

MONMOUTH UNIVERSITY POLICIES AND PROCEDURES

Policy Name: Administrative and Staff Employees Sick Leave

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I. PURPOSE:

Monmouth University provides its employees with sick leave pursuant to this policy and the New Jersey Paid Sick Leave Act in order to take sick leave time off of work as set forth in this policy. This policy sets forth the manner in which employees may accrue, be paid for and carry over sick leave.

II. DEFINITIONS:

- A. **Administrative Employee** means full and part-time professionals designated as administrators in enrollment management, athletics, academic services, student services, administrative services, university advancement, information management, finance and legal services who are either exempt or non-exempt from the requirements of the Fair Labor Standards Act (FLSA).
- B. **Benefit Year** means the period of twelve (12) consecutive months commencing July 1 and ending June 30 and coincides with Monmouth University's fiscal year.
- C. **Blackout Periods** means certain dates during the Benefit Year that employees in a Division are prohibited to use foreseeable Regular Sick Leave or Section IV Sick Leave due to high-volume periods or special events as notified by your Division and the Office of Human Resources prior to the start of the Benefit Year.
- D. **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.
- E. **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.
- F. **Civil union** means a civil union as defined in N.J.S.A. 37:1-29.

- G. **Designated domestic violence agency** means a country-wide organization with a primary purpose 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.
- H. **Domestic or sexual violence** means stalking, any sexually violent offense as defined in N.J.S.A. 30:4-27.26 or domestic violence as defined in N.J.S.A. 2C:25-19 and 17:29B-16.
- I. **Domestic partner** means a domestic partner as defined in N.J.S.A. 26:8A-3.
- J. **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. For the purpose of this definition, an individual whose “close association with the employee is the equivalent of a family relationship” shall include any person with whom the employee has a significant personal bond that is, or is like, a family relationship, regardless of biological or legal relationship.
- K. **Full-Time Status** means a non-faculty position, if the workweek carries a scheduled workweek of thirty-six and one-quarter (36.25) hours or more.
- L. **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.
- M. **On-Call Staff Employees** means employees hired to supplement the Monmouth University workforce during high volume periods or to temporarily cover during a regular employee’s absence or leave where staffing is required such as radio dispatchers, nurse practitioners, and university store clerks. On-call employees are hired to work on a substitute basis, as needed, which hours may vary each week.
- N. **OPEIU Clerical Staff Employees** means employees covered by the collective bargaining agreement between Monmouth University and Office and Professional Employees International Union.
- O. **Parent** means a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee’s spouse, domestic partner, or civil

union partner, or a person who stood in loco parentis of the employee or the employee's spouse, domestic partner, or civil union partner when the employee, spouse or partner was a minor child.

- P. **Part Time Status** means a non-faculty position with a regular workweek of less than thirty (30) hours per week.
- Q. **Regular Sick Leave** means time off from work associated with: personal illness; personal injury; medical emergency/illness associated with spouse, dependent child, parent; medically related treatment or medical/dental office visit which cannot be scheduled during non-working hours; and religious holidays (as set forth in the Religious Holiday Policy). Regular Sick Leave is accumulated by the employee as set forth in this policy and shall be used concurrently with Section IV Sick Leave (which shall be exhausted first) unless the request for sick leave is for a religious holiday in which sick leave must be used.
- R. **Retaliatory personnel action** means denial of any right guaranteed under New Jersey Paid Sick Leave Act and any threat, discharge (including a constructive discharge), suspension, demotion, unfavorable reassignment, refusal to promote, disciplinary action, sanction, reduction of work hours, reporting or threatening to report actual or suspected immigrant status of an employee or the employee's family or any other adverse action against an employee.
- S. **Section IV Sick Leave** means one hour of sick leave (for uses as set forth in Section IV of this Policy) that an employee accrues for every thirty (30) hours worked by the employee. Employees shall not be permitted to accrue more than forty (40) hours of Section IV Sick Leave in a benefit year. Section IV Sick Leave does not grant employees additional sick leave in excess of the amount of Regular Sick Leave that an employee is entitled to receive; rather, it is a portion of Regular Sick Leave that may be used for purposes of section IV of this policy (i.e., it is inclusive of the 13 sick days accumulated annually).
- T. **Sibling** means a biological, foster, or adopted sibling of an employee.
- U. **Spouse** means a husband or wife.
- V. **Staff Employees** means non-union employees who work in a variety of positions, including, but not limited to, various support personnel, secretaries, administrative assistants, within the University. Designated staff employees are non-exempt employees under the Fair Labor Standards Act (FLSA).
- W. **Temporary Employees** means an employee hired for a specific period of time or project.

