

Gov. Murphy Signs Bill Expanding Sick Leave Law

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On July 3, 2023, Governor Murphy signed legislation expanding eligible uses of sick leave for public school employees. Until now, the law provided a minimum of 10 sick days to be used only for personal illness or injury, or to care for someone in the employee's immediate household who needed to quarantine due to a contagious illness. While the number of sick days provided to employees has not changed, the new law has greatly expanded the permissible use of sick leave. Notably, the new law allows public school employees to take sick leave for reasons other than personal illness or injury, and sick leave can now be taken by the employee for the care of immediate family members. Essentially, the new law allows "sick days" to be treated as what we traditionally viewed as personal days.

Under the new law, public school district employees may use sick leave reasons including:

- Recovery from a physical or mental illness, injury, or other health condition and/or to take the time to have it diagnosed, treated, or cared for;
- For preventative medical care;
- To assist a member of their immediate family – including parents, spouses, siblings, and children – with the diagnosis, treatment, and/or care of a physical or mental illness, injury, or other health condition;
- For circumstances related to domestic or sexual violence;
- For the death of an immediate family member, for up to seven days;
- To attend school-related conferences, meetings, functions, or other events for the employee's child;
- In connection with a closure of the school or facility attended by the employee's child.

Additionally, public school district employees may be required to obtain a doctor's note if they take sick leave for their own illness/injury or to provide reasonable documentation if sick leave is claimed for three or more consecutive days for a purpose permitted under the law. Additional documentation will also be required depending on the reason for leave.

The new law should take effect immediately for all school districts which do not have specific contractual language regarding sick leave in their collective negotiation agreements. If a school district has specific contractual language in its collective negotiation agreement, the language will need to mirror the new law when the collective negotiation agreement is negotiated. It is recommended that school districts consult with legal counsel to avoid any potential constitutional implications of the law in amending the language in collective negotiation agreements.

At a time when schools are facing severe personnel shortages, the new law greatly broadens the permitted use for sick leave in an attempt to support educators in their daily lives and help retain experienced teachers. Governor Murphy noted that “the past several years have highlighted just how crucial it is to prioritize the health and wellness of our residents, including the hardworking employees who educate New Jersey students and keep our schools running.” Governor Murphy added, “recovering from a significant and sudden illness or injury is not the only reason an employee may need to take time off. Being able to get preventative health care, address mental health needs, care for a family member, take time to grieve the loss of a loved one, or be there for a child in times of need all play an important part in a person’s overall well-being. This bill recognizes that reality and allows school employees to take the time they need when they need it.”