Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 4151.1 / 4215.1 Adopted : 10/15/95 Revised : 11/20/2023 Reviewed : 05/06/2024

Personal Illness and Injury

The following procedures apply to all staff members for instances of personal illness or injury:

1. Short Term Absences

   All staff members must notify the designated online absentee/substitute notification system before 6:30 a.m. on any day on which they will be unexpectedly absent due to personal illness. If the absence continues for more than one day, notification must be given before 6:30 a.m. on each succeeding day of absence.

   The Board may require the staff member to provide a physician's certificate in order to obtain sick leave.

2. Long Term Absences

   Any staff member who expects to be absent more than five consecutive days or five days within one calendar month due to personal illness or injury must provide the CSA with a health care certification stating: the date the condition began; its probable duration; medical facts regarding the condition; a statement that the staff member is unable to perform the functions of their position; or a statement that intermittent or reduced schedule is necessary and its expected duration. The Board may require a second or third opinion at its own expense.

The Board will consider requests for extension of sick leave benefits on a case-by- case basis.

Sick leave is defined as the absence from an employee's post of duty, for any of the following reasons:

A. The employee is personally ill or injured;

B. For 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;

C. 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;

D. 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:

1. Medical attention needed to recover from physical or psychological injury or disability caused by a domestic or sexual violence;
2. Services from a designated domestic violence agency or other victim services organization;
3. Psychological or other counseling;
4. Relocation; or
5. Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

E. The death of a family member for up to seven days;

F. To attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability;

G. 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;

H. The employee has been exposed to a contagious disease or is quarantined for the disease in the employee's immediate household.

1. The provisions of this section, and any regulations promulgated to implement or enforce this section, shall not supersede any law providing collective bargaining

rights for school district employees, and shall not reduce, diminish, or adversely affect an employee's collective bargaining rights.

2. As used in this section, "Child" means a biological, adopted, or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee. "Designated domestic violence agency" means a county-wide organization whose primary purpose is to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services. "Domestic or sexual violence" means stalking, any sexually violent offense, as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), 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). "Family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship. (cf:N.J.S.18A:30-1)

In case of sick leave claimed due to personal illness or injury, a board of education may require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave.

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

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

C. A board of education may prohibit employees from using foreseeable sick leave on certain dates and require reasonable documentation if sick leave that is not foreseeable is used during those dates.

D. In case of sick leave claimed for three or more consecutive days, a board of education may require reasonable documentation that the leave is being taken for a purpose permitted pursuant to

subsection a. of N.J.S.18A:30-1.

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

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

1.

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

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

H. As used in this section, "Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established

by the New Jersey Association of Domestic Violence Professionals. "Designated domestic violence agency" means a county-wide organization whose primary purpose is to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing these services. "Health care professional" means any person licensed under federal, State, or local law, or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional including, but not limited to, doctors, nurses and emergency room personnel. (cf:N.J.S.18A:30-4)

Legal References:

N.J.S.A. 18A:6-6	No sex discrimination
N.J.S.A. 18A:6-66	Rights and benefits of personnel (educational services commission)
N.J.S.A. 18A:16-2 through -5	Physical examinations; requirement
N.J.S.A. 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 18A:30-1	Definition of sick leave
N.J.S.A. 18A:30-2	Sick leave allowable
N.J.S.A. 18A:30-4	Physician's certificate required for sick leave
N.J.S.A. 18A:30-6	Prolonged absence beyond sick leave period
N.J.A.C. 6A:32-6.1 et seq.	School Employee Physical Examinations
N.J.S.A. 34:15-1 et seq.	Workers' Compensation Law
N.J.A.C. 12:235-1.1 et seq.	
N.J.S.A. 43:21-25 et seq.;	New Jersey Temporary Disability
N.J.A.C. 12:18-1.1 et seq.	Benefits Law
29 U.S.C. 2601 et seq.	Family and Medical Leave Act

Ramsey Teachers Ass'n v. Ramsey Bd. of Ed., 1979 S.L.D. 862, St. Bd. rev'g 1978, S.L.D. 518, aff'd App. Div., 1980 S.L.D. 1528

Cole v. Essex County Vocational School District Bd. of Ed., 1986 S.L.D. 1855

Possible Cross References:

4150 Leaves
*4151 Attendance patterns