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CL

P.L. 2023, CHAPTER 95, *approved July 3, 2023*  
Assembly, No. 5060

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:

6  
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;

**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       (7) the school or place of care of a child of the employee is  
2 closed by order of a public official or because of a state of  
3 emergency declared by the Governor, due to an epidemic or other  
4 public health emergency;

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

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

15       c. As used in this section:

16       "Child" means a biological, adopted, or foster child, stepchild or  
17 legal ward of an employee, child of a domestic partner or civil  
18 union partner of the employee.

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

26       "Domestic or sexual violence" means stalking, any sexually  
27 violent offense, as defined in section 3 of P.L.1998, c.71 (C.30:4-  
28 27.26), or domestic violence as defined in section 3 of P.L.1991,  
29 c.261 (C.2C:25-19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

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

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

39  
40       2. N.J.S.18A:30-4 is amended to read as follows:

41       18A:30-4. a. In case of sick leave claimed due to personal  
42 illness or injury, a board of education may require a physician's  
43 certificate to be filed with the secretary of the board of education in  
44 order to obtain sick leave.

45       b. If an employee's need to use sick leave as defined pursuant to  
46 N.J.S.18A:30-1 is foreseeable, a board of education may require  
47 advance notice, not to exceed seven calendar days prior to the date  
48 the leave is to begin, of the intention to use the leave and its

1 expected duration, and the employee shall make a reasonable effort  
2 to schedule the use of sick leave in a manner that does not unduly  
3 disrupt the operations of the board of education.

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

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

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

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

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

26 (1) medical documentation;

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

28 (3) a court order;

29 (4) documentation that the perpetrator of the domestic or sexual  
30 violence has been convicted of a domestic or sexual violence  
31 offense;

32 (5) certification from a certified Domestic Violence Specialist or  
33 a representative of a designated domestic violence agency or other  
34 victim services organization; or

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

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

44 i. As used in this section:

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



**A5060**

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

6

7

8

9

10 Expands scope of school district employee sick leave.

# ASSEMBLY, No. 5060

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 12, 2023

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman LINDA S. CARTER**

**District 22 (Middlesex, Somerset and Union)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

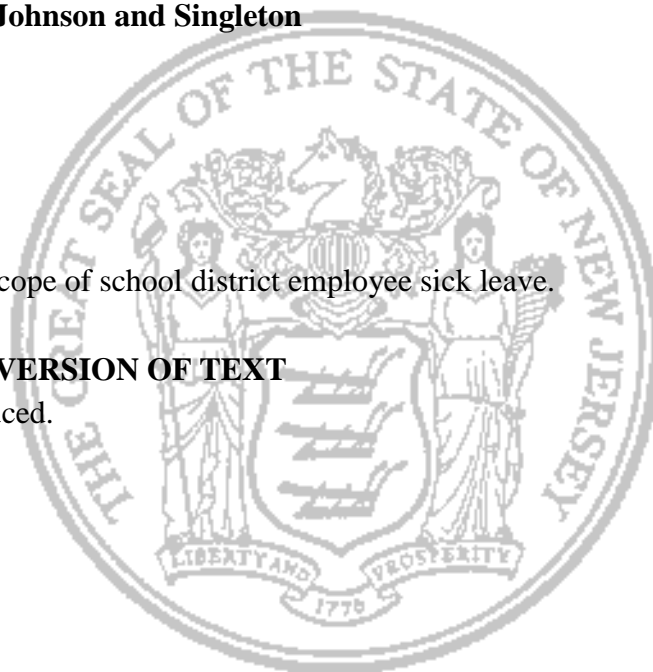
**Assemblyman Stanley, Assemblywomen McKnight, Jaffer, Assemblymen Atkins, Daniels, Benson, Assemblywoman Sumter, Assemblymen Torrissi, Umba, Moriarty, Giblin, Assemblywomen Speight, Jasey, Lopez, Assemblymen Sampson, Wimberly, Senators Diegnan, Thompson, Greenstein, Johnson and Singleton**

**SYNOPSIS**

Expands scope of school district employee sick leave.

