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Date: April 24, 2014
To: Mayor & Council
From: Sandra Webb
Chief Financial Officer
Re: Amendments to Personnel Manual

On Council's agenda of April 28, 2014 is a resolution authorizing changes to the Personnel Manual. These changes are based on recommendations by the Municipal Excess Liability. It is important that we keep the manual up to date with these recommended changes because we are able to take advantage of a reduced deductible and increased excess coverage. The changes are word for word as recommended and this has to be done by May 1, 2014 to be in continued compliance with the MEL.

The changes are for the following sections:

- Family Leave
- Domestic Violence Leave (This is a new section)

The changes are attached for your review. The bold language is being replaced with the stricken out language.

**RESOLUTION 2014
OF THE MAYOR AND COUNCIL
OF PRINCETON
APPROVING RECOMMENDED REVISIONS TO THE
PRINCETON PERSONNEL MANUAL**

WHEREAS, on June 24, 2013 the Council of Princeton approved the Personnel Manual; and

WHEREAS, on July 22, 2013 the Council of Princeton approved changes to the Personnel Manual; and

WHEREAS, the Princeton Administration has recommended a revision to the Personnel Manual in accordance with recommended changes by the Municipal Excess Liability; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Princeton that said Personnel Manual now be adopted with a revision as recommended.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Ms. Butler								
Ms. Crumiller								
Ms. Howard								
Mr. Liverman								
Mr. Miller								
Mr. Simon								
Mayor Lempert								

I, Linda McDermott, Municipal Clerk of Princeton, do hereby certify that the above is a true and complete copy of a resolution adopted by the Mayor and Council of said municipality at a meeting held April 28, 2014.

IN WITNESS WHEREOF, I hereunto set my hand and affix the corporate seal of Princeton, this 28th day of April 2014.

LINDA MCDERMOTT
Municipal Clerk

707 707.1 Family Leave

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Princeton; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal Leave) during the previous twelve (12) months.-**and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave).** Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period the employee's health benefits will be continued on the same conditions, as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. Upon expiration of a Family Leave, the employee will be restored to the position he or she held when Family Leave commenced or, if that position has been filled, to an equivalent position of like seniority, status, employment benefits, pay, and other terms and conditions of employment. However, if during the Family Leave Princeton experiences a reduction in force or layoff which would have resulted in the employee's loss of employment had the employee not been on Family Leave, or if the employee would have been terminated for other reasons if he or she had not been on Leave, the employee shall not be entitled to reinstatement. An employee who remains on leave after the expiration of their Family Leave will not be entitled to reinstatement.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including domestic/civil union partner, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by the physician's certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Town reserves the right to deny any request for extended leave. Additional information concerning the Family leave Policy and eligibility requirements is available from the Human Resources Manager.

Commencing July 1, 2009, Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change

according to the state guidelines). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member's serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in ~~one-day~~ increments **necessary to address the circumstances that precipitated the need for leave.** An employee seeking intermittent paid family leave is required to provide the Town with 15 days notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Town with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) ~~weeks in a year to care for a family member on active duty in the military~~ **workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness in the of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retire list, or up to twelve (12) weeks in a year for a qualifying exigency.** A qualifying exigency occurs when a ~~military member of the National Guard or Reserves~~ is called to **covered active duty (requires deployment to a foreign country)** and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. **A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.**

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating;
or

2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*

3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*

4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- **statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;**
- **approximate date on which the qualifying exigency commenced or will commence;**
- **beginning and end dates for leave to be taken for a single continuous period of time;**
- **an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and**
- **if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.**

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

707.2 Domestic Violence Leave*

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- **Seek medical attention for physical or psychological injuries;**

- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave can not be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Town will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Town shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Town shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.