

<p style="text-align: center;"><b>TOWNSHIP OF VERONA</b> <b>COUNTY OF ESSEX, NEW JERSEY</b></p>  <p style="text-align: center;"><i>POLICIES AND PROCEDURES</i></p>	Policy Title:	Sick Leave
	Policy Reference No:	5-14
	Release Date:	16-December-2020
	Approved By:	Matthew Cavallo, Township Manager
	Authority:	§ 36-1 (C) § 36-22
	Revision History:	None
	No. of Pages:	6
	Applicability:	All Employees & Volunteers

Sick Leave is offered to Township employees in accordance with Code or applicable collective negotiation's agreement or employment agreement. Generally, sick time is based on length of service and employment status.

Sick leave shall be as follows:

- (1) Sick leave allowance.
  - a. Full-time employees shall be entitled to paid sick leave as follows:
    - i. New employees shall only receive one working day for the initial month of employment if they begin work on the first through the 8th day of the calendar month, and one-half working day if they begin on the 9th through the 23rd day of the month.
    - ii. After the initial month of employment and up to the end of the first calendar year, employees shall be credited with one working day for each month of service.
    - iii. Thereafter, at the beginning of each calendar year, employees shall be credited with 15 calendar days.
  - b. Part-time employees shall be entitled to paid sick leave as follows:
    - i. New employees shall only receive one working day for the initial month of employment if they begin work on the first through the 8th day of the calendar month, and one-half working day if they begin on the 9th through the 23rd day of the month.
    - ii. After the initial month of employment and up to the end of the first calendar year, employees shall be credited with one working day for each month of service.
    - iii. Thereafter, at the beginning of each calendar year, employees shall be credited with 15 calendar days.
    - iv. All days are calculated at 35 hours. Part-time employees time shall be pro-rated based off the number of hours worked per week.
  - c. Effective October 29, 2018, all other employees shall be entitled to paid sick leave as follows:
    - i. For every 30 hours worked, the employee shall accrue one hour of earned sick leave.
    - ii. The employee shall be permitted to accrue up to 40 hours of earned sick leave. Unused sick leave may be carried forward from one benefit year to the next for

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a maximum of 40 hours of earned sick leave. Employees shall not be entitled to compensation for sick leave accumulated at termination, resignation, or retirement.

- iii. Earned sick leave shall begin to accrue on October 29, 2018 for any employee who is hired and commenced employment prior to October 29, 2018 and said employee shall be eligible to use the earned sick leave beginning on the 120th calendar day after the employee commences employment
- iv. Earned sick leave shall begin to accrue upon the date that employment commences and the employee shall be eligible to use the earned sick leave beginning on the 120th calendar day after the employee commences employment.
- v. The employee may subsequently use earned sick leave as soon as it is accrued. Employees who leave employment with the Township for any reason shall not be paid for accrued unused Sick Leave time.
- vi. If an employee is separated from employment with the Township but then reinstated within six months, all of the employee's unused and accrued sick time shall also be reinstated.
- d. Paid sick days shall not accrue during a leave of absence without pay or suspension but shall continue to accrue during a voluntary furlough or furlough extension leave.
- e. Sick leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.
- f. An employee who exhausts all paid sick days in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year.
- g. Unused sick leave shall accumulate from year to year without limit, whether or not it was accrued prior to an intergovernmental transfer in accordance with *N.J.A.C. 4A:4-7.1A*, provided, however, that in the case of an intergovernmental transfer, the Police Officer who has waived all accumulated sick leave, shall accrue from the effective date of the transfer.
- h. Pursuant to New Jersey Civil Service Rules, sick leave may be used by employees who are unable to work because of:
  - (1) Personal illness or injury (see *N.J.A.C. 4A:6-21B* for Federal family and medical leave);
  - (2) Exposure to contagious disease (see *N.J.A.C. 4A:6-1.21B* for Federal family and medical leave);
  - (3) Care, for a reasonable period of time, of a seriously ill member of the employee's immediate family (see *N.J.A.C. 4A:1-1.3* for definition of immediate family, see *N.J.A.C. 4A:6-1.21A* for family leave under State law and see *N.J.A.C. 4A:6-1.21B* for Federal family and medical leave); or
  - (4) Death in the employee's immediate family, for a reasonable period of time.
  - (5) A disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the Township Manager.

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- i. Pursuant to the New Jersey Earned Sick Leave Law (*N.J.S.A. 34:11D-1*), sick leave may be used by employees who are unable to work because of :
  - i. time needed for diagnosis, care, or treatment of, or recovery from, an employee’s mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
  - ii. time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member’s mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
  - iii. absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
  - iv. time during which the employee is not able to work because of a closure of the employee’s workplace, or the school or place of care of a child of the employee, by order of a public official due to a epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee’s immediate family in need of care by the employee, would jeopardize the health of others; or
  - v. time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child’s education, or to attend a meeting regarding care provided to the child in connection with the child’s health conditions or disability.

