

County of Gloucester
Human Resources Manual

CHAPTER:	6 - LEAVE TIME	ADOPTED: 03/07/06
SECTION:	5 – NJ EARNED SICK LEAVE LAW	REVISED: 05/22/24

The employees of the County of Gloucester who are provided with sick leave at full pay under N.J.S.A. 11A and N.J.A.C. 4A are **exempt** from coverage under the NJ Earned Sick Leave Law; employees (such as seasonal, temporary and substitute) with the County of Gloucester who are *not* provided with sick leave at full pay under N.J.S.A. 11A and N.J.A.C. 4A are covered under the NJ Earned Sick Leave Law and are permitted to accrue and use earned sick leave in accordance with the requirements of the NJ Earned Sick Leave Law. Independent contractors are not covered by the NJ Earned Sick Leave Law. This policy is provided to offer guidance to Department Heads/designees and those aforementioned employees (such as seasonal, temporary, and substitute employees) who are subject to the NJ Earned Sick Leave Law.

Effective October 29, 2018, for every 30 hours worked, the employee who is covered under the NJ Earned Sick Leave Law shall accrue one hour of earned sick leave and be permitted to accrue and use a maximum of 40 hours of earned sick leave in any benefit year. Employees covered under the NJ Earned Sick Leave Law must wait 120 days to begin using accrued earned sick leave. The benefit year is January 1 to December 31st of the calendar year. Earned sick leave shall be taken in whole days (equal to the number of hours the employee was scheduled to work during that shift) or half hour increments thereof.

Permissible reasons for an employee who is **covered under the NJ Earned Sick Leave Law** to take sick leave are (1) Diagnosis, care, treatment or recovery for the employee's own mental or physical condition, (2) Diagnosis, care, treatment or recovery for a family member's mental or physical condition, (3) Time needed as a result of an employee's or family member's status as a victim of domestic or sexual violence, (4) Time when the workplace, school or childcare is closed by order of a public official due to a public health concern, and (5) Time to attend a school-related conference or meeting. ***Please note that these reasons are separate and apart from the permissible reasons that pertain to the employees of the County of Gloucester who are provided with sick leave at full pay under N.J.S.A. 11A and N.J.A.C. 4A are covered under this policy and exempt from coverage under the NJ Earned Sick Leave Law.***

Family member is defined by the NJ Earned Sick Leave Law as a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee; 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. Notably, the term family member also includes any other individual related by blood to the employee of whose close association with the employee is the equivalent of a family relationship.

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Department Heads are responsible for notifying these employees of the requirements for seeking sick leave and for providing procedures for the employee to follow when providing notification of the intent to use sick leave.

Employees covered under the NJ Earned Sick Leave Law are required to provide advance written notice of the need to use earned sick leave that is foreseeable. Such required advance written notice is seven calendar days prior to the date the earned sick leave is to begin and must include notice of the intention to use the leave and its expected duration. Where the employee's need to use earned sick leave is foreseeable, the employee shall make a reasonable effort to schedule the use of earned sick leave in a manner that does not unduly disrupt the operations of the County. For purposes of this subsection, the need to use earned sick leave shall be considered "foreseeable," when the employee is able to predict or know in advance that he or she will need to use earned sick leave, such as a scheduled doctor's visit, a regularly occurring medical treatment, or regularly scheduled therapy appointment.

If the reason for the leave is not foreseeable, the employee must give notice of the intention to use the leave as soon as practicable and prior to start of shift.

The County of Gloucester may prohibit the employee from using earned sick leave on certain dates which are limited to verifiable high-volume periods or special events, during which permitting the use of foreseeable earned sick leave would unduly disrupt the operations of the Employer. Department Heads are responsible for notifying these employees of these dates in advance where possible.

Where the employee's need to use earned sick leave is not foreseeable and the employee seeks to use such earned sick leave during any of the "certain dates" described in the preceding paragraph, or where the employee uses earned sick leave for three or more consecutive days, the County requires the employee to provide reasonable documentation that the leave is being taken for a permissible purpose.

In the final month (December) of the Employer's benefit year, the County shall permit the employee to carry-over any unused earned sick leave up to a maximum of 40 hours.

An employee shall not be entitled to a payout of unused earned sick leave upon separation from employment, and upon termination of employment, unused sick leave will not be paid.

It should be noted that an employer may not retaliate against an employee for exercising or attempting to exercise rights under the law.

More information about the NJ Earned Sick Leave Law can be found at: https://nj.gov/labor/wagehour/content/NJ_Earned_Sick_Leave.html.

Seasonal/Temporary/Substitute Employee:

Follows departmental procedures when providing notification of the intent to use sick leave, including 7-days advance written notice to the Department Head when need for sick leave is foreseeable.

Provides proof of illness or inability to work when requested by Department Head.

Department Head/designee:

Provides the seasonal/temporary/substitute employee with procedures to follow when providing notification of the intent to use sick leave, including but not limited to 7-days advance notice for foreseeable use of sick leave.

Provides in advance to the seasonal/temporary/substitute employee any certain dates which prohibit foreseeable and permissible sick leave due to verifiable high-volume periods or special event, during which permitting the use of foreseeable earned sick leave would unduly disrupt the operations of the Employer.

Requires the seasonal/temporary/substitute employees to provide reasonable documentation where the employee's need to use earned sick leave is not foreseeable and/or the employee seeks to use such earned sick leave during any of the "certain dates" described in the preceding paragraph, and/or where the employee uses earned sick leave for three or more consecutive days.