



## A K – 12 SERVICE LEARNING SCHOOL

BOARD OF TRUSTEES MEETING  
NOVEMBER 19, 2019  
713 WASHINGTON STREET  
HOBOKEN, NJ 07030

### Board Minutes

#### Call to Order

##### Roll Call

TRUSTEE	PRESENT	ABSENT
John Berger	X	
Lauren Calmas	X	
Amanda Grant		X (arrived 7:33 p.m.)
Lisa McIntyre	X	
Christine Sheedy	X	
Mark Silberberg	X	
Joy Wheeler		X

Deirdra Grode, Executive Director/Board Secretary 11/19/2019

Also in attendance: Joanna Weintraub

#### Summary Notes

The Board conducted a first read on a proposed Family and Medical Leaves and Benefits policy as can be found in the posted agenda.

Approvals as found in the agenda below were made around personnel, educational planning and finances. Reports from the Executive Director and Principals can be found in the meeting agenda as well.

Lisa McIntyre provided an update on work with Enrollhand. The School has decided to focus initial grant-writing around extending STEM programming through the upper school and creating additional interage experiences in STEM for our students.

Mark Silberberg and Deirdra Grode updated the Board on ongoing strategic planning work. Information on a weeklong mission week at the upper school and the new middle school mission labs were shared.

Amanda Grant shared updates on the Capital Campaign work.

Lauren Calmas provided an update on the construction of 709-711 Washington Street. Demo has been completed, excavation for the rear extension has started and foundations have been poured. Next to come are the footings, walls and block work. We are still on track to have the building ready for a September 2020 opening.

#### Reading of the Open Public Meeting Statement

The New Jersey Open Public Meeting law was enacted to ensure the right of the public to have advance notice and to attend the meetings of public bodies at which any business affecting their interests is



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discussed and acted upon. This is a public meeting of the Board of Trustees of the Hoboken Charter School. At the public meeting action will be taken on a variety of motions.

In accordance with the requirements of the Sunshine Law, the meeting was announced on June 13, 2019 at City Hall and the City Clerk's Office on Washington Street and by advertisement in the *Hoboken Reporter* and the *Jersey Journal*.

### **Approve Minutes**

Moved by \_\_\_\_\_ Mark Silberberg \_\_\_\_\_ Seconded by \_\_\_\_\_ John Berger \_\_\_\_\_

Action taken \_\_\_\_\_ Approved \_\_\_\_\_

Minutes of the previous public Board meetings held October 15, 2019 are available for review and/or correction and approval.

I move that the minutes of the Hoboken Board of Trustees Meeting on October 15, 2019 be approved.

#### Roll Call

TRUSTEE	YES	NO	ABSTAIN	ABSENT
John Berger	X			
Lauren Calmas	X			
Amanda Grant				X
Lisa McIntyre			X	
Christine Sheedy	X			
Mark Silberberg	X			
Joy Wheeler				X

### **Public comment/questions on agenda items for the meeting**

A 15 minute period of time is provided for the public to ask questions on agenda items or make statements to the Board of Trustees. If there are many speakers, the chair will ask for a 3 minute speaking limit per speaker. The Board may extend the public comment portion by motion if necessary.

### **Presentations:**

2019 CAFR Presentation by McIntee Fussaro Del Corral, LLC – December Meeting

#### **1. Policy**

Moved by \_\_\_\_\_ Christine Sheedy \_\_\_\_\_ Seconded by \_\_\_\_\_ Lisa McIntyre \_\_\_\_\_

Action taken \_\_\_\_\_ Approved \_\_\_\_\_

#### First Reading

- I. Resolved, that the Board of Trustees will conduct a first reading on a proposed Family and Medical Leaves and Benefits Policy.

