

Paid sick time ordinance set for Montclair's ballot



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A municipal ordinance mandating earned paid sick time for private sector workers is set to appear this November on Montclair's election ballot.

Township Clerk Linda Wanat reported during Tuesday's Township Council meeting that her office recorded 1,106 acceptable petition signatures from the more than 1,600 received last week, 11 more than needed to place the potential ordinance on the ballot. Township Attorney Ira Karasick informed the council that it had the option of not acting and moving the ordinance for a public vote or introducing the ordinance themselves with a public hearing within 20 days.

As reported, representatives from Bluewave NJ, NJ Working Families and NJ Citizen Action and other groups had gathered the petitions in recent weeks and dropped them off at Wanat's office on Aug. 5.

The ordinance would allow workers to earn one paid sick time hour for every 30 hours worked, up to five days annually for employees of businesses with 10 or more employees and up to three days for businesses of nine or fewer employees. Workers who make direct contact with the public, such as food service employees and daycare workers, would be eligible for five days regardless of their company's size.

Council members were split over how to proceed. Deputy Mayor Robert Russo said that his "heart was with" the ordinance and that he philosophically supported it, believing that it is dangerous not to encourage workers who work with food and people in the service professions to take off when they are ill.

Second Ward Councilwoman Robin Schlager said that she found it upsetting, even un-American, that some people are forced to decide between staying home ill and going to work, adding that she was impressed by the amount of signatures gathered. Schlager indicated that she was willing to support the ordinance during the meeting. Third Ward Councilman Sean Spiller, too, said that he'd be willing to support the ordinance on the spot, calling sick time a "serious concern."

First Ward Councilman Bill Hurlock said that, having just recently seen the ordinance, he did not have the information necessary to make a decision. Councilman-At-Large Rich McMahon said that, while favoring the concept, he was not sure how the township would be able to enforce the ordinance.

Mayor Robert Jackson pointed out that the ordinance exempts governments, adding that he has a problem with dictating what the private sector should do, when governments are not asked to comply. The mayor added that he would also like to hear from representatives of Montclair's business districts before making a decision.

During public comment, BluewaveNJ President Marcia Marley, who helped gather the petition signatures, said that she hoped that the council would introduce its own ordinance to enact the ordinance more quickly and to save the expense of placing the ordinance on the ballot. Marley said that, beyond being just, the ordinance would positively affect local residents' and workers' health, work productivity and the economy. She cited what she termed successful similar laws in San Francisco, Seattle and Connecticut.

Members of other organizations, including Deborah Comavaca of New Jersey Working Families, also spoke in favor of the ordinance. Comavaca reported that 23 percent of workers to be impacted will lose or will be at the risk of losing their jobs due to health issues. Eight of 10 workers potentially affected earn low incomes, she said.

Two members of Montclair's business community, Margot Sage-El, owner of Watchung Booksellers, and Jeff Beck, owner of East Side Mags, voiced their support for the ordinance.

While the council chose not to act on the ordinance during Tuesday's meeting, Jackson said that the legislative body is not precluded from revisiting the ordinance again or developing a more comprehensive ordinance of its own. The mayor said that he did not want the council to be tied into a specific timeframe.

Business Matters

In an email to The Times, Montclair Center BID Executive Director Luther Flurry stated that issue isn't whether private-sector employees should earn paid sick time, but whether the township should regulate the practice. Flurry said the initiative should be placed at the Essex County or state level. Flurry said that adding a few percentage points to labor costs could put some local, independent merchants and restaurants at a competitive disadvantage.

"Good business managers know that you should treat your employees the way you want them to treat your customers, and good employees can be your greatest asset," Flurry stated. "Some local businesses attract and retain employees with paid sick time, others focus on pay or work conditions. Many employees would rather have a 3

percent raise than earned sick time."

Diane Esty, president of the Upper Montclair Business Association, told The Montclair Times that paid sick time would potentially be a topic of discussion during the association's meeting tonight, Thursday. Esty said that she would welcome discussing the ordinance with municipal officials.

New Jersey's two largest cities, Newark and Jersey City, have enacted similar ordinances. The Hudson County Chamber of Commerce was neither for nor against the ordinance in Jersey City, Chamber President Maria Nieve, told The Montclair Times. Instead, Nieves said that the business organization was concerned by the swiftness in which the City Council moved forward with the ordinance.

The city is set to conduct a study of the ordinance's affect on businesses in the coming month, Nieves said. In the meantime, the chamber president that she has received anecdotal comments from merchants who have not been concerned by the financial impact of the ordinance, but by the administrative burden of compliance. Nieves said that she would recommend that municipalities considering a similar ordinance should work with businesses ahead of time before enacting it.

"Any sort of governing body should really consider their business community a resource when considering this kind of ordinance," Nieves said. "I think these can be done very simply just by doing the research."

New Jersey State Chamber of Commerce President and CEO Thomas Bracken said that he and the chamber have been fighting the ordinance since it was first proposed.

Bracken said that the chamber has not seen any empirical data showing why the ordinance is necessary, adding that many companies already provide sick days for workers.

With New Jersey's fiscal issues, Bracken said that the ordinance, along with initiatives such as increasing taxes on millionaires and increasing the minimum wage, make New Jersey less competitive for businesses when the state needs to be more competitive.

"The bottom line is it mandates something that should be left to the discretion of the management of the company based on the severity of the problem of the individual and the company," Bracken said.

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