**CURRENT VERSION OF TEXT**

As introduced.



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

A5060 REYNOLDS-JACKSON, LAMPITT

2

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.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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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  
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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  
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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  
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42 (7) the school or place of care of a child of the employee is  
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44 emergency declared by the Governor, due to an epidemic or other  
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**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  
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8 supersede any law providing collective bargaining rights for school  
9 district employees, and shall not reduce, diminish, or adversely  
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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  
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25 c.261 (C.2C:25-19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

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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  
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33 relationship.

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

35

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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  
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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  
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7 documentation if sick leave that is not foreseeable is used during  
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9     e. In case of sick leave claimed for three or more consecutive  
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13     f. If the leave is permitted under paragraph (2) or (3) of  
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16 member of the employee indicating the need for the leave and, if  
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23         (1) medical documentation;

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25         (3) a court order;

26         (4) documentation that the perpetrator of the domestic or sexual  
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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

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

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

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

13  
14 3. This act shall take effect immediately.

15  
16  
17 STATEMENT

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

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

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

**A5060 REYNOLDS-JACKSON, LAMPITT**

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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.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5060

# STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Labor Committee reports favorably Assembly Bill No. 5060.

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

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

Additionally, current law allows a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave. This bill amends this law to allow a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave only when sick leave is used for personal injury or illness. Finally, the bill provides various conditions for when a board of education may request advance notice or reasonable documentation for use of sick leave.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5060

# STATE OF NEW JERSEY

DATED: MAY 18, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5060.

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

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

Additionally, current law allows a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave. This bill amends this law to allow a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave only when sick leave is used for personal injury or illness. Finally, the bill provides various conditions for when a board of education may request advance notice or reasonable documentation for use of sick leave.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill may lead to an annual expenditure increase for a local school district to

the extent that the school district would incur an increase in direct classroom instruction costs due to increased use of substitute teachers when sick leave is taken by school district employees for reasons permitted in the bill.

Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use one sick day that would not otherwise have been used, the increase in expenditures for that school district would be \$28,944. Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use ten days of sick leave which is the minimum amount of sick leave a district is required to provide under current law, that would not otherwise have been used, the increase in expenditures for that school district would be \$289,440.

There is no information available to indicate the number of teachers who would utilize additional sick leave days that would not otherwise have been used or how many additional sick leave days each teacher may use; thus, a specific estimate of the potential increased expenditures for each local school district cannot be made at this time.

The bill may lead to an indeterminate long-term decrease in expenditures for local school districts due to potential reductions in sick leave supplemental compensation upon retirement.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5060

# STATE OF NEW JERSEY

DATED: JUNE 27, 2023

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5060.

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

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

Additionally, current law allows a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave. This bill amends this law to allow a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave only when sick leave is used for personal injury or illness. Finally, the bill provides various conditions for when a board of education may request advance notice or reasonable documentation for use of sick leave.

As reported by the committee, Assembly Bill No. 5060 is identical to Senate Bill No. 3440, which was also reported by the committee on this date.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 5060**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: MAY 22, 2023

**SUMMARY**

**Synopsis:** Expands scope of school district employee sick leave.

**Type of Impact:** Potential annual expenditure increase for local school districts.

**Agencies Affected:** Local school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Local School District Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) determines that this bill may lead to an annual expenditure increase for a local school district to the extent that the school district would incur an increase in direct classroom instruction costs due to increased use of substitute teachers when sick leave is taken by school district employees for reasons permitted in the bill.
- Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use one sick day that would not otherwise have been used, the increase in expenditures for that school district would be \$28,944. Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use ten days of sick leave which is the minimum amount of sick leave a district is required to provide under current law, that would not otherwise have been used, the increase in expenditures for that school district would be \$289,440.
- There is no information available to indicate the number of teachers who would utilize additional sick leave days that would not otherwise have been used or how many additional sick leave days each teacher may use; thus, a specific estimate of the potential increased expenditures for each local school district cannot be made at this time.
- The bill may lead to an indeterminate long-term decrease in expenditures for local school districts due to potential reductions in sick leave supplemental compensation upon retirement.

