



**2020
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CHAE	✓			
ENGLESE	✓			
GORMAN	✓			
MANNA	✓			
ROSSILLO	✓			
STEWART	✓			
MAYOR LaBRUNO				
TOTALS	6			

Ordinance No. 1573

Date: February 20, 2020

Page: 1 of 10

Subject: Sick Leave

Purpose: Policy

Dollar Amount: _____

Offered by: Stewart

Seconded by: Manna

Prepared By: Mollie Lustig, Esq.

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly

Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AN ORDINANCE AMENDING BOROUGH CODE PROVISIONS FOR EMPLOYEE SICK LEAVE

WHEREAS, the Borough of Dumont (“Borough”) has determined that changes to the Borough Code are required concerning sick leave procedures, in order to ensure efficient, orderly, and effective operation of the Borough;

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Dumont, County of Bergen, State of New Jersey, as follows:

1. Sections 69-26 through 69-31 of the Borough Code be and is hereby amended to read as follows: (changes in **bold** and deletions indicated by strikethroughs (e.g. ~~deleted~~):

§ 69-26. Definitions.

As used in this article, the following terms shall have the meanings indicated:

~~IMMEDIATE FAMILY~~ — ~~Wife or husband, child, mother, father, brother, or sister of the employee; provided that, within 30 days of the commencement of employment, an employee may submit to the Central Personnel Office the name or names of any persons, limited to one woman and one man, who were responsible for raising the employee, whose names shall replace the employee's mother and/or father and in such event, the illness of either or both of such persons shall have the same effect, with respect to sick leave, as if such person or persons were in fact the mother and/or father of such person. In addition to those in the immediate family, an employee~~
~~who has obtained a New Jersey Domestic Partnership Certificate (or equivalent certificate from another town) may add to his or her family members the person included on the New Jersey Domestic Partnership Certificate.~~

~~SICK LEAVE~~ — ~~An absence from employment because of illness, accident, exposure to contagious disease, or attendance upon a member of the employee's immediate family who is seriously ill or suffering from the result of an accident and who, for such reason, requires the care or attendance of such employee.~~

“Immediate Family Member” includes spouse, domestic partner, minor/disabled/adopted 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.

“Sick Leave” means an absence from work for any of the following reasons:

- An employee’s own sickness, such as time needed for the diagnosis, care, or treatment of, or recovery from, an employee’s own mental or physical illness or injury, including preventive care.
- An immediate family member’s sickness, such as time needed to aid or care for an immediate family member during diagnosis, care, treatment of, or recovery from, the family member’s mental or physical illness, including preventive care.
- Domestic or sexual violence incidents, such as absences 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 or family member to obtain medical or other victim services.
- When an employee needs to care for a child whose school or place of care has a forced closing.

“Pattern” means absenteeism on a recurrent basis.

For example:

- A. Repeated absence on the same day of the week and month (e.g., 1st Monday of June & 3rd Monday of June or 1st Monday of June & 1st Monday of July).
- B. Repeated absence on the same date of the month (e.g., 15th of June & 15th of July).
- C. Repeated absences taken in conjunction with weekends.
- D. Repeated absence on the same date of the year (e.g., employee’s wedding anniversary, birthday, spouse’s birthday).
- E. Repeated absence on the first or last day of the employee’s work schedule.
- F. Repeated absences extending vacation or time owed (e.g., 3 days’ vacation and a sick day extending time off, Holiday followed by a sick day or vice versa).

§ 69-27. Computation and accrual of sick leave.

~~A. Computation and accrual of sick leave for employees in the classified service and for employees in the exempt service whose employment is covered by collective negotiation agreements which provide for sick leave shall be as specified in such agreements.~~

~~B. Other employees in the exempt service shall be granted sick leave, as hereinbefore defined, with pay, of 10 working days for every year of employment after one full year of employment. Employees in their first year of employment are entitled to five sick days, and if such employee uses none or only a portion of such allowable sick leave for any calendar year, the amount of such leave not taken shall accumulate to his or her credit from year to year, and such employee shall be entitled to such accumulated sick leave, with pay, if and when needed. Employees who commence employment before the 15th day of any month shall receive credit for that month toward sick leave. Sick leave shall be charged in amounts of one absence of four hours or more. Holidays and regular days off shall not be counted in computing sick leave taken.~~

~~C. Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 150 calendar days' worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit. [Added 6-16-2009 by Ord. No. 1385]~~

Sick Leave Entitlement

- A. Computation and accrual of sick leave for employees whose employment is covered by a Collective Bargaining Agreement or other Contract with the Borough that covers the topic of sick leave are not subject to the computation and accrual methods defined in this policy.**
- B. Full-time Borough employees are entitled to ten (10) sick leave days per calendar year, after one full year of employment, or the equivalent of eighty (80) hours annually.**

- C. Employees in their first year of employment are entitled to five (5) sick days, or the equivalent of forty (40) hours annually.

