sick leave, and they must be paid at least the state minimum wage.

YES
<input type="checkbox"/>

NO
<input type="checkbox"/>

4. Are you keeping records documenting Earned Sick Leave?

Records must be kept for **5 years** including hours worked by each employee and earned sick leave that has been accrued/advanced, used, paid, and carried over.



YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

5. Have you established a policy to address unused Earned Sick Leave?

An employee may carry over up to 40 hours of unused earned sick leave to the next year. However, you are required only to let an employee use up to 40 hours of sick leave per year. **OR** you can choose to pay an employee for unused earned sick leave hours at the end of the year.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

6. Have you developed and distributed to your employees an Earned Sick Leave policy?

An employer’s Earned Sick Leave policy should cover the following topics:

- If employees will accrue earned sick time OR receive 40 hours of earned sick leave in advance.
- Establishing a 12-month benefit year for all employees.
- How employees will be paid for the earned sick leave they use.
- The increments in which employees may use earned sick leave hours.
- Permitted usage of accrued earned sick leave hours.
- Advanced notice for planned and unplanned needs to use earned sick leave. (Note: Advanced notice is not required for unplanned needs like an illness but can be required for planned needs like an appointment).
- What documentation employees need to provide related to using earned sick leave. (Note: Documentation is not required unless sick leave is used for more than 3 consecutive workdays).
- Carry-over or pay-out of unused earned sick leave hours at the end of the benefit year.
- That employee health information and data in the employer’s possession will be held confidential.

This checklist is for informational purposes only. It is a first step to check your knowledge of the law, but it does not guarantee full compliance. Please visit mysickdays.nj.gov to access the full text of the law.



Wage and Hour Division
and Contract Compliance

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