**RESOLUTION NO. 2018-10.10**

**OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE BOROUGH OF BLOOMINGDALE EMPLOYEE HANDBOOK & POLICIES AND PROCEDURES MANUAL TO CONFORM WITH STATE STATUTES**

 **WHEREAS**, effective October 29, 2018, the Paid Sick Leave Act becomes effective; and

 **WHEREAS**, the Paid Sick Leave Act establishes sick leave time for all employees; and

 **WHEREAS**, the Borough of Bloomingdale wishes to amend its Employee Handbook & Policies and Procedures Manual to conform with the Paid Sick Leave Act.

 **WHEREAS,** in order to ensure that the Borough is in compliance with the Paid Sick Leave Act, the Council has determined that the following changes to the existing Employee Handbook & Policy and Procedures Manual should be made.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey recommends the following changes to the Sick Leave Policy within the Employee Handbook & Policy and Procedures Manual:

**Sick Leave Policy:**

1. Full-time Employees

Employees are entitled to 15 sick days per calendar year or a monthly prorated portion of same for partial years of employment. Sick days may be accumulated without limit. Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member. Employees absent on sick leave for three or more consecutive working days must submit a doctor’s verification of illness or injury. If an employee is attending to an immediate family member, a doctor’s verification of that individual is required. After the tenth day of absence on sick leave in one calendar year, a doctor’s verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Mayor and Council may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, an employee shall be paid one-half (1/2) their daily rate of pay on or before the last pay of January of the ensuing year for each unused sick leave day in the prior year up to a maximum of six days pay. All unused sick leave days shall be accumulated in accordance with all union contracts and Borough policy.

***Borough policy is that upon retirement, employees receive a maximum of 180 days at one-half (1/2) pay of their accumulated sick time. New employees hired after May 21, 2010 will follow Statute 40A:9-10:2 and will be eligible to receive compensation for any unused banked sick time, not more than the amount accumulated at one-half (1/2) pay or $15,000 whichever is less.***

The Borough also provides the option to allow employees to be compensated at the rate of Ten ($10) Dollars per day on the last pay of January of the ensuing year. All accumulated time banked will be applied towards accumulated retirement time. This accumulation retirement time continues indefinitely and employees will receive compensation for said time at the current rate of pay at retirement.

1. Part-Time and Seasonal Employees

Part-time and seasonal employees are entitled to up to forty (40) hours of accrued sick time per benefit year (January 1 through December 31). Employees accrue sick time at the rate of one (1) hour for every thirty (30) hours worked (time will not be frontloaded). . Hours accrued will not carry over into the next benefit year. A break in service and re-hire will start a new accrual time period.

Police Crossing Guards are required to use time off in half shift (1 ½ hours) increments. All other part-time and seasonal employees will be permitted to use time off in one (1) hour increments.

Time off may be taken for the following:

* Diagnosis, care or treatment of, or recovery from, an employee’s own mental or physical illness, including preventative medical care
* Aid or care for a covered family member’s mental or physical illness, including preventative medical care
* Circumstances related to an employee’s, or their family member’s status as a victim of domestic or sexual counseling, relocate, or participate in related legal services
* Closure of an employee’s workplace or of school/childcare of an employee’s child because of a public official’s order relating to a public health emergency
* Time to attend his or her child’s school related conference or to attend a meeting regarding care provided to the child in connection with the child’s health conditions or disability

Family member is defined to include individuals related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Notice requirements:

 All part-time and seasonal employees must provide seven (7) days’ advance notice of intent to use sick time whenever possible (foreseeable use). In cases of emergency use of sick time, notice must be provided to the employee’s supervisor as soon as possible.

Employees absent on sick leave for three (3) or more consecutive working days must submit a doctor’s verification of illness or injury. If an employee is attending to an immediate family member, a doctor’s verification of that individual is required. After the fifth (5th) work day of absence on sick leave in one calendar year, a doctor’s verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Mayor and Council may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

***Employees will not be entitled to receive compensation for any unused sick time accrued at the time of separation.***

The Paid Sick Leave Act (“Act”) affords employees an action through civil litigation if the employee believes they have been improperly denied time off permissible under the Act. The Borough of Bloomingdale will not retaliate against any employee for requesting or using earned time; Act includes a rebuttable presumption that the employer’s actions are unlawful if adverse action is taken within 90 days of the protected activity. Protected activity includes but is not limited to filing a complaint with the DOL (Department of Labor), cooperating with a DOL investigation, opposing policies and practices that are unlawful under the Act, or informing other individuals of their rights under the Act

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be posted at the Borough of Bloomingdale and a copy thereof delivered to each Borough employee within five (5) days of this Resolution.

This Resolution shall take effect immediately.

**Record of Council Vote on Passage**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Council person | aye | nay | Abstain | Absent | Council person | aye | nay | Abstain | Absent |
| Costa | X |  |  |  | Hudson |  |  |  | X |
| D’Amato | X |  |  |  | Sondermeyer |  |  |  | X |
| Dellaripa | X |  |  |  | Yazdi | X |  |  |  |

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on October 16, 2018.

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Breeanna Calabro, R.M.C.

Municipal Clerk, Borough of Bloomingdale