

MONMOUTH UNIVERSITY POLICIES AND PROCEDURES

Policy Name: Student Employee Sick Leave

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I. PURPOSE:

Monmouth University provides its student employees with earned sick leave pursuant to 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 student employees may accrue, be paid for and carry over earned sick leave.

II. DEFINITIONS:

- A. **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.
- B. **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.
- C. **Child** means a biological, adopted, or foster child, stepchild or legal ward of a student employees, child of a domestic partner or civil union partner of the student employee.
- D. **Civil union** means a civil union as defined in N.J.S.A. 37:1-29.
- E. **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.
- F. **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.

- G. **Domestic partner** means a domestic partner as defined in N.J.S.A. 26:8A-3.
- H. **Family member** means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent or grandparent of a student employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the student employee, or a sibling of a spouse, domestic partner, or civil union partner of the student employee, or any other individual related by blood to the student employee or whose close association with the student employee is the equivalent of a family relationship. For the purpose of this definition, an individual whose “close association with the student employee is the equivalent of a family relationship” shall include any person with whom the student employee has a significant personal bond that is, or is like, a family relationship, regardless of biological or legal relationship.
- I. **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.
- J. **Parent** means a biological, adoptive, or foster parent, stepparent, or legal guardian of a student employee or of the student employee’s spouse, domestic partner, or civil union partner, or a person who stood in loco parentis of the student employee or the student employee’s spouse, domestic partner, or civil union partner when the student employee, spouse or partner was a minor child.
- K. **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 a student employee or the student employee’s family or any other adverse action against a student employee.
- L. **Sibling** means a biological, foster, or adopted sibling of a student employee.
- M. **Spouse** means a husband or wife.
- N. **Student Employee** means any Monmouth University student employed and compensated through either Federal Work Study (FWS) funds, Monmouth University funds or grants. Student employee shall not include students performing volunteer service, students completing internships, Resident Assistants, Head Resident Assistants, Graduate Assistants, Graduate Research Assistants nor Graduate Teaching Assistants.

III. PROCEDURES

A. Accrual of Sick Leave

1. For every thirty (30) hours worked by the student employee, the student employee shall accrue one hour of earned sick leave. Student employees shall not be permitted to accrue more than forty (40) hours of earned sick leave in a benefit year.
2. Student employees cannot carry forward more than forty (40) hours of earned sick leave from one benefit year to the next.
3. Accumulated unused earned sick leave is not compensated when the student employee leaves the employ of Monmouth University.
4. Current Student employees shall begin to accrue earned sick leave on October 29, 2018. Student employees hired after October 29, 2018, shall begin to accrue earned sick leave on their date of hire.

B. Rate of Pay for Earned Sick Leave

Student employees shall be paid for earned sick leave at the same rate of pay as the student employee normally earns. Where a student employee has two or more student employee positions where the rate of pay differs, the rate of pay for earned sick leave shall be amount that the student employee is regularly paid for each hour of work as determined by adding together the student employee's total earnings for the seven most recent workdays when the student employee did not take leave and dividing that sum by the total hours of work during that seven day period.

C. Additional hours

Where a student employee would be eligible to use earned sick leave pursuant to this policy, the student employee may, with their supervisor's consent, choose to work additional hours to compensate for the hours of work missed, during the same pay period, rather than use the earned sick leave.

D. Transfer of Department

If a student employee accepts a position in a different department at the University, the student employee shall be entitled to the earned sick leave they earned at the prior department and shall be entitled to use the accrued sick leave as set forth in this policy.

E. Usage of Earned Sick Leave

1. Student employees shall not be eligible to use earned sick leave until February 26, 2019, or the 120th calendar day after the student employee commences employment, whichever is later.
2. Student employees may be permitted to use earned sick leave in sixty (60) minute intervals. A student employee shall not be required to use earned sick leave for more than the number of hours that the student employee was scheduled to work during their shift.
3. Student employees shall not be permitted to use more than forty (40) hours of earned sick leave in a benefit year.

F. Foreseeable and Not Foreseeable Sick Leave

1. Foreseeable Sick Leave

If a student employee's need to use earned 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 earned sick leave shall be considered "foreseeable" when the student 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.

2. Not Foreseeable Sick Leave

If the reason for leave is not foreseeable, the student employee shall notify their supervisor as soon as practicable. The need to use earned sick leave shall be considered "not foreseeable" when a student 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 earned sick leave that is "not foreseeable" is when a student employee wakes up in the morning with a fever and does not feel well enough to report to work for that morning.

G. Three or More Consecutive Days of Sick Leave and Reasonable Documentation

1. Student employees who take earned sick leave for three or more consecutive days shall provide Student Employment with reasonable documentation that the leave is being taken for the purposes permitted in Section IV of this policy.
2. Reasonable documentation for 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 student employee or the family member of the student employee indicating the need for the leave, and if possible, the duration of the leave.

3. Reasonable documentation for 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 student employee or family member in dealing with the domestic or sexual violence.
4. Reasonable documentation for 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 document for 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 student employee's child; or tangible proof of the meeting regarding child care provided to the child of the student employee in connection with the child's health conditions or disability.

H. Timekeeping

Student employees are required to submit a request to utilize their earned sick leave through the Time and Attendance system no later than on the day following the date that the absence occurs. Supervisors will then review and approve the usage of sick leave through the Time and Attendance system.

IV. PERMITTED USE OF EARNED SICK LEAVE

Student employees shall be permitted to use earned sick leave accrued for any of the following purposes:

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

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

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

Time needed for the student employee to aid or care for a family member of the student 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 Student Employee or a Family Member of the Student Employee being a Victim of Domestic or Sexual Assault

Absence necessary due to circumstances resulting from the student employee, or a family member of the student employee, being a victim of domestic or sexual violence, if the leave is to allow the student employee to obtain for the student 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, Student Employee's School or Place of Care for Student Employee's Child by Order of a Public Official due to an Epidemic or other Public Health Emergency.

Time during which the student 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 student 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 student employee, or a member of the student employee's family in need of care by the student 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 Student Employee's Child

Time needed by the student employee in connection with a child of the student 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. RETALIATORY PERSONNEL ACTION/DISCRIMINATION

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

VI. RECORD RETENTION

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