

# HIGHLIGHTS REGARDING SICK LEAVE

## **18A: 30-1 DEFINITION OF SICK LEAVE:**

Sick leave is defined as being an absence from work because of a personal disability due to illness or injury.

Sick leave cannot be used to take days off to care for a sick family member.

## **18A:30-2 MINIMUM NUMBER OF SICK DAYS:**

The minimum number of sick days allowed is 10 per school year. Even part time employees are entitled to 10 absences due to personal illness.

A Commissioner's Decision dating back to 1950, Marriott vs. Hamilton Township, gives employees the right to use sick days from the first day of employment.

A 1974 Commissioner's Decision, Woodbridge, states that it is not legal to give one sick day per month to employees. However, in an arbitration which proceeded to the State Courts, the Appellate Division of the Superior Court held that the sick leave statute does not prevent boards and associations from bargaining the proration of sick leave for people who are employed after the beginning of the school/employment year. Schwartz vs. Dover, 190 NJ Super 222 (App.Div.1981)

## **USE OF SICK DAYS IF YOU HOLD AN EXTRA CURRICULAR POSITION:**

An employee cannot use sick days to cover absences from an extra curricular position unless the use has been negotiated.

## **18A:30-3 ACCUMULATED SICK DAYS:**

All days of the minimum sick leave not utilized in any one year shall be accumulated for use in subsequent years.

## **18A:30-4 DOCTOR'S CERTIFICATE:**

A board has the right to require a doctor's certification in order to grant sick leave. PERC has ruled that employee unions cannot restrict this right via negotiations.

Associations have the right to negotiate that if a board requires a doctor's note, then the board will pay the doctor's fee. The association can also negotiate the sufficiency of the note.

The board can deny payment to those who do not supply a doctor's note when one is requested. Newark, 1984.

## **18A:30-6 PROLONGED LEAVE BEYOND SICK LEAVE PERIOD:**

The board may pay an employee his/ her salary less the cost of a substitute if his/her illness exceeds sick leave allowance. A board may not negotiate away its discretion regarding this issue. The board cannot negotiate language giving everyone the same amount of additional leave.

## **18A:30-7 ADDITIONAL LEAVE:**

A board has the right to grant or negotiate more paid sick days than the minimum, except that no person shall be allowed to accumulate more than 15 days in any one year.

