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Kingsway Regional School District

District Administrative Offices

Mr. Jason Schimpf
School Business Administrator

Dr. James J. Lavender
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To: All Employees
From: Dr. James J. Lavender, Superintendent
Subject: Sick Leave Law Explained; Kingsway's Updated Sick Leave Policy
Date: August 13, 2024

As we prepare for the new school year, school officials, in collaboration with KEA Leadership, have revisited our Sick Leave Policy and implemented important updates. Last summer, the State Legislature enacted a significant amendment that expanded the scope of sick leave usage for school employees. This change broadened the definition from "personal illness or injury" to include "family illness and other family obligations."

In collaboration with KEA Leadership, we have further refined Kingsway's Sick Leave Policy to align with these changes and enhance support for our employees while maintaining our educational commitments.

Overview of the Sick Leave Policy

The expanded sick leave policy reflects a comprehensive approach to employee well-being, recognizing various aspects of personal and family health. We believe this policy promotes a balanced work environment that values the health and well-being of our employees and their families. Governor Murphy highlighted this legislative advancement with the following statement:

"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 need 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."

Positive Impact Observed in the First Year

We are pleased to report that after implementing the expanded Sick Leave Policy during the 2023-24 school year, we observed a **significant improvement in employee attendance**. Absences were reduced by nearly **20%**, and leaves without pay decreased by **25%**. These outcomes highlight the effectiveness of our approach and its positive impact on our school community.

Key Changes to Kingsway's Sick Leave Policy

Home of the Dragons

In preparation for the new school year, we have collaborated with **Kingsway Education Association (KEA) Leadership** to refine Kingsway's Sick Leave Policy. These updates aim to better support our employees' diverse needs and improve communication efficiency while ensuring the efficient operation of our schools. Here are the key changes:

- **Streamlined Communication:**
We have reduced the number and frequency of communications sent to individual employees. Instead of multiple "Advisory Emails," employees will now receive a single Advisory Email after a 10-month [12-month] employee accumulates 6 [8] sick leave and/or approved no-pay days.
- **Clarified Absence Verification:**
We have updated the language to clearly state that verification of an employee's absence will begin at the 7th absence for 10-month employees and at the 9th absence for 12-month employees.
- **Clarified Pay Reduction:**
We have clarified when an employee may face a reduction in pay for unverified (lack of physician's certificate and/or other reasonable documentation) absences. Each unverified absence will result in a pay deduction of 1/200 of a 10-month employee's annual base salary or 1/240 of a 12-month employee's annual base salary.

Operational Definition of Sick Leave and Absences

Governor Murphy's school sick leave law amended N.J.S.A. 18A:30-1, expanding the reasons that a school employee may use sick leave to essentially the same reasons permitted under the Earned Sick Leave Act. Sick leave is now defined as the absence from an employee's post of duty, for any of the following reasons:

1. the employee is personally ill or injured;
2. for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury, or other adverse health condition, or preventive medical care for the employee;
3. 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 preventive medical care for the family member;
4. 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, services from a victim services organization, counseling, relocation, or legal services related to the violence.
5. the death of a family member for up to seven days;
6. to attend a child's school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional employee 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;



7. the school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency;
8. the employee has been exposed to a contagious disease or is quarantined for the disease in the employee's immediate household.

Operational Definition of Family Member

A family member is defined as:

- A child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee.
- A spouse, domestic partner, or civil union partner of a parent or grandparent of the employee.
- A sibling of a spouse, domestic partner, or civil union partner of the employee.
- Any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Verification Requirements

Previously, N.J.S.A. 18A:30-4 permitted a board to require a physician's certificate to be filed with the secretary of the board in order for an employee to obtain sick leave. Under the new law, N.J.S.A. 18A:30-4 clarifies that a board may still require a physician's certificate to be filed with the secretary, but only when sick leave is claimed due to personal illness or injury. The following guidelines will be observed while administering the New Sick Leave Law.

