Resolution # 2014- 51

RESOLUTION

May 8, 2014

Of The Salem County Improvement Authority
In The County Of Salem, State Of New Jersey

RESCINDING THE SALEM COUNTY IMPROVEMENT AUTHORITY
SICK LEAVE POLICY (2011) AND ADOPTING SICK LEAVE POLICY 2014

WHEREAS, the Salem County Improvement Authority (SCIA) has prided itself on offering its employees a comprehensive, market-based benefits package; and

WHEREAS, the SCUA sick leave policy dated November 2009 permitted employees to accrue unused sick time, without limit; and

WHEREAS, the SCIA revised the sick leave policy, dated May 2011, with the intention to comply with the provisions of N.J.S.A. 40A:9-10.4, Cap on Compensation for Unused Sick Leave Not Covered by Title 11A- which limits supplemental compensation for accumulated, unused sick leave to $15,000 and provides that supplemental compensation be paid only at the time of retirement; and

WHEREAS, the May 2011 SCIA sick leave policy has been reviewed by staff, Auditor, Accountant, and Solicitor and determined that vague language in the existing policy requires further clarification in regards to the limit on the amount of sick leave that an active employee could carry over from year to year 24 sick days (192 hours); and

WHEREAS, the May 2011 policy provided an increased benefit of sick leave allowing part time employees to accrue sick leave where the prior policy provided no benefit to part time employees; and

WHEREAS, the May 2011 policy provided an increased benefit of sick leave for full time employees allowing them to accrue 1 ¼ sick days per month as compared to the prior policy which permitted full time employees to earn 1 sick day per month worked; and

WHEREAS, discussion with the Chairman of the Personnel Committee has confirmed that the SCIA Board's intention was to limit the payout of unused sick leave when an employee leaves the organization and to comply with the provisions of N.J.S.A. 40A:9-10.4, not to limit the amount of sick leave carried over from year to year by active employees; and

WHEREAS, it has been recommended by the SCIA staff, Auditor, Accountant, and Solicitor that the current policy be amended to clarify the sick leave policy and have it conform to the provisions of 40A:9-10.4;

NOW THEREFORE BE IT RESOLVED by the SCIA that the certain provisions of the current sick leave policy (3.05 dated May 2011) be rescinded in their entirety as follows:
"Full Time Employees- Employees may carry over from year to year, any earned sick days which they have not used, not to exceed 24 sick days." All active employees as of May 8, 2014, will have their accumulated, unused sick leave balances restored back to December 31, 2011 without the 24 sick days per year cap. 

"Employees with earned sick days remaining will have these days treated as follows: In the case of retirement, employees will be compensated for 12 of these days. Compensation will not exceed $15,000." All employees who have retired from SCIA on a state–administered retirement plan between May 2011 and May 8, 2014 will be paid for all of their accumulated, unused sick leave as of the date of their retirement, not just 12 days, in an amount not to exceed $15,000.00.

BE IT FURTHER RESOLVED that SCIA adopt a sick leave policy effective June 1, 2014 (attached hereto) for all existing and new employees of SCIA; and

BE IT FURTHER RESOLVED that Human Resources will provide each active SCIA employee with a sick leave balance as of June 1, 2014 and arrange to have the balance printed on the employee pay stub; and

BE IT FURTHER RESOLVED that the Executive Director and Human Resources will hold an employee meeting to discuss the changes in this policy with all SCIA employees and obtain their signature acknowledging receipt of and understanding of the policy.

ATTEST: 

Lew Schneider, Secretary
Robert E. Widdiff, Chairman

May 8, 2014
Date

CERTIFICATION

I hereby certify the above to be a true copy of a resolution adopted by the Salem County Improvement Authority Board at their regular meeting held May 8, 2014.

Lew Schneider, Secretary
1. Sick Leave Use

SCIA provides a competitive, market based benefit package to its employees, which includes a sick leave benefit for permanent full-time and part-time employees. Sick leave may be used for personal illness or injury, exposure to contagious disease, care for a seriously ill member of an employee's immediate family for a reasonable period of time, or death in an employee's immediate family for a reasonable period of time. For the purpose of this policy, immediate family shall include an employee's significant other; father or step-father; mother or step-mother; child or foster child; legal ward; sister; brother; mother-in-law; father-in-law; son-in-law; daughter-in-law; grandmother; grandfather; or grandchild.

Sick leave may also be used by an employee with a disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, the Authority may require reasonable proof.

Employees must schedule routine checkups, or "well" visits outside of normal working hours as much as possible. Sick leave may not be used for personal business.

Sick leave taken the work day immediately before and/or the work day immediately after a SCIA Holiday, without providing a doctor's note, will render the employee ineligible for paid holiday time on that date.

Sick leave may be taken in 8 hour or 4 hour increments to prevent disruption of the work schedule. Sick leave may be taken in hourly increments, with their Division Manager's advance approval.

2. Eligibility for New Employees

All permanent full-time employees must successfully complete their initial employment period (ninety (90) days) before they begin to earn sick leave. After completion of the initial employment period, full-time employees will earn eight (8) hours of sick leave for every month worked thereafter. Sick leave is not earned or accrued during the initial employment period.

Adopted May 8, 2014 by Resolution 2014-51
This Policy will become effective June, 1, 2014. Employees will be furnished with written sick leave balances for the former policy (May 2011) with the second pay period in June and attend an employee meeting to discuss these changes during the month of May.
3. Sick Leave Accrual

a. Full-Time Employees

Full-time employees accrue sick leave on a monthly basis. Employees earn eight (8) hours of sick leave for each calendar month worked during the first year of employment, following their initial employment period. Employees earn eight (8) hours of sick leave for each calendar month worked after the first twelve (12) months of employment. Working one calendar month is defined as being in attendance for at least twelve (12) working days in that given calendar month.