Sick Leave Accrual

Unused sick leave benefits shall accumulate from year to year, and the employee shall be permitted to use such accumulated days per the parameters of this policy. For employees hired prior to March 1, 2020, such employees shall be permitted to accrue a maximum of one-hundred fifty (150) calendar days of sick leave. Payment for accumulated sick leave for all employees hired prior to March 1, 2020 shall be capped at sixty (60) days upon retirement.

For employees hired after March 1, 2020, such employees shall be entitled to accrue a maximum of ninety (90) calendar days of sick leave. Payment for accumulated sick leave for all employees hired after March 1, 2020 shall be capped at thirty (30) days upon retirement.

Payment for accumulated sick leave for employees whose employment is covered by a Collective Bargaining Agreement or other Contract with the Borough that covers the topic of payment of accumulated sick leave upon retirement are not subject to terms of this policy and shall be governed by the terms of the Collective Bargaining Agreement or Contract.

§ 69-28. ~~Verification of illness or injury; physical examination.~~ Medical Documentation

Required.

1. Employee's absence under the below listed circumstances shall be required to provide a physician's certificate for such absence.
 - A. An employee who is absent on sick leave for more than 3 consecutive days.
 - B. Employees accumulating a total of five (5) one or two-day absences in any one calendar year, shall be required to submit acceptable medical evidence substantiating the illness shall be required for all subsequent sick leave absences during the remainder of the calendar year.
 - C. On the day immediately prior or a day immediately after a scheduled day off, when a pattern has been established. (Pattern is defined as stated in Section 1)
 - D. On the day an employee has been "ordered" to work.

- E. For every day an employee exceeds the contractually allotted yearly amount of sick days in a calendar year for those employees covered by a Collective Bargaining Agreement.**
 - F. For the employee's birthday.**
 - G. National Holidays during which the Borough remains open.**
 - H. Pattern Days as defined in Section 1.**
- 2. The physician's certificate shall reflect the date of examination as the same date as the employee's date of absence. Only an original physician's certificate will be accepted, therefore, no facsimiles or copies will be accepted.**
 - 3. The employee will be notified in writing when medical documentation is required by the Department Head. Any required medical documentation must be submitted to the employee's supervisor within one (1) day of the request having been made. This means employees should monitor their own utilization of sick leave so that they can reasonably anticipate when a request for medical documentation will be made. An employee may be subject to further discipline for the failure to provide appropriate medical documentation. Failure to provide documentation upon request will result in, at minimum, a denial of sick leave payment, or reimbursement to the Borough for unauthorized sick time use.**
 - 4. Employees who report sick for more than ten consecutive days shall be considered on extended sick leave and a comprehensive letter from his/her attending physician is required at that time explaining the following:
 - i. How the illness prevents the member from performing his/her duties.**
 - ii. A professional opinion as to the member's potential for recovery.**
 - iii. A projected date for return to full duty.
 - a. Additional documentation, in the form of a doctor's letter as described above, will also be required for each additional 30-day period or after each follow-up examination, whichever is less, that an employee is on extended sick leave after the initial 10-day period.******
 - 5. The Borough may require an employee who has been absent because of personal illness, as a condition to their return to work, to be examined by a physician at the expense of the Borough. Such examination shall establish whether the employee is capable of performing their normal duties and their return will not jeopardize their health or that of other employees.**

~~The Borough Administrator or the department head of an employee who is absent by reason of illness or injury may, at any time, after three consecutive days of illness or injury, require verification of the existence or extent of such injury or illness, which may include a required examination by the Borough physician or another physician designated for that purpose (which examination shall be paid for by the Borough) or submission of a written statement by a physician who has examined or treated the employee for such illness or injury.~~

§ 69-29. Notice of illness or injury. **Process for Taking Sick Leave**

Except in case of an emergency, an employee shall notify his or her Department Head that they are experiencing an injury or illness which requires their absence from work not more than one hour after the time at which that employee was scheduled to commence work. For employees of the Department of Public Works, however, such notice shall be given one hour prior to the scheduled time for commencement of work.

