

PAID SICK LEAVE POLICY

PURPOSE

Monmouth County provides paid sick leave benefits to eligible employees who are temporarily absent from work due to illness, injury or for other reasons permitted by law.

In a continued effort to ensure a safe and healthy work environment for all employees considering previous issues surrounding the COVID-19 pandemic, as well as to maintain employee privacy and confidentiality as required under applicable law, Monmouth County continues to provide a health and safety protocol for sick employees. This policy replaces and supersedes the County Sick Leave Policy dated November 2019, the COVID-19 Sick Leave Call-out Policy dated January 14, 2022, and the Paid Sick Leave Policy dated April 4, 2022.

SCOPE

Paid sick leave benefits are intended to provide income protection in case an employee or eligible family member becomes ill or injured, or for reasons authorized pursuant to the New Jersey Earned Sick Leave Law, which became effective October 29, 2018.

For purposes of this policy, a Benefit Year is defined as the calendar year starting on January 1 and running through December 31.

In the event that there is a conflict between this policy and its procedures, and any collective negotiations agreement, the terms and conditions of the agreement shall prevail with respect to the employees covered by that agreement. Similarly, if there is a conflict between this policy and procedures, and any applicable state law or regulation, including, but not limited to, the Earned Sick Leave Law and its associated regulations, the law or regulation shall prevail.

ELIGIBILITY

Regular full-time, regular part-time, seasonal, and temporary employees are entitled to paid sick leave benefits as set forth in this policy. The amount of paid sick leave available is dependent on the employee's status as described herein.

ACCRUAL OF PAID SICK LEAVE

Regular Full-time and Part-time Employees:

- New full-time employees shall receive one (1) working day of paid sick leave for the initial month of employment if they begin work on the 1st through the 8th day of the calendar month, and one-half (½) working day if they begin on the 9th through the 23rd day of the month. After the initial month of employment and up to the end of the first calendar year, employees shall be credited with one (1) working day of paid sick leave for each month of service.
- After the first calendar year, full-time employees will accrue sick leave benefits at the rate of 15 working days per Benefit Year (1.25 days for every full month of service). The 15 working days will be posted to an employee's sick leave account at the beginning of the Benefit Year in anticipation of the employee's continued employment throughout the remainder of that year.

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- Part-time employees will accrue paid sick leave in the same manner as full-time employees, with the exception that their allotted accrued days will be pro-rated based upon their part-time hours.
- Paid sick leave that is accumulated but not used in a Benefit Year may carry over into succeeding years.
- *Separation from Employment:* Employees will not be paid for unused sick leave benefits when County employment concludes unless they qualify for supplemental compensation for unused sick leave upon retirement from the County (**See Payment for Accumulated Sick Leave Policy**). Should an employee separate from County employment before the end of a Benefit Year, the County is entitled to recoup excess salary paid if that employee used more sick leave than was actually earned. The County will make an adjustment to an employee's final paycheck(s) as necessary, and if that is insufficient to cover the amount due, require the employee to promptly submit reimbursement for the balance owed.

Temporary and Seasonal Employees:

As of October 29, 2018, pursuant to the Earned Sick Leave Law, the County provides paid sick leave to eligible temporary and seasonal employees, as follows:

- For every 30 hours worked, an eligible employee shall accrue one (1) hour of sick paid leave.
- Accrual of paid sick leave began on October 29, 2018, for eligible employees hired prior to October 29, 2018, and from the commencement date of employment for employees who started on or after October 29, 2018.
- Eligible employees may only accrue, use, and carry forward from one Benefit Year to the next a maximum of 40 hours per Benefit Year.
- Eligible employees may use the earned sick leave beginning on the 120th calendar day after the commencement of employment and may subsequently use earned sick leave as soon as it is accrued.
- *Separation from Employment:* Employees will not be paid for unused sick leave benefits when employment terminates. Should an employee separate from County employment before the end of a Benefit Year, the County is entitled to recoup excess salary paid if that employee used more sick leave than was actually earned. The County will make an adjustment to an employee's final paycheck(s) as necessary, and if that is insufficient to cover the amount due, require the employee to promptly submit reimbursement for the balance owed.
- *Reinstatement of Employment:* If an employee separates from County employment but is rehired within six (6) months thereafter, any sick leave the employee had earned and accrued, but had not used as of the date of separation shall be reinstated. If an eligible employee is rehired within six (6) months of separation, the eligible employee will not be required to wait another 120 days to use the accrued paid sick leave if the eligible employee met that requirement during the previous period of employment. If an eligible employee did not meet the 120-day requirement for the use of paid sick leave prior to separation, and/or if his or her separation is longer than six (6) months, the previous period of time the eligible employee worked will not count towards the 120 days for purposes of determining the employee's eligibility to use paid

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sick leave.

AUTHORIZED USES OF PAID SICK LEAVE

Paid Sick Leave may be used for the following:

- The diagnosis, care, treatment, or recovery from an employee's own mental or physical illness, injury, or condition, or for preventative care.
- The diagnosis, care, treatment, or recovery from a family member's own mental or physical illness, injury, or condition, or for preventative care.
- To address domestic violence or sexual assault experienced by an employee or experienced by an employee's family member.
- If an employee's place of business, or the school or place of care of an employee's child, has been closed by order of a public official for any health-related reason.
- If a public health official has determined that an employee or a member of the employee's family could jeopardize the health of others.
- For an employee to attend a school-related conference, meeting, function, or other event, or to attend a meeting to discuss a child's health conditions or disability.

Family members included in this policy:

Consistent with Title 4A of the New Jersey Administrative Code, "immediate family" means an employee's spouse, domestic partner (*see* Section 4 of P.L. 2003, c. 246), civil union partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household or any other individual whose close association with the employee is the equivalent of a family relationship, such as a step-relative.