Full-time employees who work an annual average of forty (40) hours per week will be allowed to carry over from year to year, any earned/accrued sick leave, which they have not used, without limit.

Each employee eligible for sick leave will be issued a time balance report, indicating the available balance of their sick leave at end of each calendar year.

b. Permanent Part-Time

Part-time employees accrue sick leave on a monthly basis. Employees earn four (4) hours of sick leave for each calendar month worked during the first year of employment, following their initial employment period. Employees earn four (4) hours of sick leave for each calendar month worked after the first twelve (12) months of employment. Working one calendar month is defined as being in attendance for at least twelve (12) working days in that given calendar month.

Part-time employees who work an annual average of less than forty (40) hours per week will be allowed to carry over from year to year, any earned/accrued sick leave, which they have not used, without limit.

Each employee eligible for sick leave will be issued a time balance report, indicating the available balance of their sick leave at end of each calendar year.

c. Interns, Seasonal Employees and Temporary Employees

Interns, seasonal employees and temporary employees are not eligible to accrue sick leave.

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4. **Notification and Approval to Use Sick Leave**

Any employee who does not expect to report to work for any reason that entitles him or her to take sick leave, must notify his or her immediate supervisor, Division Manager, and/or Executive Director by personal telephone conversation. To the extent possible, notification shall be made at least one hour prior to the beginning of work for his or her shift, unless extenuating circumstances prevent such notification, in which case notification shall be made as soon as reasonable possible. Notification to non-supervisory personnel, by voicemail, by text, by e-mail, by messenger or other non-direct communication is no substitute for a personal call.

Employees are required to submit a time off slip, either in writing or via the automated payroll system, to document their request to use sick leave and secure approval for their sick leave. Time off slips shall be maintained in the employee’s confidential medical file by Human Resources.

Supervisors are required to monitor their employee’s sick leave use. No time off shall be approved beyond that which the employee has earned/accrued. Employees shall not be paid for overextended sick leave. SCIA does not provide time off without an approved leave of absence. In the event that an employee utilizes all of their accrued time (vacation, personal, sick, etc.) the employee must seek written approval from the SCIA Board for a Special Leave of Absence in order to preserve their position with the SCIA. Employees will not be credited sick leave from future months, years or any other source in advance of it being accrued.

Consideration will be given to allow employees with accumulated but unused sick time to transfer all or a portion thereof to another active employee under extenuating conditions. Such approval must be obtained in writing with SCIA Board approval.

5. **Verification of Sick Leave**

Employees are required to submit a physician’s certificate to the Executive Director or his/her designee in the following cases:

a. All sick leave for all absences for employees with less than 1 year of service

b. A single sick leave absence totaling three (3) consecutive working days or more

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c. A sick leave absence of any duration, resulting from the exposure to a contagious disease (in this instance the physician’s certificate must state that the employee’s return to work will not jeopardize the health of other employees or persons the said employee may come into contact with).

d. A sick leave absence totaling five (5) or more single days with a pattern of leave abuse in a fixed calendar year or rolling 12 month period will require a doctor’s written excuse/release form to be provided to the Executive Director or his/her designee, prior to returning to work. After the fifth (5th) day of absence on sick leave in one calendar year or at the discretion of the employee’s immediate supervisor, a doctor’s verification must be submitted for all sick leave absences, regardless of duration. Failure to submit a physician’s certificate when required may result in the absence being unauthorized, subjecting the employee to leave without pay and possible disciplinary action.

Following an extended or repetitive absence, upon request by the Executive Director, employees shall submit to a medical examination by a physician of the Authority’s choice, for the purpose of determining the nature and extent of the employee’s illness and fitness for duty. The examination shall be arranged for and paid for by the Authority and the employee shall cooperate in attending said examination. Prior to the return to work, the Executive Director may require an employee to be examined by a physician designated by the Authority to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

6. Termination of Employment

Employees must reimburse the Authority for any sick leave used in excess of the amount earned/accrued. Reimbursement will be made by first deducting any personal leave or earned vacation leave remaining. If there is an insufficient amount of personal leave or vacation leave to cover the total amount of excess sick days used, the balance will be deducted from the employee’s final paycheck. If approved by the board reimbursement for sick days in the final paycheck will be made at the employee’s regular daily rate at the date of termination.

a. Termination of Employment (Retirement)

Full-time employees retiring with the New Jersey Department of Pension and Benefits System will be paid for their accumulated, but unused sick leave in accordance with state statute in effect at the time of retirement. In accordance with N.J.S.A 40A:9-10.4 the accumulated but unused sick leave payout may NOT

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exceed fifteen-thousand dollars ($15,000) (current cap) or as amended in the future and will apply to all employees, regardless of their date of hire.

b. **Termination of Employment (Voluntarily)**

Employees whose employment is voluntary severed will not be paid for accumulated unused sick leave unless approved by the SCIA Board.

c. **Termination of Employment (Involuntarily)**

Employees whose employment is involuntary severed will not be paid for accumulated unused sick leave unless approved by the SCIA Board.

d. **Job Abandonment**

Employees absent for five (5) consecutive working days, who do not notify their immediate supervisor, Division Head and/or Executive Director, without reasonable explanation, will be considered to have voluntarily quit their employment and will not be paid for any accumulated/unused sick leave.

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