

# STOCKTON UNIVERSITY



## PROCEDURE

### Leaves of Absence

Procedure Administrator: Associate Vice President for Human Resources Authority:  
N.J.S.A. 18A:64-8; N.J.A.C. 4A:6-1.1, et seq.

Effective Date: January 20, 1975; December 30, 2008; May 30, 2009; August 10, 2010; April 7, 2014; August 15, 2019; April 9, 2021; October 6, 2022

Index Cross-References: Policy VI-27; ; Procedure 6125; Procedure 6128; Procedure 6120

Procedure File Number: 6153

Approved By: Dr. Harvey Kesselman, President

The following describes the University procedure to respond to eligible employee requests for time off with pay and without pay, consistent with Federal and State statutes, regulations, and applicable provisions of the relevant collective agreements.

### SICK LEAVE

All employees are required to notify their supervisor, as far in advance as possible, when they will be absent from work due to illness or other medical reason (e.g., doctor's appointment). Any employee absent five or more consecutive scheduled workdays must present to the Office of Human Resources (OHR) medical documentation signed by a health care provider. However, the University reserves the right to require the presentation of appropriate medical documentation at any time for any Sick Leave absence. Failure to provide valid medical documentation within a reasonable period of the absence may result in disciplinary actions, up to and including termination. Under the Health Insurance Portability and Accountability Act (HIPAA), this documentation should be presented by the employee directly to the OHR. However, if presented to the supervisor, the supervisor must immediately provide it to OHR. The documentation will be placed in the employee's confidential medical file in the OHR.

Sick leave may also be used by employees who are unable to work for a reasonable amount of time because of a serious illness or death in the employee's immediate family. For purposes of this section, immediate family is defined as: an employee's spouse, domestic partner, child, legal ward, grandchild, foster child, mother, father, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household.

In addition, faculty members who require the use of sick leave must also comply with Procedure Number 6120 – Faculty Attendance and Leave – Paid and Unpaid.

### VACATION LEAVE

All employees are required to obtain approval from their supervisor before vacation leave

may be used.

- Managerial and 12-month non-faculty AFT professional staff are credited with 22 vacation days each year. 10-month non-faculty AFT staff are credited with vacation days on a pro-rated basis.
- Faculty are not granted vacation leave.
- Classified Civil Service employees earn vacation leave in accordance with N.J.A.C. 4A:6-1.2 based on years of service.

An employee may accrue and carry over to the following year up to one time (1X) the employee's then current rate of accrual.

### **ADMINISTRATIVE LEAVE**

Civil Service employees receive administrative leave, up to three days in a calendar year. Administrative leave is not cumulative from year to year and any remaining leave is forfeited at the end of each year, and upon separation. Administrative leave must be pre-approved by the employee's immediate supervisor whenever possible.

### **COMPENSATORY TIME**

A supervisor/unit head must preapprove the accrual or usage of compensatory time. All compensatory time is subject to specified accrual maximums. Refer to the "Use of Time" page under the OHR website for details on compensatory time for all job classifications. The Overtime Procedure 6116 and the Hours of Work for Managerial Employees Procedure 6210 may also apply and should be referenced as appropriate. .

### **DONATED LEAVE**

A State employee shall be eligible to receive donated sick or vacation leave if the employee has completed at least one year of continuous State service and:

- Is suffering from a catastrophic health condition or injury which is expected to require a prolonged absence from work by the employee; or
- Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury.

In all cases, the employee must have exhausted all accrued sick, vacation, administrative leave, and compensatory time. Refer to Procedure 6125 Donated Leave Program for more information.

### **JURY DUTY**

Time served for jury duty is time off with pay. Employees who are required to appear for jury duty must submit to the Office of Human Resources a note signed by a representative of the court. Employees who are summoned but are dismissed from jury selection should report to work as normal pursuant to N.J.A.C. 4A:6-1.19.

### **LEAVE TO APPEAR AS A WITNESS**

Time off with pay is granted to employees who are summoned to appear as a witness or a party before a judicial or administrative body or legislative committee for work-related

matters. If the appearance is part of the employee's job function, time off shall be granted with pay. If an employee appears as a witness or a party during his or her normal day off, rules governing overtime and compensation time shall apply. Time off with pay is granted to an employee to attend the employee's worker's compensation proceeding.

