

**RESOLUTION #19-46**

**AUTHORIZING REVISIONS TO THE  
PERSONNEL POLICIES AND PROCEDURES MANUAL  
AND EMPLOYEE HANDBOOK**

**WHEREAS**, Resolution #04-72 adopted the Borough of Bernardsville Personnel Policies and Procedures Manual; and

**WHEREAS**, Resolution #04-73 adopted the Borough of Bernardsville Employee Handbook; and

**WHEREAS**, the Personnel Policies and Procedures Manual and Employee Handbook were revised on April 10, 2006, May 12, 2008, and May 14, 2012, April 14, 2014, and October 27, 2014; and August 8, 2016; and September 24, 2018;

**WHEREAS**, the version of the Personnel Policies and Procedures Manual and Employee Handbook adopted by way of Resolution #18-214 is currently in effect;

**WHEREAS**, amendment to Policy No. 7.5 Sick Leave contained therein is required;

**WHEREAS**, the Initial Employment Period language in the Personnel Policies and Procedures Manual will also be contained in the Employee Handbook;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bernardsville to approve the additions, deletions, and amendments to the Borough of Bernardsville Personnel Policies and Procedures Manual and Employee Handbook reflected in Exhibit A, along with any necessary formatting changes.


**NOW, THEREFORE BE IT FURTHER RESOLVED** that the Employee Handbook shall be amended to add the following:

**23. INITIAL EMPLOYMENT PERIOD.**

- A. Except as otherwise provided herein, all employees shall serve an "Initial Employment Period" of six (6) months. The Initial Employment Period shall not include any time served by an employee under provisional, temporary, or emergency appointment. The Initial Employment Period shall begin on the date of regular appointment. The length of the Initial Employment Period shall be a period of six (6) months which may be extended by the Borough Council for an additional period not to exceed six (6) months.
- B. At any time during the Initial Employment Period and after report and recommendation by a Department Head, the Borough Administrator may, subject to the approval of the Mayor and Council, discontinue the services of any such employee if, in the opinion of the employee's Department Head, the employee is unwilling or unable to perform the duties of his or her position in a satisfactory manner. The Borough Administrator shall notify the employee in writing of said discontinuance.

- C. Nothing in this section changes the employment at-will status of all Borough employees not subject to a written employment contract or covered by a collective bargaining agreement, as explained more fully on the first page of this Manual.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on February 11, 2019.

  
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***EXHIBIT A***

## **7.5 Paid Sick Leave.**

### ***Accrual of Paid Sick Leave***

- A. New full-time employees shall accrue paid sick leave at the rate of one (1) day (or the hourly equivalent) per month of service, up to a maximum of eight (8) days (or the hourly equivalent) during the first year of employment. Thereafter, full-time employees shall be entitled to eight (8) days (or the hourly equivalent) of paid sick leave per benefit year, which will be available for use on January 1. The benefit year shall be the calendar year. Sick leave in excess of the employee's available sick days shall be unpaid, unless the employee has available and elects to use vacation or compensatory time. A certificate from a physician designated by the Borough, or the employee's own health care provider, may be required as proof of the need for such use of vacation or compensatory time whenever such requirement appears reasonable and warranted under the circumstances.
- B. As of October 29, 2018, all part-time and temporary employees shall accrue sick leave at the rate of one (1) hour for every thirty (30) hours worked and are entitled to accrue up to forty (40) hours of paid sick leave per year. Sick leave in excess of the employee's available sick days shall be unpaid, unless the employee has available and elects to use vacation or compensatory time. A certificate from a physician designated by the Borough, or the employee's own health care provider, may be required as proof of the need for such use of vacation or compensatory time whenever such requirement appears reasonable and warranted under the circumstances. Part-time and temporary employees are not permitted to start utilizing accrued paid sick leave until 120 days their start date..

### ***Maximum Use and Carry-Over***

- C. Full-time employees are entitled to carry over up to five (5) days of paid sick leave from one benefit (calendar) year to the next, however, employees shall not be entitled to utilize more than eight (8) sick days (or the hourly equivalent) in any given benefit (calendar) year.
- D. Part time and temporary employees are entitled to carry over up to forty (40) hours of paid sick leave from one benefit (calendar) year to the next, however, they shall not be entitled to utilize more than forty (40) hours of sick leave in any given benefit (calendar) year.
- E. No employees will be paid for sick leave upon separation of employment.

### ***Permitted Use of Sick Leave***

- F. Accrued paid sick leave may be utilized to take time off for:

- time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
- time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, 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 the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
- time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

- G. For this purpose, "family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

***Notice and Certification***

- F. If use of paid sick leave is foreseeable, the employee must notify his or her immediate supervisor of the need to utilize paid sick time seven (7) days in advance, or if such notice is not possible, as soon as practicable. Employees should make reasonable efforts to schedule foreseeable paid sick leave so as not to disrupt Borough operations. If use of paid sick time is not foreseeable, it shall be the responsibility of the employee to notify his or her supervisor of the absence as soon as reasonably practicable.

- G. An employee who utilizes five (5) or more consecutive working days of paid sick leave shall be required to provide reasonable documentation that the paid sick leave is being taken for a permissible purpose. Abuse of sick leave may subject an employee to disciplinary action, up to and including termination.

***Compliance and No Retaliation***

- H. This policy is intended to comply with and provides, in some instances, paid sick leave in excess of that required by the New Jersey Earned Sick Leave Law.
- I. No employee shall be retaliated against for requesting or utilizing sick time in accordance with this policy or the New Jersey Earned Sick Leave Law, informing any individual of his/her rights under the New Jersey Earned Sick Leave Law and or filing a claim or complaint for alleged violations. Concerns about retaliation should be immediately be reported under the Employee Complaint Procedure set forth in Section 22.