#### Roll Call Vote



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TRUSTEE	YES	NO	ABSTAIN	ABSENT
John Berger	X			
Lauren Calmas	X			
Amanda Grant				X
Lisa McIntyre	X			
Christine Sheedy	X			
Mark Silberberg	X			
Joy Wheeler				X

### 2. Educational Planning

Moved by Lisa McIntyre Seconded by Christine Sheedy

Action taken Approved

- I. Resolved, that the Board of Trustees approves Amanda Thiede, Teacher, to attend BER Co-Teaching Strategies to Accelerate Student Success. The professional development will take place in West Orange, NJ on January 29, 2020. The total cost is \$279.00.
- II. Resolved, that the Board of Trustees approves Melissa Fisher, Coordinator of Special Education and Child Study Team, and Matthew Persico, Teacher, to attend the Diverse Charter School Coalition Annual Convening and Communities of Practice Session in Washington, D.C. from January 30-31, 2020. The total cost is not to exceed \$900.

#### Roll Call Vote

TRUSTEE	YES	NO	ABSTAIN	ABSENT
John Berger	X			
Lauren Calmas	X			
Amanda Grant	X			
Lisa McIntyre	X			
Christine Sheedy	X			
Mark Silberberg	X			
Joy Wheeler				X

### 3. Finance

Moved by Lauren Calmas Seconded by Lisa McIntyre

Action taken Approved

- I. Resolved, that the Board of Trustees approved the Board Secretary and Reconciliation Report(s) for October 2019, as per the attached; and pursuant to N.J.A.C. 6A:23-2.11(a), the Hoboken Charter School Board of Trustees secretary's certification, and after review of the monthly financial report (appropriations section) certifies that, to the best of its knowledge, as of October 2019, no major account or fund has been over expended in



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violation of N.J.A.C. 6A:23-2.11(b), and that sufficient funds are available to meet the school's financial obligations for the remainder of the fiscal year.

II. Resolved, that the Board of Trustees approves the bills list from October 16, 2019 through November 19, 2019.

III. Resolved, that the Board of Trustees approves the following payrolls:

Date	Amount
October 15, 2019	\$124,257.24
November 1, 2019	\$129,990.21

### Roll Call Vote

TRUSTEE	YES	NO	ABSTAIN	ABSENT
John Berger	X			
Lauren Calmas	X			
Amanda Grant	X			
Lisa McIntyre	X			
Christine Sheedy	X			
Mark Silberberg	X			
Joy Wheeler				X

### 4. Personnel

Moved by \_\_\_\_\_ Mark Silberberg \_\_\_\_\_ Seconded by \_\_\_\_\_ Lisa McIntyre \_\_\_\_\_

Action taken \_\_\_\_\_ Approved \_\_\_\_\_

- I. Resolved, that the Hoboken Charter School Board of Trustees approves the submission of a NJDOE waiver application (N.J.A.C.6H-9-6 5C) to the County Office for the hiring of school staff and/or substitutes while formal criminal history is processed.
  - Dave Imbriaco
  - Kaéla Edwards
- II. Resolved, that the Hoboken Charter School Board of Trustees approves the following personnel for the daily assignments as school staff and/or substitutes pending completion of a county sub license and/or criminal background check.
  - Dave Imbriaco
  - Kaéla Edwards
- III. Resolved, that the Board of Trustees approves Kaéla Edwards for the roles of Temporary Administrative Assistant as well as Front Door Support effective November 20, 2019.
- IV. Resolved, that the Board of Trustees approves the contract for Dave Imbriaco, Teacher, effective November 20, 2019.



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- V. Resolved, that the Board of Trustees approves Samantha Polak, Guidance Counselor, as Issuing Officer for employment certificates.

### Roll Call Vote

TRUSTEE	YES	NO	ABSTAIN	ABSENT
John Berger	X			
Lauren Calmas	X			
Amanda Grant	X			
Lisa McIntyre	X			
Christine Sheedy	X			
Mark Silberberg	X			
Joy Wheeler				X

### 5. Information Items

November 19, 2019

Grade	Current	Grade	Current	Grade	Current
K	22	5	22	9	25
1	22	6	22	10	24
2	22	7	22	11	26
3	22	8	22	12	25
4	22			Total	298