If an employee is summoned as a named party or a witness to a proceeding and the appearance is not related to the employee's job function, time off shall be granted without pay, but the employee may use accrued leave time for compensation.

### **LEAVE FOR APPOINTMENT BY GOVERNOR**

When a permanent employee is appointed by the Governor to an office or position pursuant to N.J.A.C. 4A:6-1.12, the University shall grant and record a leave of absence without pay for the period of appointment if the employee requests such a leave of absence prior to the appointment. Upon the expiration of the leave the employee shall have the right to return to the former title and receive all the benefits of that title as if the employee had remained in that title.

### **LEAVE FOR ATHLETIC COMPETITION**

Any State employee in the career or unclassified service who qualifies as a member of the United States team for athletic competition at the world, Pan American or Olympic level, in a sport contested in either Pan American or Olympic competitions, shall be granted a leave of absence with pay for the purpose of preparing for and engaging in the competition. Such paid leave shall be no more than 90 calendar days in one year or the combined days of the official training camp and competition, whichever is less.

### **LEAVE FOR EMERGENCY CIVILIAN DUTY**

An employee is entitled to paid leave in performance of civilian duty in relation to national defense or other emergency declared by the Governor or the President of the United States. Certified disaster service volunteers of the American Red Cross may be given leave with pay for up to ten days if one of the following conditions are met: (1) disaster relief services are performed in the State of New Jersey; (2) the disaster is a federally or presidentially declared disaster designated as Level III or above in accordance with American National Red Cross regulations and procedures; or (3) the disaster is declared by the governor of a state or territory.

### **LEAVE FOR UNION OFFICE**

The University may grant a leave of absence without pay to an employee elected or appointed as an official of the employee's union. The maximum period for such leaves shall be a subject of negotiation between the employer and the subject union.

### **MILITARY LEAVE**

Leave of absence is granted for military service pursuant to N.J.A.C. 4A:6-1.11. Leaves may be paid or unpaid depending on the type of military service. Employees requesting such leaves must notify supervisors and submit a signed copy of their military orders to the OHR well in advance.

### **CONVENTION LEAVE**

An employee who is a duly-authorized representative shall, upon request, be granted a leave of absence with pay for a period of up to five days in a calendar year to attend any State or national convention of any one or more of the organizations listed in N.J.S.A. 38:23-2.

An employee who is a duly-authorized representative of the N.J. Police Benevolent Association, Fraternal Order of Police, the Fire Fighters Mutual Benevolent Association, or the Professional Fire Fighters Association of New Jersey, shall be granted a leave of absence with pay to attend a State or national convention of one or more of those organizations if specific conditions are met as listed in N.J.A.C. 4A:6-1.13.

## **SABBATICAL LEAVE**

Tenured faculty and librarians are eligible for sabbatical leave after they have completed six or more consecutive years of service as of June 30<sup>th</sup> prior to the year for which the leave is requested. Sabbatical leave is administered in accordance with the Stockton Federation of Teachers (SFT) current bargaining unit agreement in effect at the time leave is requested.

## **FAMILY LEAVE**

Eligible employees (generally those employed at least 12 months) may be entitled to 12 weeks of leave (paid or unpaid) to care for a newborn child, an adopted child, an ill family member, or for personal illness. Pregnancy is treated like any other temporary medical condition requiring a leave of absence. An employee anticipating such a leave should schedule a meeting with the leave coordinator in the OHR. Medical documentation must be provided to the OHR prior to the commencement of the leave.