III. PERMITTED USE OF REGULAR SICK LEAVE

Employees shall be permitted to use Regular Sick Leave accrued for any of the following purposes:

- A. Personal Illness**
- B. Medical emergency/illness associated with spouse, dependent child or parent (sick leave for a parent is limited to ten (10) days per fiscal year.)**
- C. Personal Injury**
- D. Medically related treatment or medical/dental office visit which cannot be scheduled during non-working hours**
- E. Religious Holiday**

IV. PERMITTED USE OF SECTION IV SICK LEAVE

Employees shall be permitted to use Section IV Sick Leave accrued for any of the following purposes:

- A. Medical Diagnosis, Care, Treatment, Recovery or Preventative Maintenance for Employee**

Time needed for diagnosis, care, or treatment of, or recovery from an employee's mental or physical illness, injury, or other adverse health condition, or for preventative medical care for the employee.

- B. Medical Diagnosis, Care, Treatment, Recovery or Preventative Maintenance for Employee's Family Member**

Time needed 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 preventative medical care for the family member.

- C. Circumstances resulting from the Employee or a Family Member of the Employee being a Victim of Domestic or Sexual Assault**

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: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated

domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal proceeding related to domestic or sexual violence.

D. Closure of University, Employee's School or Place of Care for Employee's Child by Order of a Public Official due to an Epidemic or other Public Health Emergency.

Time during which the employee is not able to work because of a closure of the University, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others. This does not include closings due to inclement weather.

E. To Attend a School-related Conference, Meeting, Function or other Event requested by School for Employee's Child

Time needed by the employee in connection with a child of the employee to attend a 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.

V. PROCEDURES

A. Accrual of Regular Sick Leave

1. Full-time administrators, and non-union staff employees accrue one day of Regular Sick Leave for each four weeks of continuous employment (thirteen (13) days annually). Employees working less than fifty-two weeks per year accrue Regular Sick Leave on a pro-rated basis. These days are credited each month on the employee's anniversary date. Probationary staff employees are not granted Regular Sick Leave pay. However upon the satisfactory completion of the probationary period, such employees shall earn Regular Sick Leave from their full-time date of hire in compliance with their collective bargaining agreement or University policy. Union staff employees should refer to their respective collective bargaining agreement for their rate of accrual.
2. Full-time administrative employees may accumulate up to one hundred and eighty (180) days of Regular Sick Leave which is inclusive of the amount of Section IV Sick Leave accrued. Full-time staff employees may accumulate

Regular Sick Leave without limit. Union staff employees should refer to their respective collective bargaining agreement for their rate of accrual.

B. Section IV Sick Leave

1. Full-Time Administrators, Non-Union Staff and OPEIU Clerical Staff Employees

- a. At the beginning of each benefit year (July 1), full-time administrators, non-union staff and OPEIU clerical staff employees' Regular Sick Leave balance shall be reduced by the number of hours needed to bring their Section IV Sick Leave balance (in Kronos as "NJ Sick") to forty (40) hours. This amount will be converted to the category of Section IV Sick Leave ("NJ Sick") and immediately available for use by the employee at the beginning of the benefit year.
- b. If such conversion produces a negative balance in Regular Sick Leave, the employee will not be able to use Regular Sick Leave until the negative balance has been covered and sufficient time has been accrued.

2. Part-Time Administrative and Non-Union Staff Employees

- a. Part-time administrative and non-union staff employees including on-call staff and temporary employees, shall accrue one (1) hour of Section IV Sick Leave for every thirty (30) hours worked, limited to forty (40) hours of earned sick leave in a benefit year.
- b. Current employees shall begin to accrue Section IV Sick Leave on October 29, 2018. Employees hired after October 29, 2018, shall begin to accrue Section IV Sick Leave on their date of hire.