### School Calendar Reminder

- November 27 – 1:00 p.m. dismissal – All after school activities are cancelled.
- November 28-29 – School closed for the Thanksgiving Break
- December 5 – Upper School Open House 6-8 p.m.
- December 12 – Professional Development Day-students will have a 1:00 p.m. dismissal. Movie Day is available for K-8 students.
- December 16 – Board Meeting at 360 First Street at 7:00 p.m.
- December 17 – K-8 Holiday Concert
- December 19 – All after school activities are cancelled.
- December 20 – 1:00 p.m. dismissal – All after school activities are cancelled.
- December 23-31 – Winter Break – The Lower, Middle and Upper School will be closed.
- January 1 – Winter Break – The Lower, Middle and Upper School will be closed.
- January 8 – Professional Development Day-students will have a 1:00 p.m. dismissal. Movie Day is available for K-8 students.
- January 9 – Lottery application deadline
- January 16 – Lottery to take place at 713 Washington Street, 3:30 p.m.
- January 17 – Friends of Hoboken Charter School meeting at 713 Washington Street, 8:45 a.m.
- January 17 – MLK March on Washington Street
- January 20 – Martin Luther King, Jr. Day – The Lower, Middle and Upper School will be closed.
- January 21 – Board Meeting at 713 Washington Street at 7:00 p.m.



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### **K-12 Report**

Our Middle/Upper school robotics team, Roboken, had their first meet of the season on Sunday, November 10. They came in first place out of 26 teams going undefeated during the qualification rounds! They made their way to the finals, but their alliance came in second due to some penalties. For this they won an award for "Finalist Alliance." They also won the "Audacious Autonomous" award for their work at coding the robot during the non-driver controlled portion of the game. Congrats to the team for their best start to a season so far!

HCS has partnered with TNTP, a national nonprofit committed to addressing educational inequality and creating rigorous and engaging classrooms and environments that prioritize great teaching and accelerate student learning. TNTP is customizing and delivering a strategic sequence of professional development workshops for our 5th through 12th grade teachers focused on scaffolding student texts and tasks so that all students can succeed with rigorous materials. Primary areas of focus are questioning strategies; anticipating and addressing misconceptions; teaching academic vocabulary and building background knowledge. The series will run through May.

The K-12 Mission and Integration Team and 5-12 Content Teams have continued to meet on Thursdays to prepare for the transition to a more integrated and mission-aligned K-12 program in September 2020.

The peer mentoring program kicked off on Monday, November 11 with a mentor/mentee lunch in the multi-purpose room. Mentors this year had to apply to the program and went through training to be a peer mentor, led by Ms. DeSimone and Upper School Student Ambassadors.

### **Lower/Middle School Report**

The K-8 program hosted Open Houses for prospective families on Thursday, October 17 and Thursday, November 14. Families were able to tour the building and listen to a presentation from administration, teachers and students, focusing on HCS's mission and programming.

On Tuesday, October 22, HCS hosted a family financial night for students and families in grades 3-5. This was led by Mr. Kunkel and volunteers from Wells Fargo who did a variety of activities with attendees.

On Thursday and Friday, October 24 and 25 the Lower and Middle Schools held their elections for student government officer positions. The candidates made speeches to their respective divisions about their plans to best support and contribute to the HCS community.

Sixth graders from HCS will begin work this month with the Stevens Duckling program. Stevens student athletes will be coming to HCS and the two other charter schools in town once a month to lead our students in a STEM activity. In April, our sixth graders will spend the day at Stevens for STEM activities and tours of the Stevens facilities.

The Middle School debate team competed in their first debate tournament on Saturday, November 2. They competed against six other schools in four rounds with three topics. The topics ranged from year-round schooling to returning artifacts to their country of origin and the team won one of their rounds. Seventh grader Finn Getz won best speaker for Hoboken Charter School with the highest average



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speaker score. The students learned a great deal from the judges as to how to improve their speaker scores as well as improving their argumentation skills overall.

Also on Saturday, November 2, members of the Green Bosses Mission Lab visited the Riverview Community Garden to help the garden close up for the season by cleaning, composting, harvesting and saving seeds. Students have also been leading an awareness campaign around composting, expanding the program into the Lower School this year.

The third graders held their first publishing party of the year on Friday, November 8, focused on small moment narratives. Student work focused on dialogue, emotion, and having a clear beginning, middle and end.