PROCEDURES

Employee Role:

Daily Health Check:

As part of the County's health and safety protocol and, to ensure the continued health and safety of County employees, the Daily Health Check requirement that was implemented due to the ongoing issues with COVID-19 will remain in place.

- **Prior to coming into the workplace**, all County employees are required to conduct a daily health check, which shall include a temperature check and assessing general well-being.

If an employee cannot report to work because of an illness or injury, that employee must notify his or her supervisor at least 30 minutes before the scheduled start of the employee's workday, absent emergent circumstances, or a contrary provision in the employee's collective negotiations agreement. If timely notification is not received, the absence will be counted as unexcused, and the employee may be subject to discipline. Importantly, any employee who is feeling ill or who has a temperature that is higher than 100.4 degrees Fahrenheit (38 degrees Celsius) should stay home and not come into work. Any employee who begins feeling ill at work should immediately

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separate from other employees and go home using sick leave benefit time.

An employee working in a public safety or other position where staffing is on a 24-7 basis must notify his or her supervisor at least one (1) hour in advance due to the particularized operational needs of such positions, absent emergent circumstances, or a contrary provision in the employee's collective negotiations agreement.

An employee must contact his or her supervisor for each day of absence from work. Employees are responsible for protecting their employment status by following the established reporting procedures. An employee must clearly advise their supervisor that he or she is "calling out sick," or words to that effect.

Employees should make every effort to schedule preventative or non-urgent medical appointments during non-work hours. Otherwise, such appointments should be made at the beginning or end of the workday whenever possible.

These call-in procedures also apply when an employee will be late to work. Non-compliance with any provision of this policy may result in progressive disciplinary action.

Supervisor Role:

The supervisor will make every effort to fulfill the operational need of the work unit when an employee has called out from work. Supervisors must not inquire as to the specifics of an employee's medical condition. If the employee volunteers this information to the supervisor, it must not be discussed with others. The supervisor may ask the employee the expected length of time the employee will be out and the anticipated date of return.

If an employee is out sick for five (5) or more consecutive days, the supervisor shall contact the Division of Benefits and Workforce Wellness office and have the employee provided with Family Medical Leave forms through Insurance Administrator of America.

If a supervisor becomes aware that an employee is sick at work, the supervisor should immediately direct the employee to leave work and go home using their sick leave benefit time.

Reasonable Documentation:

The County may ask for reasonable documentation as proof of illness or injury when there is a reason to believe that an employee is abusing sick leave (such as patterned use of sick leave in conjunction with weekends, holidays, or preapproved leave, or when an employee's attendance demonstrates a patterned abuse or fraud not specifically described above); an employee has been absent on sick leave for three (3) or more consecutive work days; or an employee has been absent on sick leave for an aggregate of more than 15 days in a 12-month period.

Reasonable documentation means a note or other written document, signed by a health care professional who is treating the employee or the family member, describing the need for leave, when the illness or injury began, and when the employee can return to work. The documentation must also state that they may also safely return to full duty.

For absences greater than five (5) days, the employee must furnish the treating health care professional with a job description for a return to duty approval. The health care professional must indicate in writing that he or she has reviewed the employee's job description and confirms the

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employee may safely return to full duty.

An employee's supervisor is also permitted to request tangible proof of school-related conferences, meetings, functions, or other events scheduled during the workday for which the employee is requesting to use paid sick leave. The employee's supervisor will determine whether the documentation is acceptable, thus classifying the absence as an excused absence.

The County respects the confidentiality of medical records and any personal medical information received will be maintained in a secured, confidential medical file. Employees will not be asked to provide any further medical information or diagnosis, except when job-related and consistent with business necessity.

Employees and supervisors should be aware of the provisions of the federal Family and Medical Leave Act ("FMLA") and the New Jersey Family Leave Act ("FLA") (together, "FML"), and their applicability to absences of more than five (5) days. FML options should also be explored with the employee's chain of command or the Monmouth County Human Resources Benefit Office for issues involving longer term illness, rehabilitation, etc.

Accountability While on Paid Sick Leave:

While on paid sick leave, all employees are required to be at home or their place of recovery during their scheduled work shifts and are expected to be accessible by telephone. The County may conduct well-being checks, which could include telephone calls or home visits, to ensure compliance with the Paid Sick Leave Policy. Exceptions to this rule include (but are not limited to):

- Physical therapy and/or rehabilitation recommended by a health care professional to assist with recovery.
- Trips to purchase food, medicine, and other household necessities.

ABSENTEEISM & TARDINESS

Unexcused Absences or Tardiness:

When an employee has used sick leave on five (5) separate unexcused absences within a calendar year, a Notice of Counseling will be issued. When an employee has reached 10 unexcused absences within a calendar year, it will be considered abusive and progressive discipline will be initiated (absent a contrary provision in the employee's collective negotiations agreement).

When an employee has reached five (5) separate unexcused occurrences involving tardiness within the calendar year, a Notice of Counseling will be issued. If an employee has reached 10 unexcused occurrences involving tardiness within a calendar year, it will be considered abusive and progressive discipline will be initiated (absent a contrary provision in the employee's collective negotiations agreement).

International Travel

Any employee who is planning to travel internationally should take all necessary and appropriate health precautions before, during and after the trip.

The County's specific requirements for employees who travel internationally include:

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- Prior to departure, notifying the applicable Department Head of any plans for international travel as part of the departmental time-off approval process.
- Upon return from the trip, contacting the Monmouth County Health Department (MCHD) at 732-598-5502 before reporting back to work.
- Following all requirements or recommendations from the MCHD based on the health screening results and/or any other state or federal public health guidelines.