C. Unused Regular Sick Leave and Section IV Sick Leave

- a. At the end of the benefit year, unused Section IV Sick Leave shall be considered Regular Sick Leave for full-time administrators, non-union staff and OPEIU clerical staff. Such balance will carry forward to the new benefit year, up to any limits for regular sick leave provided to that employee classification.
- b. Part-time administrative and non-union staff employees cannot carry forward more than forty (40) hours of Section IV Sick Leave from one benefit year to the next.
- c. Accumulated unused Section IV Sick Leave and Regular Sick Leave is not compensated when the employee leaves the employ of Monmouth University nor may they be used as additional vacation leave.

D. Rate of Pay for Section IV Sick Leave

Employees shall be paid for Section IV Sick Leave at the same rate of pay as the employee normally earns. Where an employee has two or more employee positions where the rate of pay differs, the rate of pay for Section IV Sick Leave shall be amount that the employee is regularly paid for each hour of work as determined by adding together the employee's total earnings for the seven most recent workdays when the employee did not take leave and dividing that sum by the total hours of work during that seven day period. Where an employee uses Section IV Sick Leave during hours that would have been overtime if worked, the University will not pay the employee the overtime rate of pay.

E. Transfer of Department

If an employee accepts a position in a different department at the University, the employee shall be entitled to the Section IV Sick Leave they earned at the prior department and shall be entitled to use Regular Sick leave as set forth in this policy.

F. Usage of Section IV Sick Leave

1. Full-time non-union staff and OPEIU clerical staff employees shall not be eligible to use Section IV Sick Leave until satisfactory completion of their probationary period, which is ninety (90) days. Full time administrative employees may utilize Section IV Sick Leave as it has accrued and becomes available.
2. Part-time administrative and non-union staff employees, including on-call staff and temporary employees shall not be eligible to use Section IV Sick Leave until February 26, 2019, or the 120th calendar day after the employee commences employment, whichever is later.
3. Employees may be permitted to use Section IV Sick Leave in fifteen (15) minute intervals. An employee shall not be required to use Section IV Sick Leave for more than the number of hours that the employee was scheduled to work during their shift.
4. Employees shall not be permitted to use more than forty (40) hours of **Section IV Sick Leave** in a benefit year.
5. Section IV Sick Leave cannot be used as additional vacation or personal time; misuse of Section IV Sick Leave is cause for disciplinary action, up to and including, termination.

G. Usage of Regular Sick Leave

1. Regular Sick Leave cannot be used as additional vacation or personal time; misuse of Regular Sick Leave is cause for disciplinary action, up to and including, termination.
2. It is the responsibility of each employee to notify the immediate supervisor or department head of illness or absence. Such notification should be made at the earliest possible time, but not later than the normal scheduled start of work.
3. It is the responsibility of the department head to notify the Office of Human Resources of absences of five (5) days or more as they occur. Or, if an employee will be absent for a period of five (5) days or more (i.e., admitted to hospital, serious medical condition, etc.), the supervisor must contact the Office of Human Resources to report the situation immediately, so that a determination may be made concerning applicable leave in compliance with state and federal laws.
4. Regular Sick Leave is calculated in “half days” according to the following:
 - a. If you work less than one (1) hour –one (1) day of Regular Sick Leave is charged in an amount equal to the number of hours the employee was scheduled to work.
 - b. Full time employees who work one hour or more, but less than six (6) hours –One-half (1/2) day of Regular Sick Leave is charged. This equates to three and one half (3.50) hours for staff and administrators whose regular workday is seven and a quarter (7.25) hours; four (4) hours for staff and administrators whose regular workday is eight (8) hours; and so on.
 - c. Full time employees who work at least six and a quarter (6.25) hours but less than seven and a quarter (7.25) hours (with a regular work schedule of 7.25 hours), or who work at least seven (7) hours but less than eight (8) hours (with a regular work schedule of 8 hours), and so on, no Regular Sick Leave is charged. This shall not be abused.
 - d. Part-time employees will be charged one half (1/2) the hours of their regular scheduled workday, rounded down to the nearest quarter. For example, an employee scheduled to work five and a quarter (5.25) hours have a half day equal to two and one half (2.50) hours.
5. Hourly employees (staff and non-exempt administrators) who are absent for a reason under this policy, and who do not have enough Regular Sick Leave to cover the absence will be unpaid. Exempt administrators who are absent for a reason under this policy, and who do not have enough Regular Sick Leave to cover the absence will be unpaid for full day absences only.