On Friday, November 15, HCS hosted the first Hoboken Middle School Math Festival. Sixth graders from All Saints, Elysian and Mustard Seed came to HCS to participate in math games and activities. This work is the result of the Hoboken middle school math teacher cohort.

Also on Friday, November 15, the sixth grade hosted their social studies project share day. Students have finished their unit on the regions of the United States and the history of those regions. In doing so, students recognized that the US has made a society on indigenous lands that had people and culture existing long before the founding of the country. To honor those people and their cultures through our study of Native American nations in the United States, the class has studied different Native American nations and created projects to highlight these nations.

Congratulations to Middle School humanities teachers Ms. Isom and Mr. Persico, who have both been selected to receive awards as a part of the Association of American Educators Fall 2019 National Teacher Scholarship and Classroom Grant Competition. Ms. Isom's grant will provide Amazon Fire tablets in her classroom and Mr. Persico's grant is for podcasting equipment.

Middle School science teacher Evangelina Pena has been selected to be a teacher leader for Next Generation Science Standards (NGSS) teacher training through Raritan Valley Community College. She will support their work in leading professional development sessions for teacher throughout the 2019-2020 school year.

Several of our Lower and Middle School classes have participated in experiential field trips outside of the classroom:

- The fourth grade visited Waterloo Village as a part of their study of the Lenape Indians
- The eighth graders took a walking tour in NYC that followed Revolutionary War sites
- Members of the Girls Who Code club visited an Amazon fulfillment center
- Middle School Mission Lab students visited the Statue of Liberty
- The kindergarten, first and second grades visited the Turtleback Zoo
- The third and fourth grades visited Ellis Island

### **Upper School Report**

Biology and Environmental Science classes visited the Hudson River Park Estuary Lab in NYC's Hudson River Park to participate in oyster research and learn about ecosystems in the Hudson River. They contributed to ongoing research and learned about the quality of our rivers to understanding the effects of water contamination. Biology classes were there to learn about fish



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anatomy through dissections as well as humane catch and release activities. This contributed to their studies of how systems interact in living creatures. Continued Biology class work on internal systems focused on the importance of enzymes and proper digestion. They research what happened to bodies without proper nutrition and learned about food insecurity in the US and Hudson County. As a prime example of social justice education connected to class content leading to service learning experiences, the class decided to set up a food donation project with the Hoboken Homeless Shelter and have worked with local businesses as well as donations from the community to make a difference.

Our 10th and 11th graders sat for the PSAT. This is a great practice for taking the SAT (which is used for college admission) as well as another opportunity to pass graduation testing requirements. We also provided the opportunity for students to take the ASVAB (Armed Services Vocational Aptitude Battery).

We have had a number of colleges visit HCS. All grade levels are offered opportunities to attend. Juniors and Seniors attended a College Fair at St. Peters University with over 100 colleges and programs represented. A group of seniors also visited Montclair State University to meet with admissions representatives, coaches, and Equal Opportunity Fund (EOF) representatives.

D. West visited HCS during School Violence Awareness Week. His presentation focused on topics including respect in the community, accountability, conflict resolution, and achieving your goals amidst challenges and obstacles. D. West is a nationally acclaimed on-air, motivational TV personality (formerly NBC TV), accomplished motivational speaker and fitness consultant. His personal journey to achieve success is inspirational. He progressively moved from being a homeless, disadvantaged, at-risk, special needs student to college graduate, to motivational speaker, to fitness guru, to author, to pro football player, to national TV personality.

Financial aid is an important part of making college decisions and many questions were answered about the Free Application for Federal Student Aid as staff and a financial aid representative from HESAA supported students and parents in completing forms at our annual FAFSA night.

Congratulations to our Girls Volleyball Team who ended the season with a winning record of 12 to 5!

At the conclusion of the first marking period, we celebrated High Honors, Honor Roll, Scholar Athletes, and Cougar Citizen award winners with certificates and a pizza celebration. New electives have begun including 21st Century Ethics, Sport Science, Business Entrepreneurship in Spanish, and Creative Writing through Poetry.

