**RESOLUTION NO. 2019-1.106
OF THE GOVERNING BODY OF**

**THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE PERSONNEL POLICY**

 **WHEREAS**, the Borough of Bloomingdale has a Sick Leave Policy and Bereavement Leave Policy that governs the policies and procedures for employees’ time off; and

 **WHEREAS**, the Mayor and Borough Council have reviewed the Sick Leave Policy and Bereavement Leave Policy and determined that changes were necessary; and

 **WHEREAS**, the Borough Council wishes to amend its Sick Leave Policy and Bereavement Leave Policy.

 **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 that the Personnel Policy Manual be amended to read as follows:

**Sick Leave Policy**:

**A. 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.

***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.***

Effective January 1, 2019 there will be one Bank for sick time and retirement accumulated days. This bank will be called Sick/Retirement Bank. For those employees who currently have two (2) banks known as Terminal Leave and Retirement will now be combined to into this new Sick/Retirement Bank.

On or before February 1 of each year, an employee may request and receive payment for no more than six (6) unused and accumulated sick days which accrued in the prior year, to be compensated at the current daily rate of pay for each day compensated. Days for which the employee elects compensation on a yearly basis shall not accumulate for retirement compensation or future sick time use. Employees may elect not to receive compensation for unused sick time and allow the days to accumulate in a sick retirement bank. Employees may elect to receive compensation for some unused sick days and bank the balance of unused sick days as well.

**B. 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

This Resolution shall take effect immediately.

**Record of Council Vote on Passage**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Councilman | aye | nay | Abstain | Absent | Councilman | aye | nay | Abstain | Absent |
| Sondermeyer |  |  |  |  | Dellaripa |  |  |  |  |
| D’Amato |  |  |  |  | Costa |  |  |  |  |
| Hudson |  |  |  |  | Yazdi |  |  |  |  |

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 Tuesday, January 22, 2019.

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Breeanna Calabro, R.M.C.

Municipal Clerk, Borough of Bloomingdale