## **BILL DESCRIPTION**

This bill expands the scope of allowable uses of sick leave for school district employees. The bill amends current law to allow school district employees to take sick leave for the following reasons: for the care of a seriously ill member of the employee's immediate family including a parent or guardian, spouse or domestic partner, sibling, and child, for a reasonable period of time; for the diagnosis, care, or treatment of, or recovery from, a mental or physical illness, injury, or other adverse health condition, or for preventative medical care; to aid or care for a family member of the employee during diagnosis, care, or treatment of the family member's mental health, physical illness, injury, or other adverse health condition; due to circumstances relating to domestic or sexual violence; for seven days because of a death in the employee's immediate family; to attend a school-related conference, meeting, function, or other event for a child; or in connection with a closure of the school or place of care of a child of the employee.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that this bill may lead to an annual expenditure increase for a local school district to the extent that the school district would incur an increase in direct classroom instruction costs due to an increased use of substitute teachers when sick leave is taken by school district employees for reasons permitted in the bill.

The OLS notes, for the purposes of illustration only, that data from the federal Bureau of Labor Statistics indicates that the average daily wage for a substitute teacher in New Jersey, as of May 2021, is approximately \$118. Adjusted for inflation, the OLS estimates that the Statewide average daily salary for a substitute teacher is \$134. Additionally, data from the 2020-2021 New Jersey Public Schools Fact Sheet issued by the Department of Education indicates that on average, each school district in the State employs approximately 216 teaching staff members. Under current law, a school district employee is permitted sick leave with full pay for a minimum of 10 school days in any school year. The OLS shares these figures only to provide a sense of the potential magnitude of substitute teacher costs but recognizes that the actual cost of expanding the scope of school district employee sick leave may vary significantly by district depending on increased utilization of sick leave days among school district staff, substitute teacher salaries, and the size of the district.

#### ***Hypothetical:***

Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use one sick day that would not otherwise have been used, the increase in expenditures for that school district would be \$28,944. Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use ten days of sick leave which is the minimum amount of sick leave a district is required to provide under current law, that would not otherwise have been used, the increase in expenditures for that school district would be \$289,440.

The OLS also notes, however, that the bill does not require a school district to allow an employee to use any more sick leave than the school district currently allows, and to the extent that an employee would not use any sick leave under the bill that would not have been used anyway, or to the extent that a school district currently allows an employee to use the sick leave for the reasons provided in the bill, the bill may not result in increased expenditures for a school district. The OLS also notes that a school district may budget to provide substitute teacher coverage for the maximum amount of sick leave possible for the district's employees.

There is no information available to indicate the number of teachers who would utilize sick leave days for reasons permitted in the bill or how many sick leave days each teacher would use; thus, a specific estimate of the potential increased expenditures for each local school district cannot be made at this time.

Finally, the bill may lead to an indeterminate long-term decrease in expenditures for local school districts. Under current law, a school district may provide supplemental compensation for accumulated sick leave up to \$15,000. While the bill is not explicit in this regard, the OLS assumes that upon implementation of expanded sick leave for school district employees, employees may have fewer accumulated sick leave days resulting in potential reductions in sick leave supplemental compensation upon retirement.

*Section: Education*

*Analyst: Jessica Rueb  
Assistant Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# 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:

6

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)

35

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)

12

13 3. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

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

**S3440 GOPAL, TURNER**

6

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.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 3440

# STATE OF NEW JERSEY

DATED: JUNE 27, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3440.

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

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

Additionally, current law allows a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave. This bill amends this law to allow a board of education to require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave only when sick leave is used for personal injury or illness. Finally, the bill provides various conditions for when a board of education may request advance notice or reasonable documentation for use of sick leave.