### **Board of Trustees Committee Reports**

#### **New Business**

#### **Public Comments**

#### **Looking Ahead**

Vote on Family and Medical Leaves and Benefits Policies - December

#### **Executive Session**





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The meeting went into closed session at 8:46 p.m. via motion from Christine Sheedy and seconded by Lisa McIntyre.

### **Return to Open Session**

The meeting re-opened at 9:18 p.m. via motion from Christine Sheedy and seconded by Lisa McIntyre.

### **Adjournment of Meeting**

Whereas, the business of the regular meeting has been concluded, now, therefore be it resolved that the HCS Board of Trustees adjourned their meeting of Tuesday, November 19, 2019.

It is hereby certified that the foregoing resolution was duly adopted by the HCS Board of Trustees, by the vote below indicated at the regular meeting held on Tuesday, November 19, 2019.

Moved by \_\_\_\_\_ Christine Sheedy \_\_\_\_\_ Seconded by \_\_\_\_\_ Lisa McIntyre \_\_\_\_\_

Action taken \_\_\_\_\_ Adjourned \_\_\_\_\_

Certified by Board Secretary \_\_\_\_\_

Date \_\_\_\_\_ November 19, 2019 \_\_\_\_\_ Adjournment \_\_\_\_\_ 9:20 p.m. \_\_\_\_\_

#### Roll Call Vote

TRUSTEE	YES	NO	ABSTAIN	ABSENT
John Berger	X			
Lauren Calmas	X			
Amanda Grant	X			
Lisa McIntyre	X			
Christine Sheedy	X			
Mark Silberberg	X			
Joy Wheeler				X



## **A K – 12 SERVICE LEARNING SCHOOL**

### **FAMILY/MEDICAL LEAVE**

#### **Federal Family and Medical Leave Act (FMLA) Leave of Absence**

The Federal Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve (12) weeks of qualifying medical and/or family leave per twelve-month period, measured on a rolling look-back basis from the date for which leave is requested. If the time is needed for a qualifying leave to care for a member of the Armed Forces, the time allowed extends to twenty-six (26) weeks.

If an employee is not eligible for FMLA leave or if the medical or family leave does not qualify as a protected leave under the FMLA, the employee will not be entitled to the benefits and protections provided under the FMLA, but may be eligible for other benefits pursuant to New Jersey State law. Questions regarding medical and/or family leave should be directed to the Human Resources representative of the School.

#### **Eligibility Requirements for FMLA Leave**

An employee is eligible for FMLA leave if he or she has:

- been employed with the School for at least 12 months, and the 12 months need not be consecutive;
- worked at least 1,250 hours during the last 12 months; and
- worked at or reported to a worksite that has 50 or more employees or is within 75 miles of the worksite where the School employs 50 or more employees.

#### **Qualifying Reasons for FMLA Leave**

An eligible employee may qualify for FMLA leave for any of the following reasons:

- (1) If the employee personally has a serious health condition, as defined by applicable law, which renders the employee unable to perform his or her job.
- (2) To care for a spouse, child, or parent who has a serious health condition.
- (3) To care for his or her child after birth, or after placement of the child with him/her for adoption or foster care. Leave based upon a birth, adoption, or foster care placement of a child must be completed within the 12-month period beginning on the date of birth or placement.
- (4) Under certain exigent circumstances, if a spouse, son, daughter or parent is on active duty.
- (5) To care for a member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness.



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### **Use of Leave – Intermittent/Reduced Schedule**

Leave does not need to be taken in one block, it may be taken intermittently or on a reduced schedule if medically necessary but the leave must not exceed 12 weeks over the applicable 12-month period (or 26 weeks to care for an ill or injured military services member). The employee must obtain the agreement of the School before taking intermittent leave or working a reduced hour schedule for FMLA purposes. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the School's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Using FMLA for a reduced work schedule, or intermittent leave taken for the birth, adoption or foster care of a child must be mutually agreeable to the employee and the School, and any leave for birth, adoption or foster care of a child must be taken within 12 months of the birth or placement of the child. Intermittent or reduced-schedule leave arrangements may require a temporary transfer during the leave to an available alternative position for which an employee is qualified and better accommodates recurring periods of leave, unless otherwise prohibited by applicable law.

