

**SENATE, No. 3440**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED JANUARY 10, 2023

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators Diegnan, Thompson, Greenstein, Johnson and Singleton**

**SYNOPSIS**

Expands scope of school district employee sick leave.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2023)**

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.

3

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;

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

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

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

11 c. As used in this section:

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

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

22 "Domestic or sexual violence" means stalking, any sexually  
23 violent offense, as defined in section 3 of P.L.1998, c.71 (C.30:4-  
24 27.26), or domestic violence as defined in section 3 of P.L.1991,  
25 c.261 (C.2C:25-19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

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

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

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

37 18A:30-4. a. In case of sick leave claimed due to personal  
38 illness or injury, a board of education may require a physician's  
39 certificate to be filed with the secretary of the board of education in  
40 order to obtain sick leave.

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

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

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

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

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

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

23       (1) medical documentation;

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

25       (3) a court order;

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

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

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

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

41       i. As used in this section:

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

46       "Designated domestic violence agency" means a county-wide  
47 organization whose primary purpose is to provide services to  
48 victims of domestic violence, and which provides services that

1 conform to the core domestic violence services profile as defined by  
2 the Division of Child Protection and Permanency in the Department  
3 of Children and Families and is under contract with the division for  
4 the express purpose of providing these services.

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

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

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13 3. This act shall take effect immediately.

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#### STATEMENT

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

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

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

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