As reported by the committee, Senate Bill No. 3440 is identical to Assembly Bill No. 5060, which was also reported by the committee on this date.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 3440**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: JULY 5, 2023

**SUMMARY**

**Synopsis:** Expands scope of school district employee sick leave.

**Type of Impact:** Potential annual expenditure increase for local school districts.

**Agencies Affected:** Local school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Local School District Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) determines that this bill may lead to an annual expenditure increase for a local school district to the extent that the school district would incur an increase in direct classroom instruction costs due to increased use of substitute teachers when sick leave is taken by school district employees for reasons permitted in the bill.
- Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use one sick day that would not otherwise have been used, the increase in expenditures for that school district would be \$28,944. Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use ten days of sick leave which is the minimum amount of sick leave a district is required to provide under current law, that would not otherwise have been used, the increase in expenditures for that school district would be \$289,440.
- There is no information available to indicate the number of teachers who would utilize additional sick leave days that would not otherwise have been used or how many additional sick leave days each teacher may use; thus, a specific estimate of the potential increased expenditures for each local school district cannot be made at this time.
- The bill may lead to an indeterminate long-term decrease in expenditures for local school districts due to potential reductions in sick leave supplemental compensation upon retirement.

## **BILL DESCRIPTION**

This bill expands the scope of allowable uses of sick leave for school district employees. The bill amends current law to allow school district employees to take sick leave for the following reasons: for the care of a seriously ill member of the employee's immediate family including a parent or guardian, spouse or domestic partner, sibling, and child, for a reasonable period of time; for the diagnosis, care, or treatment of, or recovery from, a mental or physical illness, injury, or other adverse health condition, or for preventative medical care; to aid or care for a family member of the employee during diagnosis, care, or treatment of the family member's mental health, physical illness, injury, or other adverse health condition; due to circumstances relating to domestic or sexual violence; for seven days because of a death in the employee's immediate family; to attend a school-related conference, meeting, function, or other event for a child; or in connection with a closure of the school or place of care of a child of the employee.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that this bill may lead to an annual expenditure increase for a local school district to the extent that the school district would incur an increase in direct classroom instruction costs due to an increased use of substitute teachers when sick leave is taken by school district employees for reasons permitted in the bill.

The OLS notes, for the purposes of illustration only, that data from the federal Bureau of Labor Statistics indicates that the average daily wage for a substitute teacher in New Jersey, as of May 2021, is approximately \$118. Adjusted for inflation, the OLS estimates that the Statewide average daily salary for a substitute teacher is \$134. Additionally, data from the 2020-2021 New Jersey Public Schools Fact Sheet issued by the Department of Education indicates that on average, each school district in the State employs approximately 216 teaching staff members. Under current law, a school district employee is permitted sick leave with full pay for a minimum of 10 school days in any school year. The OLS shares these figures only to provide a sense of the potential magnitude of substitute teacher costs but recognizes that the actual cost of expanding the scope of school district employee sick leave may vary significantly by district depending on increased utilization of sick leave days among school district staff, substitute teacher salaries, and the size of the district.

#### ***Hypothetical:***

Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use one sick day that would not otherwise have been used, the increase in expenditures for that school district would be \$28,944. Under a hypothetical scenario in which a school district has the average number of teaching staff members, pays substitute teachers the average salary of \$134 per day, and all teachers use ten days of sick leave which is the minimum amount of sick leave a district is required to provide under current law, that would not otherwise have been used, the increase in expenditures for that school district would be \$289,440.

The OLS also notes, however, that the bill does not require a school district to allow an employee to use any more sick leave than the school district currently allows, and to the extent that an employee would not use any sick leave under the bill that would not have been used anyway, or to the extent that a school district currently allows an employee to use the sick leave for the reasons provided in the bill, the bill may not result in increased expenditures for a school district. The OLS also notes that a school district may budget to provide substitute teacher coverage for the maximum amount of sick leave possible for the district's employees.

There is no information available to indicate the number of teachers who would utilize sick leave days for reasons permitted in the bill or how many sick leave days each teacher would use; thus, a specific estimate of the potential increased expenditures for each local school district cannot be made at this time.