H. University's Time and Attendance System

1. Employees and their supervisors have access to information regarding accrued and available sick time through the University's Time and Attendance System. Please refer to Time and Attendance Policies and access instructions for the online system available on the Human Resources Time & Attendance website at <https://www.monmouth.edu/university/time-and-attendance.aspx>.
2. Hourly employees must submit a Time Off Form to the Time and Attendance system indicating that they are utilizing sick leave.
3. Administrative employees are required to record sick time usage through the Time and Attendance system no later than the day on which the absence occurs.

I. Requirement of Medical Documentation for Regular Sick Leave (not Section IV Sick Leave)

1. After Section IV Sick Leave is exhausted, the University requires a written note from a physician for Regular Sick Leave used by non-union employees for the following reasons:
 - a. for use during a regular workday immediately preceding or following a University Holiday;
 - b. for use during a Blackout Period;
 - c. for use on a regular workday in which the University is open during inclement weather in accordance with the University's Storm Watch/Inclement Weather Policy; or
 - d. for absences in excess of five (5) consecutive workdays.

Union employees should check their collective bargaining agreement to determine when they must provide a physician's note. An explanation of an absence and proof of the legitimacy of the absence may be requested, at any time and disciplinary action may result if abuses are observed.

2. Upon receipt of written notification, employees who have utilized Regular Sick Leave at a rate higher than their annual accrual rate, may be required to provide a written note from a physician on a more frequent basis. If it is observed that sick leave is being abused or a pattern of consistent absences is occurring, then an explanation for the absences may be requested at any time and disciplinary action may be imposed.
3. In all cases, the employee's previous attendance record will be considered. If an Administrative or Staff employee feels that there are special circumstances that have contributed to their poor attendance record, they may request a hearing with the Office of Human Resources. The burden of proof should be

on the employee to demonstrate that they, due to special circumstances, are not abusing their sick leave. The Office of Human Resources shall respond to the employee in writing, within ten (10) working days of the appeal hearing.

J. Foreseeable and Not Foreseeable Section IV Sick Leave

1. Foreseeable Section IV Sick Leave

- a. If an employee's need to use Section IV Sick Leave is foreseeable, they shall provide as much advance notice as possible to their supervisor, up to seven calendar days prior to the date the leave is to begin, of the intention to use the leave and the expected duration of the leave. The need to use Section IV 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 Section IV Sick Leave, such as a scheduled doctor's visit, a regularly occurring medical treatment, or regularly scheduled therapy appointment.
- b. Where the employee's need to use Section IV Sick Leave is foreseeable, they should make a reasonable effort to schedule the use of Section IV Sick Leave in a manner that does not unduly interrupt the operations of the University.
- c. Foreseeable Section IV Sick Leave shall not be permitted to be taken during certain dates (hereinafter referred to as "blackout periods"). Blackout periods are dates which an employee's Division prohibits employees from using foreseeable Section IV Sick Leave due to high-volume periods and/or special events which the use would unduly disrupt the operations of the Division. "Blackout periods" shall be distributed to employees in each Division by Human Resources by July 1st of each Benefit Year.

2. Not Foreseeable Section IV Sick Leave

If the reason for leave is not foreseeable, the employee shall notify their supervisor as soon as practicable. The need to use Section IV Sick Leave shall be considered "not foreseeable" when an employee requires time to care for, or obtain medical treatment for, themselves or a family member that was not reasonably anticipated. An example of a need to use Section IV Sick Leave that is "not foreseeable" is when an employee wakes up in the morning with a fever and does not feel well enough to report to work for that morning.