1. **Sick Leave due to Employee's Own Personal Illness or Injury:** After two consecutive days and/or if/when an employee is required to provide verification through the progressive discipline process, or as deemed appropriate by the Superintendent or designee, the employee will be required to provide a physician's certificate within seven (7) calendar days of absence.
2. **Sick Leave due to Employee's Own Preventative Medical Care:** When an employee takes Foreseeable Sick Leave due to the employee's own preventative medical care, the employee shall be required to provide verification through "reasonable documentation" no less than seven (7) calendar days from date sick leave is to begin.
3. **Sick Leave due to Employee's Exposure to a Contagious Disease/Need to Quarantine:** When an employee takes sick leave due to exposure to a contagious disease or is quarantined because the contagious disease is in their immediate household, the employee shall provide verification through "reasonable documentation" within seven (7) calendar days of absence.
4. **Sick Leave due to the Illness or Injury of an Employee's Family Member:** When an employee takes sick leave to assist or care for a family member, the school shall require a signed doctor's note indicating the need for the leave and, if possible, the number of days of leave as the "reasonable documentation" with seven (7) calendar days of absence.



5. **Sick Leave due to an Employee's Family Member Experiencing Domestic/Sexual Violence:** When an employee takes sick leave to assist or care for a family member because of domestic or sexual violence, the employee shall be required to provide verification through "reasonable documentation" within seven (7) calendar days of absence. Any of the following shall be considered reasonable documentation of the domestic or sexual violence: (1) medical documentation; (2) a law enforcement agency record or report; (3) a court order; (4) documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; (5) certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or (6) other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professionals who have assisted the employee or family member in dealing with the domestic or sexual violence.
6. **Sick Leave due to Employee's Child's School Closing:** When an employee takes sick leave due to their child's school and/or childcare being closed as the result of a state emergency declared by the Governor, due to an epidemic of another public health emergency, the employee shall be required to provide a copy of public official's orders or the determination by the health authority to close the school/childcare within seven (7) calendar days of absence.
7. **Sick Leave due to Employee's Child's Conference/School-Related Event:** When an employee takes sick leave due to the need to attend their child's school conference and/or other school-related meeting, function, or other event requested by a school administrator, teacher or other professional responsible for the employee's child's education, the employee shall provide verification through "reasonable documentation" within seven (7) calendar days of absence.
8. **Sick Leave and/or Bereavement Leave due to Death of an Employee's Family Member:** When an employee takes bereavement leave according to the collective negotiation agreement and/or sick leave pursuant to the new sick leave law, the employee shall provide verification through reasonable documentation within seven (7) calendar days of absence.

Foreseeable Sick Leave Use Parameters

There are occasions when the need to take a day off from work is foreseeable. This may be for a follow-up doctor's appointment scheduled in advance or to attend your child's parent/teacher conference in the fall. The new sick leave law recognizes those needs and charges school employees with the obligation to give advance notice (**seven (7) calendar days minimally**) to the employer when the need to take leave is foreseeable. If leave is not foreseeable, the employee is expected to give notice to the employer as soon as practicable. The law explains that employees shall make a reasonable effort to schedule the use of sick leave in a manner that does not unduly disrupt the operations of the Board of Education.

The law charges employees with the obligation of establishing parameters for how foreseeable sick leave use is to be managed. Therefore, employees can expect parameters that closely mimic the way we manage the use of personal days. Please see the details below.

Blackout Days: The Board prohibits the use of foreseeable sick leave on the day before and/or



after school is closed according to the school calendar.

Daily Limitations: All days are granted on a first-come, first-serve basis. For certified employees, there shall be five (5) foreseeable sick leave days for high school teachers and four (4) foreseeable sick leave days for middle school teachers made available on workdays not falling on the first or last day of the school week or the day before and after school being closed according to the school calendar. In any event, there shall not be more than nine (9) requests approved. The decision of the Superintendent is final and not subject to the grievance procedure. For paraprofessionals, Clerical Staff, and Bus Drivers, there shall be two (2) foreseeable sick leave days made available on workdays for each school; for custodians, maintenance employees, cafeteria employees, clerical employees, and bus drivers, there shall be one (1) per district.

Why Staff Attendance Matters

We couldn't discuss attendance without underscoring the importance employee attendance has on student achievement. The importance of student attendance on academic performance is well-researched and points to the fact that chronic absences increase student risk of poor performance, disengagement, and dropping out of high school. In a similar vein, research has long established that the most significant factor in determining a student's success, while in school, is the classroom teacher. However, data from the Office of Civil Rights reports that 29 percent of teachers, across the country, are considered chronically absent (missing 10 or more school days), nearly twice the 15% of students who are counted the same. Study after study demonstrates the direct correlation between student performance and teacher attendance.¹

“A 10-day teacher absence has shown to lower student achievement in math by an amount equivalent to students being taught by a beginner teacher versus a teacher with 3-5 years of experience.”²

