



New Jersey Institute of Technology
University Policies and Procedures

DATE OF LAST REVIEW: November 2, 2017

Subject: HUMAN RESOURCES – Non-Aligned Sick Leave Policy

1. **PURPOSE:** This policy provides the terms under which non-aligned employees may take sick leave, as well as the responsibilities of employees and supervisors in administering sick leave benefits.

2. **ELIGIBILITY:** All non-aligned, full-time and permanent part-time, active employees are eligible for sick leave under this policy. All employees belonging to a collective bargaining unit should refer to their collective bargaining agreement regarding their sick leave benefits.

3. **ACCRUAL:**

Full time employees shall earn 4.04 hours biweekly, which is equivalent to fifteen (15) working days (105 hours) per year. Permanent part time non-aligned employees are entitled to the same allotment of sick leave as full-time employees, on a pro-rated basis. Example: a 0.8 FTE employee is entitled to $15 \times .8 = 12$ sick days per year. All sick leave for non-aligned employees accrues with no maximum limit.

4. **USE OF SICK LEAVE:**

- A. Sick leave may be used by employees when they are unable to perform their work by reason of personal illness, injury or exposure to contagious disease or for the attendance of the employee upon a member of the immediate family (father, mother, spouse, domestic partner, civil union partner, child, foster child, or relative residing in the same household) who is seriously ill. Sick leave may also be used for medical appointments for examination or treatment. The term “child” shall be defined as minor children under the age of 18, and children for whom the employee has legal guardianship pursuant to court order.
- B. Anticipated Leave: Any usage of sick leave anticipated in advance must be requested as far in advance as practicable and approved by the employee's immediate supervisor prior to usage. Approval will not be unreasonably denied. Examples of anticipated leave, by way of illustration but not limitation, include medical appointments, scheduled surgery and short-term care for an ill member of the immediate family.
- C. Unanticipated Leave: Use of sick leave that cannot be anticipated in advance, such as sudden illness, should be reported by the employee or their designated representative, if the employee is unable to report absence themselves, as soon as possible, to the employee's supervisor or the supervisor's designee.

D. If abuse of sick leave is suspected (e.g. patterned absences, excessive sick leave use without appropriate medical documentation) it should be reported to the department of Human Resources for review, and further action as appropriate.

E. In accordance with State and Federal regulations, the Employer may preliminarily designate an employee who has been absent for three (3) or more consecutive days, pending medical certification under the University's Family Leave policy http://www.njit.edu/policies/sites/policies/files/lcms/pdf/Family_Leave_Policy.pdf. FMLA Leave will run concurrently with sick leave usage.

F. Long term absences for sick leave that exceed the twelve (12) weeks of FMLA Leave may be taken thereafter utilizing accumulated sick leave balances, upon submission of medical certification updates to be provided in intervals of not less than every 30 days.

5. EXTRAORDINARY/UNPAID LEAVE OF ABSENCE:

Any non-aligned employee who is not entitled to or has exhausted other leave benefits due to personal or family illness may apply for an extraordinary unpaid leave of absence, which may be granted by the Vice President of Human Resources or his/her designee.

- A. All requests for an extraordinary unpaid leave of absence shall be made in writing. The request shall include a specific statement of the reasons for the leave request, the date on which the leave is requested to begin and the date the requested leave is expected to end.
- B. All requests for extraordinary/unpaid leave of absence shall be made on a timely basis (prior to the exhaustion of other leave benefits.)
- C. Requests for leave must be submitted to the Vice President of Human Resources. The Department of Human Resources shall inform the employee's supervisor in writing that a request has been submitted and shall specify the beginning and ending dates for the leave.
- D. Except where an emergency requires a quicker response, the Vice President of Human Resources shall act on the request for an extraordinary/ unpaid leave within two (2) weeks from the date of the request and shall provide the employee and their supervisor with his/her decision in writing. If the request is denied in whole or in part, the reasons for the denial shall be set forth as part of the written decision. Extraordinary leave will not be granted when there is no specified date for a timely return to employment (with or without a reasonable accommodation), or when the request cannot be granted due to a substantiated negative impact on university operations.
- E. Sick leave benefits shall not accrue while the employee is in extraordinary/unpaid employment status with the university.
- F. Employee health benefits may continue during any period of an unpaid leave of absence, provided that the employee agrees, in writing, to reimburse the university for the employee share of the health care premium by (1) paying for the benefits in advance; (2) paying for the benefits on a monthly basis; or (3) paying for the benefits upon return to active employment through payroll deductions consisting of double payments of the health care premium until repayment is made.

6. TIMEKEEPING RESPONSIBILITIES:

Supervisors are responsible for ensuring that sick leave taken by an employee is accurately reported and accounted for in the timekeeping system, and that sick leave utilization by a non-aligned employee is in accordance with this policy.

7. FLSA CONSIDERATIONS:

The use of partial days charged against a sick leave bank is for university accounting purposes only and is not intended by NJIT to affect the exempt status of an employee or position under the Fair Labor Standards Act.

- A. Non-exempt non-aligned employees may charge sick time in any increment.
- B. Exempt non-aligned employees: Sick time should be charged in half day and whole day increments only. Any sick time taken in excess of one-quarter of the employee's scheduled work day, but less than three-quarters of the employee's scheduled work day, should be charged as a half day.
- C. Any sick time taken equivalent to or more than three quarters of the employee's scheduled work day must be charged as a full day. Example: A full time exempt employee attends a morning doctor's appointment and arrives at 11:00 a.m. (2.5 hours is greater than one-quarter of the employee's work day, but less than three quarters of the employee's work day) will charge a half day of sick time.

8. CONFIDENTIALITY OF RECORDS:

All medical documents provided by employees in support of leave requests shall remain confidential with the Department of Human Resources.

9. PAYOUT OF SICK LEAVE UPON RETIREMENT:

- A. Except for retirement from employment through the State Division of Pension and Benefits, employees are not paid for accrued sick leave upon termination for any reason, nor voluntary separation from the university.
- B. Subject to the provision of N.J.S.A. 11:14-9 and rules and regulations promulgated thereunder, including N.J.A.C. 4A:6-3.1, a full-time employee who enters retirement, pursuant to the provisions of a State administered or approved retirement system, and has to his/her credit any earned and unused accumulated Sick Leave shall be entitled to receive supplemental compensation for such earned and unused accumulated Sick Leave only to the extent provided by law.
- C. The supplemental compensation to be paid shall be computed at the rate of one-half ($\frac{1}{2}$) of the eligible employee's daily rate of pay for each day of earned and unused accumulated Sick Leave based upon the average annual compensation received during the last year of his/her employment prior to the effective date of his/her retirement,