~~Except in the case of an emergency which shall render it impossible to comply with the provisions of this section, notice of illness or injury which requires an employee's absence from work shall be given by or on behalf of the employee not more than one hour after the time at which the employee was scheduled to commence such work (except that with respect to employees within the department of public works, such notice shall be given at least one hour prior to the scheduled time for commencement of work), and if such notice is not given, the employee shall not be paid for such absence.~~

§ 69-30. Medical certificate required for contagious disease absence. **Place of Confinement and Contact While Absent and Abuse of Sick Leave; Penalties**

~~In case of an employee's absence due to a contagious disease or exposure to same, the Borough Administrator or the employee's department head may require production of a certificate from the Borough Department of Health or the employee's physician certifying that the employee's return to employment presents no danger to the public or to any other Borough employee.~~

Place of Confinement

1. If an employee is absent for reasons that entitle the employee to sick leave or an employee in on worker's compensation leave because of an injury or illness, the employee shall remain at their place of confinement during the period in which they are scheduled to work for the days in question, with the following exceptions:
 - A. To report for medical attention, physician's office or hospital.
 - B. To attend a family emergency when contact is first made and only after approval is granted by the Department Head or designee.
 - C. To engage in the exercise of their right to vote.
 - D. To engage in the exercise of their right to attend religious services.
2. Whenever an employee utilizes an exception (as listed above), the employee shall contact the Department Head or designee providing the time of departure and then again, the time of their return.
3. Under no circumstances should an employee utilizing sick leave or workers' compensation leave be present at the Borough offices without prior authorization.
4. All times shall be documented by the Department Head or designee by using internal controls.

Contact When Absent

1. The Borough Administrator, Department Head or designee, may visit an employee who is absent or on worker's compensation leave at the employee's residence or place of confinement.
 - A. All visits shall be documented utilizing internal controls.
2. The Borough Administrator, Department Head or designee, may telephone the employee who is absent or on worker's compensation leave at the employee's residence or place of confinement.
 - A. All contacts shall be documented utilizing internal controls.

- B. An answering machine or third party will not be accepted for purposes of verification.**
- C. To have a call answered by an answering machine shall mean that the employee is not at their residence or place of confinement. However, an employee may overcome this presumption by replying to a message within one (1) hour of it having been left. The Borough has an absolute right to require an explanation in the event a message must be left.**
- D. If a third-party answer, the employee shall come to the phone to verify their location.**

Abuse of Sick Leave; Penalties

Abuse of sick leave shall be cause for reimbursement, denial of future leave, and disciplinary action up to and including termination. Abuse of sick leave shall include a violation of any of the policies enumerated in this policy. However, the Borough reserves the right to make a case-by-case determination based on the facts of an individual employee's abuse of sick leave as the situation may warrant.

§ 69-31 Illness or injury arising out of employment.

A. Absence caused by illness or injury resulting from or arising out of an employee's employment with the Borough and covered by the Workers' Compensation Laws of the State of New Jersey shall not be considered as or charged against sick leave.

B. During such absence, the employee shall be paid, as salary, the difference between his regular salary and any amounts received by him pursuant to the Workers' Compensation Laws of the State of New Jersey for a period of one (1) year. In the event an employee is approved for Workers' Compensation payments beyond one (1) year, they shall not be entitled to the difference between their regular salary and the amounts received by them pursuant to the Workers' Compensation Laws of the State of New Jersey, however they shall continue to receive any amounts payable to them by the Borough's Workers' Compensation carrier. Nothing herein shall preempt the rights of any employee under a Collective Bargaining Agreement to which they are a party as it pertains to payment beyond the one (1) year period.

- 2. There are no other changes to this Chapter of the Borough Code of the Borough of Dumont.
- 3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed to be valid and effective.

5. This ordinance shall take effect immediately upon passage and publication in accordance with law.

IT IS FURTHER ORDAINED that the remainder of Section 69 of the Code of the Borough of Dumont shall remain in full force and effect.

Approved: _____
Andrew LaBruno, Mayor

Attest: _____
Susan Connelly, RMC
Municipal Clerk

Introduced February 20, 2020
Adopted: