

P.L. 2023, CHAPTER 95, *approved July 3, 2023*  
Assembly, No. 5060

1 AN ACT concerning school district employee sick leave and  
2 amending N.J.S.18A:30-1 and N.J.S.18A:30-4.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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

8 18A:30-1. a. Sick leave is **[hereby]** defined **[to mean]** as the  
9 absence from **[his or her]** an employee's post of duty, **[of any**  
10 **person because of]** for any of the following reasons:

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

13 (2) for diagnosis, care, or treatment of, or recovery from, an  
14 employee's mental or physical illness, injury or other adverse health  
15 condition, or for preventive medical care for the employee;

16 (3) for the employee to aid or care for a family member of the  
17 employee during diagnosis, care, or treatment of, or recovery from,  
18 the family member's mental or physical illness, injury or other  
19 adverse health condition, or during preventive medical care for the  
20 family member;

21 (4) absence necessary due to circumstances resulting from the  
22 employee, or a family member of the employee, being a victim of  
23 domestic or sexual violence, if the leave is to allow the employee to  
24 obtain for the employee or the family member:

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

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

30 (c) psychological or other counseling;

31 (d) relocation; or

32 (e) legal services, including obtaining a restraining order or  
33 preparing for, or participating in, any civil or criminal legal  
34 proceeding related to the domestic or sexual violence;

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

36 (6) to attend a child's school-related conference, meeting,  
37 function or other event requested or required by a school  
38 administrator, teacher, or other professional staff member  
39 responsible for the child's education, or to attend a meeting  
40 regarding care provided to the child in connection with the child's  
41 health conditions or disability;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

15    c. As used in this section:

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

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

26    "Domestic or sexual violence" means stalking, any sexually  
27 violent offense, as defined in section 3 of P.L.1998, c.71 (C.30:4-  
28 27.26), or domestic violence as defined in section 3 of P.L.1991,  
29 c.261 (C.2C:25-19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

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

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

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

41    18A:30-4. a. In case of sick leave claimed due to personal  
42 illness or injury, a board of education may require a physician's  
43 certificate to be filed with the secretary of the board of education in  
44 order to obtain sick leave.

45    b. If an employee's need to use sick leave as defined pursuant to  
46 N.J.S.18A:30-1 is foreseeable, a board of education may require  
47 advance notice, not to exceed seven calendar days prior to the date  
48 the leave is to begin, of the intention to use the leave and its

1 expected duration, and the employee shall make a reasonable effort  
2 to schedule the use of sick leave in a manner that does not unduly  
3 disrupt the operations of the board of education.

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

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

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

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

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

26 (1) medical documentation;

27 (2) a law enforcement agency record or report;

28 (3) a court order;

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

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

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

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

44 i. As used in this section:

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

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

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

14    (cf: N.J.S.18A:30-4)

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16       3. This act shall take effect immediately.

#### 17 18 19                                   STATEMENT

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

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

45       Additionally, current law allows a board of education to require a  
46    physician's certificate to be filed with the secretary of the board of  
47    education in order to obtain sick leave. This bill amends this law to  
48    allow a board of education to require a physician's certificate to be

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1 filed with the secretary of the board of education in order to obtain  
2 sick leave only when sick leave is used for personal injury or  
3 illness. Finally, the bill provides various conditions for when a  
4 board of education may request advance notice or reasonable  
5 documentation for use of sick leave.

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10 Expands scope of school district employee sick leave.