(2) Paid Sick leave maybe utilized with family/medical leave entitlement under the New Jersey Family Leave Act and/or the Federal Family Medical Leave Act.

(3) Separation.

- a. All employees and personnel of the Township of Verona who have been employed full time shall receive compensation for sick leave accumulated at retirement pursuant to the following schedule:
  - (1) Employees who were hired full-time by the Township prior to January 1, 1978 shall receive compensation for sick leave accrued up to a maximum of two hundred twenty five (225) days.

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- (2) Employees who were hired full-time by the Township between January 1, 1978 and May 20, 2010 shall receive compensation for sick leave accrued up to a maximum of one-hundred (100) days.
  - (3) Employees who were hired full-time by the Township between May 21, 2010 and November 30, 2015 shall receive compensation for sick leave accrued up to a maximum one-hundred (100) days or \$15,000, whichever is less.
  - (4) Employees who were hired full-time by the Township on or after December 1, 2015 shall not be entitled to compensation for sick leave accumulated at retirement.
- b. No sick leave allowance will be paid in case of dismissal for cause or resignation for any other purpose than retirement.
  - c. Payment for compensated sick leave shall be made upon certification by the Chief Financial Officer that sufficient documentation of the amount of the accumulated sick leave has been provided, and that funds are available to pay for the amount of compensated absence due. Sufficient documentation shall include:
    - (1) A copy of, or reference to, the agreement authorizing compensation;
    - (2) Documentation of the amount of accumulated absence time; and
    - (3) The total value of the compensation due based on the agreement and accumulated absence time.
      - i. Unless expressly stated otherwise by a duly negotiated and approved labor agreement, and/or individual employment agreement where payouts for accumulated absences are authorized:
        1. Payment for compensated absence based on absence time accumulated starting January 1, 2018, shall be calculated utilizing no more than the employee's base salary at the time in which the absence was accumulated. The Chief Financial Officer shall ensure documentation of the employee's base salary at the time in which the absence time was accumulated; and
        2. Absence time accumulated starting January 1, 2018 that is utilized during employment shall be utilized in the order of highest dollar value to lowest dollar value. The caps set forth in this section on the total number of sick days compensable and/or total dollar amount of sick leave compensable, compensable sick leave shall be exhausted before non-compensable sick leave is utilized.
  - d. With approval of the Township Manager, the Chief Financial Officer may begin to compensate employees with twenty (20) years of service in a State pension retirement system for their accumulated absence accrued pursuant to this section, duly negotiated and approved labor agreement, and/or individual employment agreement where payouts for accumulated absences are authorized prior to retirement.

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(4) Workers Compensation.

- a. During the period of occupational illness or accident where an employee receives compensation benefits under the Workmen's Compensation Act and returns those benefits to the Township in exchange for his/her normal paycheck, that sick leave time charged will be prorated for that portion which is not covered by the compensation benefits.

For the purposes of this Policy, we define an employee's family to include a:

- Child of the employee (biological, adopted, or foster child, step child or legal ward of an employee, or child of a domestic partner or civil union partner of the employee)
- Grandchild of the employee
- Sibling of the employee
- Spouse of the employee
- Domestic partner of the employee
- Civil union partner of the employee
- Parent of the employee (biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee's spouse, domestic partner, or civil union partner, or a person who stood in loco parentis of the employee or the employee's spouse, domestic partner, or civil union partner when the employee, spouse, or partner was a minor child);
- Grandparent of the employee;
- Spouse, domestic partner, or civil union partner of a parent or grandparent of the employee;
- Sibling of a spouse, domestic partner, or civil union partner of the employee;
- Any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

The benefit year runs from January 1<sup>st</sup> to December 31<sup>st</sup>.

Employees are permitted to use sick time in half or full day increments.

Employees are required to give seven (7) calendar days' notice of the intention to use sick leave and its expected duration when such leave is foreseeable.

If sick leave is unforeseeable, employees must give notice to the Township Manager as soon as practicable.

Employees must make a reasonable effort to schedule the use of sick leave in a manner that does not unduly disrupt the operations of the Township.

Employees are not required to find replacements to cover their absence.

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Employees absent on sick leave for three (3) or more consecutive working days must submit a medical or other certification justifying the nature of the leave. If an employee is caring for an immediate family member, including civil union partner, a medical certification of that individual is required. After the sixth day of absence on sick leave in one calendar year, a medical or other certification justifying the nature of the leave must be submitted for all sick leave absences, regardless of duration. Any information received concerning the health, or domestic or sexual violence of an employee or their immediate family member will be treated as confidential and shall not be disclosed, except to the affected employee or with written permission of the employee.

Prior to the return to work from sick leave of three or more consecutive working days, the Township may require an employee to be examined by a physician designated by the Township to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

With regard to employees employed pursuant to a Collective Bargaining Agreement ("CBA"), the CBA is controlling.