

Guidance for Use of Sick Time for Hourly, Non-Credit Instructors, and Adjunct Employees

Authority: P.L. 2018, Chapter 10

Effective: October 29, 2018

I. Eligible Employees under the Law

An Employee, as defined by this law, DOES NOT INCLUDE a public employee who is provided with sick leave with full pay pursuant to any other law, rule, or regulation of the State. College employees that are already receiving paid sick leave pursuant to N.J.S.A. 18A:30.2 will not be affected by this new Law. Because these employees would not be considered “employees” under the Law, the provisions of the Law which set forth the reasons permitted for the use of paid sick leave would not apply to such employees. The law states:

An employer shall be in compliance with this section if the employer offers paid time off, which is fully paid and shall include, but is not limited to personal days, vacation days, and sick days, and may be used for the purposes of section 3 (Permitted Use of Sick Time) of this act in the manner provided by this act, and is accrued at a rate equal to or greater than the rate described in this section.

Hence, full-time and part-time employees of the College who already accrue paid time off ARE NOT COVERED by this law. **Hourly, student, non-credit instructors, and adjunct employees ARE COVERED by this new law.**

II. Provisions of the Law

- For every 30 hours worked, hourly, student, non-credit instructors, and adjunct employees shall accrue one hour of earned sick leave. (A three credit class will accrue 45 hours of work and 1.5 hours of sick leave in a semester in addition to the one class absence already permitted if there is an alternate assignment approved and assigned.)
- Hourly, student, non-credit instructors, and adjunct employees shall not use more than 40 hours of earned sick leave in any fiscal year and shall not carry forward from one fiscal year to the next, more than 40 hours of earned sick leave. A fiscal year is July 1 to June 30.
- Hourly, student, non-credit instructors, and adjunct employees shall not be required to work additional hours or use accrued earned sick leave. (In other words, if the employee chooses not to be paid for time missed, which qualifies for sick leave, the employer cannot require the use of accrued sick leave.)
- Sick accruals must be reinstated to employees covered by this act who leave employment and return within 6 months.
- Non-credit instructors and adjuncts may not use sick leave in increments of time less than a full class meeting.

III. Permitted Use of Earned Sick Leave for Covered Employees

1. For the diagnosis, care, or treatment of, or recovery from, an employee’s mental or physical illness, injury, or other adverse health condition, or for preventive medical care for the employee.
2. For the employee to aid or care for a family member of the employee for those reasons noted in #1 above.
3. For circumstances resulting from the employee, or a family member of the employee, being a victim of domestic violence or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention for physical or psychological injury or

disability caused by domestic or sexual violence; services from a domestic violence agency or other victim services organization; counseling; relocation; legal services related to same.

4. Due to closure of the employee's workplace (BCC), 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 the issuance by a public health authority of the determination that the presence in the community of the employee or a member of his/her family in need of care by the employee, would jeopardize the health of others.
5. Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function, or event REQUESTED OR REQUIRED by the school administrator, teacher, or other professional staff member, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

IV. Method of Charging Earned Sick Leave

Detailed information regarding this process will be sent to all hourly, non-credit instructors, adjunct employees and supervisors next week, following the Information Sessions identified below. That way, we can include responses to unanticipated circumstances that may arise.

V. Notice Required

- If foreseeable, notice is required, not to exceed 7 calendar days. Notice will include expected duration. Reasonable effort must be made to schedule the use of sick leave so it does not unduly disrupt the operations of the employer.
- If not foreseeable, notice is required as soon as practicable.
- Employers may prohibit use of foreseeable earned sick leave on certain days and require documentation if earned sick leave is used on those days.

For sick leave of 3 or more days, reasonable documentation is required. Leave under #1 and #2 in the section above entitled "Permitted Use of Earned Sick Leave for Covered Employees" requires documentation from health care professional indicating need for leave and number of days of leave. Leave under #3 requires medical documentation, a court order, documentation of conviction of perpetrator, certification from certified domestic violence specialist or agency or victim services organization, or documentation from social worker, counselor, or other professional who assisted the employee or family member. Leave under #4 requires a copy of the order of the public official or the determination by the health authority.

For more detailed information, please contact Michelle Kneute, Benefits Administrator, in Human Resources, ext.2235.

Information Sessions for hourly, student, non-credit instructors, adjunct employees and supervisors are scheduled as follows:

MONDAY, DECEMBER 3:	12 NOON	FT HANCOCK ROOM, SLC
TUESDAY, DECEMBER 4:	4:00 P.M.	MONMOUTH BATTLEGROUND ROOM, SLC