ASSEMBLY, No. 5060



STATE OF NEW JERSEY

220th LEGISLATURE



INTRODUCED JANUARY 12, 2023

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Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblyman Stanley, Assemblywomen McKnight, Jaffer, Assemblymen Atkins and Danielsen

SYNOPSIS

Expands scope of school district employee sick leave.

CURRENT VERSION OF TEXT

As introduced.



An Act concerning school district employee sick leave and amending N.J.S.18A:30-1 and N.J.S.18A:30-4.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. N.J.S.18A:30-1 is amended to read as follows:

18A:30-1. a. Sick leave is **[**hereby**]** defined **[**to mean**]** as the absence from **[**his or her**]** an employee’s post of duty, **[**of any person because of**]** for any of the following reasons:

(1) the employee is **[**personal disability due to illness or injury,**]** personally ill or injured;

(2) 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;

(3) 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;

(4) 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:

(a) medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;

(b) services from a designated domestic violence agency or other victim services organization;

(c) psychological or other counseling;

(d) relocation; or

(e) 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;

(5) the death of a family member for up to seven days;

(6) to attend a child’s 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;

(7) the school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency;

(8) **[**because he or she**]** the employee has been **[**excluded from school by the school district's medical authorities on account of a**]** exposed to a contagious disease or **[**of being**]** is quarantined for **[**such a**]** the disease in **[**his or her**]** the employee’s immediate household.

b. The provisions of this section, and any regulations promulgated to implement or enforce this section, shall not supersede any law providing collective bargaining rights for school district employees, and shall not reduce, diminish, or adversely affect an employee’s collective bargaining rights.

c. As used in this section:

"Child" means a biological, adopted, or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.

"Designated domestic violence agency" means a county-wide organization whose primary purpose is to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

"Domestic or sexual violence" means stalking, any sexually violent offense, as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

"Family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

(cf: N.J.S.18A:30-1)

2. N.J.S.18A:30-4 is amended to read as follows:

18A:30-4. a. In case of sick leave claimed due to personal illness or injury, a board of education may require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave.

b. If an employee's need to use sick leave as defined pursuant to N.J.S.18A:30-1 is foreseeable, a board of education may require advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use the leave and its expected duration, and the employee shall make a reasonable effort to schedule the use of sick leave in a manner that does not unduly disrupt the operations of the board of education.

c. If the reason for the leave is not foreseeable, a board of education may require an employee to give notice of the intention as soon as practicable, if the board of education has notified the employee of this requirement.

d. A board of education may prohibit employees from using foreseeable sick leave on certain dates, and require reasonable documentation if sick leave that is not foreseeable is used during those dates.

e. In case of sick leave claimed for three or more consecutive days, a board of education may require reasonable documentation that the leave is being taken for a purpose permitted pursuant to subsection a. of N.J.S.18A:30-1.

f. If the leave is permitted under paragraph (2) or (3) of subsection a. of N.J.S.18A:30-1, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave, shall be considered reasonable documentation.

g. If the leave is permitted under paragraph (4) of subsection a. of N.J.S.18A:30-1 because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence:

(1) medical documentation;

(2) a law enforcement agency record or report;

(3) a court order;

(4) documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense;

(5) certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or

(6) other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.

h. If the leave is permitted under paragraph (7) of subsection a. of N.J.S.18A:30-1, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.

i. As used in this section:

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.

"Designated domestic violence agency" means a county-wide organization whose primary purpose is to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing these services.

"Health care professional" means any person licensed under federal, State, or local law, or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional including, but not limited to, doctors, nurses and emergency room personnel.

(cf: N.J.S.18A:30-4)

3. This act shall take effect immediately.

STATEMENT

This bill expands the scope of allowable uses of sick leave for school district employees.

Under current law, sick leave for a school district employee may be used due to personal disability due to illness or injury, or because an employee has been excluded from school by the school district’s medical authorities on account of a contagious disease or of being quarantined for such a disease in the employee’s immediate household. This bill amends current law to allow school district employees to use sick leave for the following reasons: for the care of a seriously ill member of the employee’s immediate family including, but not limited to, parent or guardian, spouse or domestic partner, sibling, and child, for a reasonable period of time; for the diagnosis, care, or treatment of, or recovery from, a mental or physical illness, injury, or other adverse health condition, or for preventative medical care; to aid or care for a family member of the employee during diagnosis, care, or treatment of the family member’s mental health, physical illness, injury, or other adverse health condition; due to circumstances relating to domestic or sexual violence; for seven days because of a death in the employee’s immediate family; to attend a school-related conference, meeting, function, or other event for a child; or in connection with a closure of the school or place of care of a child of the employee. This bill provides that its provisions do not supersede any collective bargaining rights.

Additionally, current law allows a board of education to require a physician’s certificate to be filed with the secretary of the board of education in order to obtain sick leave. This bill amends this law to allow a board of education to require a physician’s certificate to be filed with the secretary of the board of education in order to obtain sick leave only when sick leave is used for personal injury or illness. Finally, the bill provides various conditions for when a board of education may request advance notice or reasonable documentation for use of sick leave.