K. Five or More Consecutive Days of Section IV Sick Leave and Reasonable Documentation

1. Employees who take Section IV Sick Leave that is either not foreseeable during a Blackout Period or for five or more consecutive days shall provide

their Supervisor and Human Resources with reasonable documentation that the leave is being taken for the purposes permitted in Section IV of this policy.

2. Reasonable documentation for Section IV Sick Leave pursuant to Section IV(A) or (B) of this policy shall mean 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 the duration of the leave.
3. Reasonable documentation for Section IV Sick Leave pursuant to Section IV(C) of this policy shall mean medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or 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.
4. Reasonable documentation for Section IV Sick Leave pursuant to Section IV (D) of this policy shall mean a copy of the order of the public official or the determination by the health authority.
5. Reasonable documentation for Section IV Sick Leave pursuant to Section IV (E) of this policy shall mean tangible proof of the school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the education of the employee's child; or tangible proof of the meeting regarding child care provided to the child of the employee in connection with the child's health conditions or disability.

VI. COORDINATION BETWEEN SICK LEAVE, SHORT TERM DISABILITY AND LONG TERM DISABILITY

- A. All full-time administrative and staff employees who have less than one (1) year of full-time continuous service are eligible upon the date of employment for temporary disability benefits. The University provides a private temporary disability program for all employees. Applications and additional information are available in the Office of Human Resources.
- B. All full-time administrators and staff who have more than one year of continuous full-time service are eligible to participate, at no cost to the employee, in the University's Long Term Disability Insurance Benefit Program. It is the employee's responsibility to complete the appropriate enrollment application and claim forms.

- C. The long-term disability insurance policy for eligible employees requires a six (6) month waiting period before benefits (not eligibility to enroll in the program) begin.
- D. In order to assist Administrative Employees who are eligible for long-term disability benefits during the long-term disability waiting period after all available accumulated sick days have been used, the University will provide, at full salary, those additional days needed to satisfy the six (6) month waiting period, (not to exceed one hundred thirty (130) “additional” sick days in any five year period), provided the employee has had at least five (5) years of continuous service and completes the requirements as established by Monmouth University and the insurance policy. It should be noted that the additional days are not Regular Sick Leave days but rather are to be used only after all Regular Sick Leave days have been used and an extended long-term illness or injury is involved. Administrative Employees with between one (1) year and five (5) years of continuous service are eligible to receive additional days needed to provide up to three (3) months of full salary, inclusive of available accumulated sick days available under this provision (not to exceed three months “additional” sick days in any five year period). Administrative employees with between one (1) year and five (5) years of continuous service would be eligible to receive short term disability for the duration of the waiting period for long-term disability benefits provided they meet the requirements established by the insurance policy.
- E. The long-term disability insurance policy for eligible staff employees requires a six (6) month waiting period before benefits begin. During the waiting period for long-term disability benefits eligible staff employees are required to use all available sick time and may apply for temporary disability benefits after all accrued sick time has been utilized.
- F. If an employee’s absence qualifies under the Family Medical Leave Act (FMLA) and/or the New Jersey Leave Act (NJLA) accrued sick leave will be applied concurrently while you are on leave.

VII. COLLECTIVE BARGAINING AGREEMENT

Employees who are members of a collective bargaining agreement shall refer to their collective bargaining agreement for sick leave use. The terms and conditions of the Collective Bargaining Agreement shall take precedence over this policy.

VIII. RETALIATORY PERSONNEL ACTION/DISCRIMINATION

Monmouth University prohibits retaliation or the threat of retaliation against an employee because the employee requests or uses Section IV Sick Leave in accordance with this policy. Monmouth University shall not count Section IV Sick Leave taken under this policy as an absence that may subject an employee to discipline, discharge, demotion, suspension, a loss or reduction of pay, or any other adverse action. Employees who utilize sick time that is not in accordance with this policy (for example, use of sick time in excess of accrued time available) may be subject to disciplinary action, up to and including termination of employment.

IX. RECORD RETENTION

Monmouth University shall retain records documenting hours worked by employees and earned sick leave accrued, advanced, used, paid and carried over by employees, for a period of five (5) years.