For support employees who are chronically absent from work, the Society of Human Resource Management demonstrated that employee absences significantly affect co-workers. Unplanned absences add to the workloads of others, forcing employees to put their job tasks on hold to address more pressing matters to keep the system operational. Similarly, managers are less productive as they scramble to fill vacancies or reallocate work assignments. Overall, work productivity is lowered. Additionally, employee absenteeism affects the mental and physical well-being of all employees. Picking up someone else's "slack," is stressful and results in low employee morale. The impact of employee absenteeism goes further in that it presents potential safety issues, erodes camaraderie, and is costly.³

Monitoring Employee Attendance

The regular and prompt attendance of employees is an essential element in the efficient operation of the school district and the effective conduct of the educational program. Staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of an employee's job performance.

Annually, the Superintendent is required by law to review each employee's attendance record as well as the cumulative attendance record for each school and the district. As a result of last year's review, I



reported that **employee absences have climbed considerably compared to prior years**. While research continues to underscore the negative impact employee absenteeism can have on student achievement, work productivity, overall employee morale, and the school budget, it is not difficult for any employee to recognize the additional demands and stress absent employees place on those who are present.

District Attendance Standard

To reduce employee absenteeism while still recognizing the importance of necessary and prudent sick leave, the District Attendance Standard for the 2024-25 school year remains consistent with the standard established in the 2023-24 school year. The focus is on discouraging the imprudent use of sick leave and no-pay days without penalizing those who use their leave appropriately.

The previous practice of counting occurrences and including personal days in the attendance standard has been eliminated. Instead, the new standard establishes specific limits on the number of absences due to illness and/or no-pay days:

- **For 10-month employees:** No more than six (6) absences due to the use of sick leave and/or approved no-pay days.
- **For 12-month employees:** No more than eight (8) absences due to use of sick leave and/or approved no-pay days.

Exceptions to this Standard

Progressive communication and/or subsequent disciplinary action only pertains to the use of sick leave and/or no-pay days that exceed the District Attendance Standard. Personal leave and approved extended leaves of absence are not considered and shall be excluded. Extended leaves of absence shall include medical leave as governed by FMLA/NJFLA, with or without pay, due to an employee's serious medical condition or to care for a seriously ill family member; pregnancy disability leave; child rearing leave; and/or military leave.

Leave Without Pay (LWOP)

Leave of Absence Without Pay, aka "no-pay days," is limited to supervisory discretion and may be considered for extenuating circumstances that are beyond the employee's control. If foreseeable, LWOP requests should be submitted two weeks in advance of leave request and the employee must use the [Personal Leave of Absence Without Pay Request Form](#). For unforeseeable leave where it is not possible to give two weeks' notice, at least verbal notification to the Superintendent within one or two business days or when the need for leave becomes known to the employee is encouraged. Be advised that all sick, personal, and vacation days (if applicable) must be utilized before leave without pay will be approved. Be further advised that the pay reduction amount is calculated as 1/200 of a 10-month employee's annual base salary or 1/240 of a 12-month employee's annual base salary.

Personal Days Used to Extend a Holiday and/or Vacation

Pursuant to district policy, personal days may not be taken before or after a holiday or to extend a



vacation unless approved by the Superintendent. Requests to utilize personal days in connection with a holiday or vacation should be **submitted two weeks in advance of the absence**. For unforeseeable leave where it is not possible to give a two-week notice, at least verbal notification to the Superintendent within one or two business days or when the need for leave becomes known to the employee is encouraged. Requests should be submitted two weeks in advance of leave request and the employee must use the [Personal Day Usage Connected to Holiday – Vacation Extension Request Form](#).

Family and Medical Leave (FMLA) or New Jersey Family Leave Act (NJFLA)

If you are faced with a health condition that causes you to miss work, whether it is because of your own serious health condition or to care for a family member with a serious health condition, please reach out to the Human Resources Department. You may qualify for intermittent leave under the Family and Medical Leave Act (FMLA) or New Jersey Family Leave Act (NJFLA) and we would be happy to discuss your options and walk you through the process.

FMLA Eligibility Criteria:

To be eligible for FMLA leave, an employee must meet the following criteria listed below.

