POLICY: RWJBarnabas Health (RWJBH) will comply with all regulations as outlined in the New Jersey Paid Sick Leave Law effective October 29, 2018 to provide paid leave for all eligible employees as defined in the qualifications.

DEFINITIONS:

1. The law provides exemption coverage for certain per diem healthcare employees. The law defines “per diem healthcare employee” as any:
   a. healthcare professional licensed in the State of New Jersey employed by a health care facility licensed by the New Jersey Department of Health;
   b. any individual that is in the process of applying to the New Jersey Division of Consumer Affairs for a license to provide healthcare service who is employed by a health care facility licensed by the New Jersey Department of Health; or
   c. any first aid, rescue or ambulance squad member employed by a hospital system.

2. “Per diem healthcare employee” shall not include any individual who is certified as a homemaker-home health aide.

PROCEDURE:

1. Notification and Training:
   a. Human Resources will post a notification of employee’s rights under the act effective October 29, 2018.
   b. Staff employed on or after October 29, 2018 will receive notification and education as part of their onboarding process.

2. Employees participating in an established RWJBH PTO and Vacation/Holiday (V/H) Plans will use this time to receive pay for reasons cited by the New Jersey Earned Sick Leave Law.

3. Certain per diem eligible employees will have a sick bank created for them to utilize paid sick time off in compliance with the law. Accrual will be one (1) hour for every 30 hours up to a maximum of 40 hours per year and can begin using time 120 days from eligibility.
4. Managers are required to ask staff if the time requested is to be applied under their NJ Paid Leave time so that the time is appropriately documented in E-Time.

5. According to New Jersey law, eligible employees can use paid time for their own use, or to take care of a family member. A family member is defined as:

   a. Child (biological, adopted, or foster child; step child; legal ward, child of a domestic partner or civil union partner);
   b. Grandchild
   c. Sibling
   d. Spouse
   e. Parent
   f. Domestic partner or civil union partner
   g. Grandparent
   h. Spouse, domestic partner, or civil union partner of an employee’s parent or grandparent
   i. Sibling of an employee’s spouse, domestic partner or civil union partner;
   j. Any other individual related by blood to the employee; and
   k. Any individual whose close association with the employee is the equivalent of family.

6. Under the law, paid leave must be available for more instances that just when an employee is actually ill. Likewise, employees must be able to take it for a broad range of relatives, including anyone who has a close association with them is the equivalent of a “family relationship.” Examples of employee paid leave reasons include the following:

   a. You need diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or you need preventive medical care.
   b. You need to care for a family member during diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or your family member needs preventive medical care.
   c. You or a family member have been the victim of domestic violence or sexual violence and need time for treatment, counseling, or to prepare for legal proceedings.
   d. You need to attend school-related conferences, meetings, or events regarding your child’s education; or to attend a school-related meeting regarding your child’s health.
   e. You need time during which you are not able to work because of a closure of your workplace, or the school or place of care of your child, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that your presence in the community, or a member of your family is in need of care by you, would jeopardize the health of others.
7. Documentation/Scheduling:

a. Foreseeable absences: Employers may require advance notice, not to exceed seven calendar days, of the intention to use the leave and the expected duration. Employers may require employees to make a reasonable effort to schedule the use of leave in a manner that does not unduly disrupt the operations of the employer. Employers may prohibit employees from using foreseeable leave on certain dates, and require reasonable documentation if leave that is not foreseeable is used during those dates.

b. Unforeseeable absences: Employers may require employees to give notice of the intention to use the leave as soon as practicable, provided the employer has notified the employee of this requirement.

c. Absences of three days or more: If an employee is absent for at least three consecutive days, the employer may require documentation that confirms that the employee was absent for a covered purpose.

d. It is the policy of RWJBH that time off requested must be utilized and paid in increments equal to their regularly scheduled shift. For example: If the employee is scheduled for a 6 hour shift, they will receive 6 hours of paid leave.

e. Employers cannot mandate that their employees take more time than they are already scheduled to work. For example: If someone is scheduled for a six-hour shift, an employer cannot mandate they take eight hours of paid time off.

f. Upon mutual consent, the employee may voluntarily choose to work additional hours or shifts during the same pay period, but an employer cannot require it.

8. Record Keeping:

a. Managers are required to document all employee use of paid time in accordance with the law by utilizing the appropriate New Jersey Paid Sick Leave code in the time and attendance system for applicable time off.

b. The law requires employers to keep records documenting the hours worked and the time earned and used by each of your employees for at least five (5) years.

c. Employers must pay employees at the same rate of pay they normally receive.

d. For sites that use Paid Time Off (PTO) you will now need to ask the reason for the time off to ensure you are properly recording the use of the paid time. For sites that use paid time off, the leaders will now need to ask the reason for time off to ensure proper recording of used time.
9. Call Outs & Disciplinary Procedures:

Once an employee earns paid time and uses it for a valid reason, it is illegal for the employer to count that absence toward any discipline, demotion, suspension or termination—in most cases. That means that you cannot discipline an employee who fails to provide you with advanced notice or who does not find their replacement. Under the law, notice only has to be provided “as soon as practical”.

10. Transfer, Separation or Rehire:

a. Transfer of employment to a related or successor employer: If an employee is employed by a successor employer or transferred to a separate division, entity or location of the same employer, the employee will retain and be entitled to use all accrued applicable time.

b. Separation of employment: Unless the employer has a policy or collective bargaining agreement providing for the payment of accrued sick time upon termination, resignation, retirement or other separation from employment, the act does not require the employer to pay employees for unused accrued sick time upon the separation from employment.

c. Sick plan balances for terminating per diem staff will not be paid out unless otherwise provided for by local policy or collective bargaining agreement. Those eligible per diem employees who had a sick bank created for them in compliance with the law, will not be paid out for this time unless otherwise provided for by local policy or collective bargaining agreement.

d. Rehire: If an employee is separated from employment but then reinstated within six months, all of the employee's unused and accrued applicable time must be reinstated.

11. Collective Bargaining Agreements: The act does not apply to employees covered by a collective bargaining agreement (CBA) that is in effect at the time of the effective date of the act, at least until the CBA expires. Even then, employees or their representatives may waive the rights under the act during the negotiation of the CBA.

RWJBH STANDARDIZED ORIGINAL DATE: October 29, 2018
REVISED: March 19, 2019, September 6, 2019; March 1, 2021