

## Are you keeping sick leave records? . . . The DOL wants to know.

07/11/19

By now all employers should be aware of the [New Jersey Earned Sick Leave Law](#). Many employers have had to revise their paid time off policies and handbooks to ensure compliance. However, this alone is not enough.

Employers must be able to demonstrate that they are complying with the law. Specifically, [the law](#) requires that employers retain records documenting hours worked by employees and earned sick leave taken for a **period of five years**. DOL auditors are now routinely asking to see sick leave records as part of the audit process. In fact, it is listed in their violations check list.

Employers should also note that if an employee makes a claim that the employer did not provide them with sick leave, the employer will be presumed in violation of the law if they cannot produce sick leave records. As such, employers should ensure they are keeping accurate records and that they retain those records for five years.

**Takeaway: Don't get caught off guard if you are audited. Be sure your sick leave records are accurate and complete.**

If you are an employer with any questions regarding the New Jersey Earned Sick Leave Law, contact Tracy Armstrong or any member of the Wilentz Employment Law Team at 732-352-9858.

### Attorney

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### Practice

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