



Joint Association Statement

Expressing Concerns Regarding A-5060/S-3440: Expands scope of school district employee sick leave.

On behalf of the organizations listed above, we believe issues related to employee benefits, including paid time off, are and should remain subject to collective bargaining and not dictated by statute. The traditional collective bargaining process allows for the interests of all interested parties – boards of education, administrators, staff, students, parents, and taxpayers – to be taken into consideration. Furthermore, we believe this legislation will increase costs due to the likely increased utilization of substitute teachers, which will also be disruptive to the educational continuity of our students.

However, despite our opposition to A-5060/S-440, we offer the following suggestions that could mitigate its financial, operational, and educational impact. These suggestions represent the collective viewpoints of the NJ School Boards Association, NJ Association of School Administrators, Garden State Coalition of Schools, NJ Association of School Business Officials, and NJ Principals and Supervisors Association.

- 1. Allow for Negotiation Over the Use of “18A” Sick Leave.** Under current law (18A:30-2), school employees may only use their statutory sick leave days when they are personally ill. Proponents of the legislation have argued that they should be entitled to use such days for other reasons, such as family illness. Family illness days are already negotiated in many school districts’ collective bargaining agreements. We believe that any expansion of the use of these sick days should be left to the traditional “give and take” at the negotiating table. Codifying these permissible uses into law will take an important negotiating item off the table. We suggest that, to balance the interests of labor and management, the bill list the allowable permissible uses of “18A” sick days that may be mutually agreed upon by employers and employees through the collective bargaining process, which would help strike an appropriate balance between the priorities of all interested parties.
- 2. Avoid Redundancies Between Existing Contracts and A-5060/S-3440.** It is important to emphasize that many school districts already have collective bargaining agreements (CBAs) containing provisions allowing employees to take paid time off for the myriad permissible uses listed in A-5060/S-3440, such as for a family illness, personal reasons, or to make court appearances. These provisions have been negotiated in good faith and in recognition of the fact that the use of “18A” (i.e., statutory) sick days is limited to reasons of personal illness. Therefore, we suggest that any provisions in existing CBAs or individual employment contracts that provide paid time off for the reasons delineated in A-5060/S-3440 be deemed null and void once the law goes into effect. This will also eliminate any confusion as to whether an employee will be using their “18A” sick leave, or any leave provided through a CBA.
- 3. Delay Effective Date.** Should this legislation be signed into law, we believe that administrators would benefit from a longer implementation runway to minimize disruption. Furthermore, boards of education and their union representatives would have the ability to factor any change in the law into their next round of collective negotiations. We suggest that the bill be amended such that it becomes effective for each school district upon the expiration of the collective bargaining agreement covering the greatest number of employees (and upon the approval of any individual employment contract entered into after the effective date), but no earlier than the start of the 2024-2025 school year.

4. **Eliminate Limitations on Requesting Documentation.** Under existing law (18A:30-4), boards of education have the authority request a physician certificate whenever an employee takes sick leave. They are not required to do so, and many CBAs include negotiated provisions dictating the circumstances under which an employer may request documentation. With the expansion of the permissible use of sick leave under this bill, we believe it is even more important that supervisors have the ability to ensure that employees are indeed taking paid leave for a valid purpose and prevent the potential for abuse. Section 2e of the bill provides that employers may only request documentation after an employee takes 3 or more consecutive days off. This would negate existing contractual provisions, some of which actually include longer timeframes before boards may request documentation. We believe that the status quo should remain in place and that boards of education maintain the ability to request documentation as they are under current law and existing contracts. This subsection should be repealed. In the alternative, it should include additional language such as “...and may require such reasonable documentation for less than three consecutive days if the collective bargaining agreement provides as such”. Notice provisions are also included in CBAs, and we believe that those should remain intact as well.
5. **Eliminate Bereavement as Permissible Use.** This legislation appears to be modeled on of New Jersey’s statewide [Earned Sick Leave Law](#), which was enacted in 2018, as the permissible uses of sick leave under A-5060/S-3440 essentially mirror the 2018 law. However, this legislation goes beyond the scope of the 2018 law by allowing employees to use their 18 sick days due to “the death of a family member for up to seven days”. If the intent is to mirror the 2018 law, then this provision should be eliminated entirely. This expansion also raises state mandate/state pay concerns. In addition, many CBAs already include provisions concerning bereavement leave, which would remain in place.
6. **Limit Leave for School-Related Conferences.** To preserve educational continuity, we feel school employees should only be able to attend their child’s school-related conferences if “required” by teacher/school administrators, rather than at their “request” as well. See paragraph (6) of 18A:30-1.a.

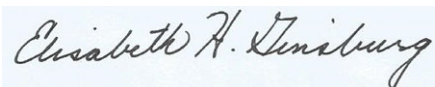
Thank you for your attention to these concerns and suggestions. We urge the sponsors and Legislature to consider the unintended consequences of this legislation, not only on boards of education, but on students, parents, and taxpayers as well. Should you have any questions or would like to further discuss this matter, please do not hesitate to contact Jonathan Pushman, NJSBA Director of Governmental Relations, at jpushman@njsba.org or (609) 278-5248.



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