- **Employment Duration:** Must have worked for the employer for at least 12 months.
- **Hours Worked:** Must have worked at least 1,250 hours in the 12 months preceding the leave.
- **Employer Size:** The employer must have at least 50 employees within a 75-mile radius.
- **School Year:** For school employees, FMLA eligibility is calculated based on the academic calendar. The 12-month period begins on July 1 and ends on June 30. Leave entitlements are tracked according to this fixed school year schedule, rather than a rolling basis.
- **Eligible Reason:** Leave must be for a qualifying reason, such as:
 - Serious health condition (employee or immediate family member).
 - Birth, adoption, or foster care placement of a child.
 - Certain military family leave purposes.

NJFLA Eligibility Criteria:

NJFLA leave is available for up to 12 weeks in a 24-month period. To be eligible for NJFLA leave, an employee must meet the following criteria listed below.

- **Employment Duration:** Must have worked for the employer for at least 12 months.
- **Hours Worked:** Must have worked at least 1,000 hours in the 12 months preceding the leave.
- **Employer Size:** The employer must have at least 30 employees.

Calendar Year: For New Jersey Family Leave Act (NJFLA) leave, the 24-month period is typically tracked as a calendar year. This means that the 12 weeks of leave available under the NJFLA are measured from January 1 to December 31 each year. Unlike the rolling year format, which continuously updates based on the start date of each leave request, the NJFLA follows a fixed calendar year for tracking leave



entitlements. This applies to school employees as well, who will have their NJFLA leave entitlements aligned with the standard calendar year.

Eligible Reason: Leave must be for a qualifying reason, such as:

- To care for a newborn or a newly adopted child.
- To care for a family member with a serious health condition.
- To address issues related to domestic or sexual violence.

For more information on your eligibility for FMLA leave, please contact Melissa Brown, Human Resource Director.

District Lateness to Work Standard

Timely and regular attendance is a fundamental expectation for all Kingsway employees. Employees are required to adhere to their work schedules as set by the administration. When employees arrive late, it disrupts the operational demands of the school system.

Any employee unable to adhere to their assigned schedule must obtain approval from their principal or operational supervisor in advance of any requested schedule changes. Failure to obtain this approval will result in a violation of our School Attendance Policy. Administrators are responsible for monitoring employee attendance and addressing incidents of lateness.

Employees who are late to work will be managed according to our School Attendance Policy.

To improve punctuality in the 2024-25 school year, the District Lateness Standard continues from the 2023-24 school year and is set as follows:

- **For All Employees:** The District standard for 10- and 12-month employees is (1) day late to work.

Progressive Discipline & Remedial Measures

Employees can expect regular communication at times if/when the use of illness and/or no-pay days encroach and/or exceed the **District Attendance Standard** and/or **District Lateness to Work Standard**. Kingsway's Sick Leave Policy includes a progressive discipline process to address employees who incur numerous absences throughout the school year. This process ensures that we support our employees while maintaining the integrity of our educational commitments.

Attendance Matrix

The following matrix outlines the types of infractions, the responsible party for addressing them, and the corresponding disciplinary measures. It includes details on communication methods, initiators, minimal remedial actions required, and progressive disciplinary actions as needed. Additional measures or actions may be taken based on specific circumstances.



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When a Professional Improvement Plan (PIP) is implemented, it will continue into the subsequent school year. During this period, a thorough review of the employee's involvement in Schedule B activities will be conducted, and eligibility for these activities will be reconsidered.

<p>Advisory Email</p> <ul style="list-style-type: none"> ✓ After the 1st lateness to work 	<p>Principal or Operational Supervisor</p>	<ul style="list-style-type: none"> • Advisory email is issued, it is not disciplinary.
<p>Advisory Email</p> <ul style="list-style-type: none"> ✓ After the 6th [8th] absence 	<p>Principal or Operational Supervisor</p>	<ul style="list-style-type: none"> • Advisory email issued, it is not disciplinary. • Verification of absence at each occurrence beginning at the 7th [9th] absence, and every subsequent absence, for 10-month [12-month] employees. • Failure to verify absence within seven (7) calendar days of return from absence will result in a pay reduction of 1/200 [1/240], for 10-month [12-month] employees. • Beginning at the 8th [10th] absence, the employee is ineligible for Dragon Hours & Summer Flex in the next school year.
<p>1st Written Warning</p> <ul style="list-style-type: none"> ✓ After the 10th [12th] absence ✓ After the 2nd lateness to work 	<p>Principal or Operational Supervisor</p>	<ul style="list-style-type: none"> • 1st disciplinary letter issued, copy to file. • Verification of absence at each occurrence beginning at the 7th [9th] absence, and every subsequent absence, for 10-month [12-month] employees. • Failure to verify absence within seven (7) calendar days of return from absence will result in a pay reduction of 1/200 [1/240], for 10-month [12-month] employees. • Ineligible for Dragon Hours & Summer Flex in the next school year.
<p>2nd Written Warning</p> <ul style="list-style-type: none"> ✓ After the 11th [13th] absence ✓ After the 3rd lateness to work 	<p>Principal or Operational Supervisor</p>	<ul style="list-style-type: none"> • 2nd disciplinary letter issued, copy to file. • Verification of absence at each occurrence beginning at the 7th [9th] absence, and every subsequent absence, for 10-month [12-month] employees. • Failure to verify absence within seven (7) calendar days of return from absence will result in a pay reduction of 1/200 [1/240],



