



March 23, 2023

NJSBA Position Statement
OPPOSING
Assembly Bill No. 5060
Expands scope of school district employee sick leave.

The New Jersey School Boards Association (NJSBA), a federation of all of the state’s local boards of education, respectfully **opposes** A-5060. As introduced, this legislation expands the scope of allowable uses of sick leave for school district employees. While appreciative of the sponsors’ intent, the NJSBA believes that this legislation constitutes an intrusion into matters that are currently addressed through the traditional collective bargaining process. A-5060 legislatively mandates benefits that would otherwise be subject to negotiations.

Current Law Pursuant to existing state law (N.J.S.A. 18A:30-2), all individuals who are steadily employed by a school district receive a minimum of 10 days of sick leave, with full pay, every school year. This law, which has remained essentially unchanged for nearly 70 years, permits employees to take paid leave for personal disability due to illness or injury. While 10 days constitutes the “floor” for the amount of sick leave provided to an employee in a given year, there is no limit on the amount of days that may be collectively negotiated between the board of education and the local bargaining unit.

Collective Bargaining A-5060 would drastically expand the permissible use of these paid sick days far beyond personal illness. It is important to stress that while existing education law only permits employees to take paid sick leave for personal illness, boards of education and local bargaining units have long collectively negotiated and agreed to various forms of other paid leave. It is not uncommon for collective bargaining agreements across the state to include provisions of fully paid leave for reasons such as family illness, personal reasons, bereavement, emergencies, court appearances, etc. Many of the permissible uses of paid sick contemplated by A-5060 are already included in existing collective bargaining agreements.

We believe that this combination of statutorily entitled leave for personal illness coupled with New Jersey’s longstanding tradition of “give and take” at the negotiating table should remain intact and not be disrupted by further legislative intrusion. As is the case with other terms and conditions of employment (e.g., compensation, benefits, employee safety, etc.), policies regarding paid leave are – and should remain – subject to negotiation.

Educational Continuity & Staffing Issues The teaching profession is unique is because it has the critically important task of preparing our children for success in life and career. Therefore, we must ensure that our students receive high-quality instruction from educators on a consistent basis, day-in and day-out. Whenever a teaching staff member uses a day of paid time off, districts must hire a substitute to fulfill that individual’s duties for the day. While the state’s substitute teachers are certainly qualified to cover a classroom for the day, the quality of instruction students receive during their regular teacher’s absence is diminished. Increasing the amount of time that a teacher is absent from the classroom does a disservice to the students of this state.

Cost Concerns As stated above, whenever a teaching staff member takes paid time off, a school district must procure a substitute to fill that teacher's role for the day. Not only does this adversely affect the quality of instruction, it also costs taxpayers money. Districts cannot simply leave a classroom empty. To ensure that a district's limited resources are used most efficiently, the utilization of substitutes should be minimized to the greatest extent possible. Additionally, with substitutes already in critically short supply, the cost associated with employing them has increased significantly in recent years, thus exacerbating the potential financial impact on taxpayers should this bill advance in its current form.

Beyond Scope of Earned Sick Leave Law As introduced, this legislation appears to mirror the a relatively recent state law (P.L.2018, c.10) that required all employers, with limited exceptions, to provide their employees with earned sick leave that may be used for an expansive list of reasons. On closer inspection, the permissible uses of sick leave proposed under A-5060 actually go beyond those delineated in the 2018 law. For example, A-5060 would allow paid absences due to "the death of family member for up to seven days." The 2018 earned sick leave law includes no similar provision. Furthermore, and as stated previously, collective bargaining agreements between boards of education and local units already typically include paid time off for bereavement of a family member.

Limits Enforcement Under current law (N.J.S.A. 18A:30-4), a school district has the authority to request documentation (i.e., physician's certificate) any time an employee utilizes the paid sick leave provided under state law. A-5060 limits the ability of school districts to verify the employee's use of paid leave for a legitimate purpose. Under the bill, a board of education may only require reasonable documentation that leave is being taken for a permitted purpose after the employee claims sick leave for *three consecutive days*. This constitutes an overreach into a board of education's management responsibilities to verify the validity of employee absences, and could lead to abuse if local boards' existing authority is not preserved.

The NJSBA believes that the existing status quo strikes the appropriate balance between the interests of school employees, boards of education, students and taxpayers. Therefore, we respectfully ask the members of the NJ Legislature to vote "No" on A-5060.

Thank you for your consideration of the NJSBA's position. Any questions or comments may be directed to Jonathan Pushman, NJSBA Director of Governmental Relations, at jpushman@njsba.org or (609) 278-5248.