Finally, the bill may lead to an indeterminate long-term decrease in expenditures for local school districts. Under current law, a school district may provide supplemental compensation for accumulated sick leave up to \$15,000. While the bill is not explicit in this regard, the OLS assumes that upon implementation of expanded sick leave for school district employees, employees may have fewer accumulated sick leave days resulting in potential reductions in sick leave supplemental compensation upon retirement.

*Section: Education*

*Analyst: Jessica Rueb  
Assistant Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Signs Legislation Expanding Eligible Uses of Sick Leave for School Employees

07/3/2023

**TRENTON** – Governor Phil Murphy today signed a bill (A-5060/S-3440) to expand eligible reasons for which a school district employee may use their sick leave.

Previously, school employees could only use their sick leave in connection with a personal disability due to an illness or injury, or if they or someone in their immediate household needed to quarantine due to a contagious illness. The new law expands the list of permissible uses for these employees.

“The past several years have highlighted just how crucial it is to prioritize the health and wellness of our residents, including the hardworking employees who educate New Jersey students and keep our schools running,” **said Governor Murphy**. “Recovering from a significant and sudden illness or injury is not the only reason an employee may need to take off. Being able to get preventative health care, address mental health needs, care for a family member, take time to grieve the loss of a loved one, or be there for a child in times of all play an important part in a person’s overall well-being. This bill recognizes that reality and allows school employees to take the time they need when they need it.”

“Expanding the scope of school district employee sick leave is a crucial step to continue fostering a compassionate and supportive educational environment,” **said Dr. Angelica Al McMillan, Acting Commissioner of Education**. “By broadening the permitted reasons for sick leave, we empower our educators to take care of themselves and their loved ones during critical times. This expansion not only promotes a healthier school community, but also demonstrates our commitment to supporting New Jersey’s educational workforce.”

Under the new law, school district employees may use sick leave for the following reasons:

- To recover from a physical or mental illness, injury, or other health condition and/or take the time to have it diagnosed, treated, or cared for;
- For preventative medical care;
- To assist a member of their immediate family – including parents, spouses, siblings, and children – with the diagnosis, treatment, and/or care of a physical or mental illness, injury, or other health condition;
- For circumstances related to domestic or sexual violence;
- For the death of an immediate family member, for up to seven days;
- To attend school-related conferences, meetings, functions, or other events for their child;
- In connection with a closure of the school or facility caring for their child.

Employees may be required to obtain a doctor’s note if they take sick leave for their own illness/injury or to provide reasonable documentation if sick leave is claimed for three or more consecutive days for a purpose permitted under the law.

Prime sponsors of the legislation include Senator Vin Gopal and Assemblywoman Verlina Reynolds-Jackson, as well as Senator Shirley Turner and Assembly Members Pamela Lampitt, Anthony Verrelli, and Linda Carter.

“This legislation is a practical solution to support our educators in their daily lives, and to help retain experienced teachers at a time when our schools are facing severe personnel shortages,” **said Senator Gopal**.

“Allowing teachers to use their sick time to care for their loved ones or their children is the right thing to do. No teacher should have to miss a parent-teacher conference for their child, or be unable to take bereavement leave,” **said Assemblywoman Reynolds-Jackson**. “We need to support our teachers, who are devoted to and always there for our children.”

“Earned sick leave has always been about making sure that those who need to address critical issues in their lives have the opportunity to do so without fear of retribution or financial hardship,” **said Assemblywoman Lampitt**. “In the face of a growing shortage of teachers, this is especially important, as inability to manage their personal lives, causes many to leave the profession. This is compassionate policy, and I hope it will serve as a reason for our teachers to remain in the classroom.”

“This is a win for parents, educators, students and public health. We learned many important lessons over the last three years, including that time to care for a sick child or family member is not a luxury, but a necessity,” **said NJEA President Sean M. Spiller**. “By signing this bill today, the Governor provided equity for school employees. It is a smart change that will make our schools safer and healthier. We thank the Legislature and the Governor for this important step that demonstrates respect for our educators.”