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		<p>for 10-month [12-month] employees.</p> <ul style="list-style-type: none"> • Ineligible for Dragon Hours & Summer Flex in the next school year.
<p>3rd & Final Written Warning</p> <ul style="list-style-type: none"> ✓ After the 12th [14th] absence ✓ After the 4th lateness to work 	<p>Asst. Superintendent or School Business Admin.</p>	<ul style="list-style-type: none"> • 3rd disciplinary letter issued, copy to file. • Verification of absence at each occurrence beginning at the 7th [9th] absence, and every subsequent absence, for 10-month [12-month] employees. • Failure to verify absence within seven (7) calendar days of return from absence will result in a pay reduction of 1/200 [1/240], for 10-month [12-month] employees. • Ineligible for Dragon Hours & Summer Flex in the next school year.
<p>Chronically Absent [Lateness] Letter</p> <ul style="list-style-type: none"> ✓ After the 13th [15th] absence ✓ After the 5th lateness to work 	<p>Superintendent</p>	<ul style="list-style-type: none"> • 4th disciplinary letter issued, copy to file. • Verification of absence at each occurrence beginning at the 7th [9th] absence, and every subsequent absence, for 10-month [12-month] employees. • Failure to verify absence within seven (7) calendar days of return from absence will result in a pay reduction of 1/200 [1/240], for 10-month [12-month] employees. • Ineligible for Dragon Hours & Summer Flex in the next school year. • Implementation of a Professional Improvement Plan (PIP) at the time of violation. The PIP will continue through the subsequent school year.



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<p>2nd Chronically _____ Letter</p> <ul style="list-style-type: none"> ✓ After the 14th [16th] absence ✓ After the 6th lateness to work 	<p>Superintendent</p>	<ul style="list-style-type: none"> • 5th disciplinary letter issued, copy to file • Verification of absence at each occurrence beginning at the 7th [9th] absence, and every subsequent absence, for 10-month [12-month] employees. • Failure to verify absence within seven (7) calendar days of return from absence will result in a pay reduction of 1/200 [1/240], for 10-month [12-month] employees. • Ineligible for Dragon Hours & Summer Flex in the next school year. • Implementation of a Professional Improvement Plan (PIP) at the time of violation. The PIP will continue through the subsequent school year. • An Increment Withholding/Wage Freeze will be recommended to the Board of Education and take effect the next school year.
<p>3rd Chronically _____ Letter</p> <ul style="list-style-type: none"> ✓ After the 15th [17th] absence ✓ After the 7th lateness to work 	<p>Superintendent</p>	<ul style="list-style-type: none"> • 6th disciplinary letter issued, copy to file. • Verification of absence at each occurrence beginning at the 7th [9th] absence, and every subsequent absence, for 10-month [12-month] employees. • Failure to verify absence within seven (7) calendar days of return from absence will result in a pay reduction of 1/200 [1/240], for 10-month [12-month] employees. • Termination of employment.

Summary

The **2024-25 Kingsway Sick Leave Policy** reflects our commitment to supporting employees while ensuring the effective operation of our schools. By aligning with the expanded sick leave provisions, we aim to create a positive and supportive work environment that promotes overall well-being. **The Kingsway Education Association Leadership**, in partnership with school officials, continues to support these efforts and actively engages in ongoing dialogue to ensure the best possible outcomes for our employees and students.



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Should you have any questions regarding Kingsway's Sick Leave Policy, please contact your building principal, operational supervisor or KEA Leadership for assistance.

Notes

¹ [We should be focusing on absenteeism among teachers, not just students](#): Brookings (6/26/2023)

² [Why teacher attendance matters](#): Roll Call 2020 (12/2020)

³ [How Employees with Poor Attendance Affect the Workplace](#): CHRON (6/26/2023)