### **Family and Medical Leave Act**

- **Eligibility:** Employees must have worked for the employer for at least 12 months for a minimum of 1,250 hours. Eligible employees are entitled to 12 weeks of FMLA leave in a 12-month period. Such leave may be taken in intermittent periods. The employee must have a serious health condition that involves incapacity or treatment in connection with or resulting from inpatient care in a hospital, hospice, or residential medical care facility; any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by a health care provider; or continuing treatment by a health care provider for a chronic or long term-health condition that is incurable or so serious that if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

### **State Family Leave Act (NJ FLA)**

- **Eligibility:** Classified and unclassified employees must be employed by the University for a minimum of 12 months and have worked for a minimum of 1,000 hours, excluding overtime, during the last 12-month period. Eligible employees are entitled to a family medical leave related to the birth of a child of the employee; the adoption of a child by the employee; the serious health condition of a family member (as defined by NJ FLA) of the employee.
- Eligible employees can take a consecutive block of up to 12 weeks or can take leave on an intermittent or reduced schedule. An employee is entitled to leave of 12 weeks in any 24-month period. Typically, the leave will be unpaid, however, an

employee may utilize accrued time: sick, vacation, administrative or compensatory leave.

## **NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT (NJ SAFE ACT)**

The NJ SAFE Act provides additional grounds to seek leave under the NJ FLA. Specifically, the NJ SAFE Act provides up to 20 unpaid days of protected leave within one year of a qualifying incident to an employee who is a victim of domestic violence or sexual assault or whose family member is/was a victim.

Eligibility: Employees must be employed for at least 12 months and worked at least 1,000 base hours during the immediately preceding 12-month period. Family members include child, parent, spouse, domestic partner, civil union partner, parent-in-law, sibling, grandparent, grandchild, or any other individual related by blood, and any other individual that the employee shows to have a close association with the employee equivalent of a family relationship.

Employees may elect to use sick and/or vacation time during this leave. Employees may use short-term disability or Family Leave Insurance during a period of otherwise unpaid SAFE leave. Employees must provide advanced notice unless an emergency or other unforeseen circumstances preclude prior notice.

This leave may be taken for the following purposes:

- To seek medical attention for, or to recover from, physical or psychological injuries caused by domestic violence or sexual violence;
- To obtain services from a victim services organization;
- To obtain psychological or other counseling;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety from future domestic violence or sexual violence or to ensure economic security;
- To seek legal assistance or remedies to ensure the health and safety of the victim or participate in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- To attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

All information or documentation provided by employee shall be kept confidential by the University unless the employee voluntarily authorizes disclosure in writing, or, disclosure is required by a federal or State law, rule, or regulation.

## **VOLUNTARY FURLOUGH**

All full- and part-time employees may request to use the Voluntary Furlough Program for a leave of absence from work without pay for up to thirty (30) days in a calendar year without adversely affecting employee benefits. The Furlough Program is designed to accommodate personal leave needs without pay; however, it is not to be utilized in place of sick or disability leave. State employees are prohibited from seeking alternate employment during furlough days while retaining State-paid benefits. Furloughs are subject to the approval of the Divisional Executive. For additional information, refer to Procedure 6128 (Voluntary Furlough Program).

## LEAVE WITHOUT PAY

A leave of absence without pay for a classified or unclassified employee may be granted for a period not to exceed one year, with the approval of the OHR and the Divisional Executive. A leave of absence may be extended beyond one year for exceptional circumstances upon request to the University and written approval by the OHR and the Divisional Executive.

For each pay period during unpaid leave, employees who have State health insurance or State dental insurance are obligated to maintain their coverage by payment of the employee share to the OHR Pension and Benefits Unit. Payment options include arranging a payment plan with the Pension and Benefits Unit or the employee can use accrued personal leave time for the absence (excluding sick leave). Employee should contact the Pension and Benefits Unit in advance if the employee anticipates a leave without pay. Employees who do not make the required payments or have arrangements with the Pension and Benefits Unit run the risk of a lapse in State health insurance or State dental insurance, resulting in no coverage during this leave period.

The University may permit an employee to return from a leave of absence without pay prior to its conclusion.

## TEMPORARY EMPLOYEES

See N.J.A.C. 4A:6-1.1(b) for information about leave availability for temporary employees and Procedure 6154, Paid Sick Leave for Temporary and Student Workers.

### Review History:

	Date
Procedure Administrator	07/14/2022
Divisional Executive	08/25/2022
General Counsel	09/19/2022
Cabinet	10/05/2022
President	10/06/2022