If the leave is for planned medical treatment or care, the employee shall schedule (to the extent possible) the treatment or care so as to create minimum disruption to School's operations.

### **Pay During FMLA Leave**

FMLA leave is generally unpaid leave, except that an employee may substitute any accrued paid time off, including School-provided paid personal, sick or vacation days (up to the maximum cap of 30 days, if available), for any otherwise unpaid leave, including intermittent leave.

An employee may be eligible to receive New Jersey Temporary Disability Insurance ("TDI") benefits or Workers' Compensation benefits during the time that he/she is out on medical leave for his/her own serious health condition. During the time he/she is eligible for TDI benefits, he/she may be eligible for supplemental pay from the School up to the employee's regular rate of pay for up to a maximum of six (6) weeks per 12-month period. See Temporary Disability Supplemental Pay.

An employee may also be eligible for New Jersey Family Leave Insurance ("FLI") benefits during FMLA leave to care for a family member with a serious health condition or to care for and bond with a new child.

If an employee takes time off to bond with and care for a new child and receives FLI benefits, he/she may be eligible for Parental Leave Supplemental pay from the School up to the employee's regular rate of pay for up to a maximum of two (2) weeks per 12-month period (measured on a rolling look-back basis). See Parental Leave Supplemental Pay.

Use of paid personal or sick days and/or receipt of TDI, FLI or Workers' Compensation benefits during FMLA leave will not extend an employee's eligibility for FMLA leave beyond the maximum allotment of twelve (12) weeks in a 12-month period (measured on a rolling look-back basis). The time off will run concurrently.

During FMLA leave, including intermittent leave, no paid sick, personal or vacation time off will accrue.



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### **Notice and Documentation Requirements for FMLA Leave**

Eligible employees are required to provide written notice to the Human Resources representative of any reason for which they may need to take FMLA leave at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. The School may require employees to provide documentation substantiating the basis for their leave.

Employees requesting family/medical leave are required to submit written certification from an appropriate health care provider verifying the need for a family or medical leave. Medical certification forms are available from the Human Resources representative and are due no later than fifteen (15) days from receipt of the form from the School. Failure to provide the requested medical certification<sup>1</sup> in a timely manner may result in denial of leave. The School may require recertification every 30 days of a serious medical condition of either the employee or of the family member for which FMLA leave is being taken. The School also may require that the employee on FMLA leave recertify every 30 days (a) that s/he intends to return to work; (b) the anticipated date of return to work, and (c) the status of the leave.

The School reserves the right to require an examination by a second health care provider designated by the School. If the second health care provider's opinion conflicts with the original medical certification, the School may require a third, mutually agreed upon, health care provider to conduct an examination and provide a final opinion.

### **Health Insurance during FMLA Leave**

Subject to the terms and conditions of the plan, the School will continue to provide health insurance benefits, if applicable, for the time an employee is on an approved FMLA leave as long as the employee continues to pay any applicable contribution toward the cost of coverage under the School's group policy. The employee must pay this amount directly to the School by the first day of each month to continue coverage for that month. If the employee fails to pay the required portion of the premium, the School may, upon notice as required by law, discontinue his or her coverage or family coverage. If the employee fails to return at the end of the FMLA leave, the School may recover from the employee its entire premium costs in continuing coverage during the leave, in accordance with applicable law.

During approved medical leaves of absence that are not covered by the FMLA, employees who wish to continue their health insurance benefits, may be required to do so at their own cost, pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

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<sup>1</sup> Certain laws protect the confidentiality of medical information, including but not limited to the Genetic Information Nondiscrimination Act ("GINA"). In accordance with such applicable laws, the School asks that you not provide any confidential medical or genetic information when responding to a request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.



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### **Prohibition On Other Employment during FMLA Leave**

Employees shall not take another job while on FMLA leave, unless otherwise permitted by applicable law.

### **Multiple Requests by Spouses for FMLA Leave**

Spouses who are eligible for FMLA leave and are both employed by the School may be limited to a combined total of 12 weeks (combined total of 26 weeks for the care of a covered service member) of leave during any 12-month period in certain circumstances, such as for the birth, adoption or foster placement of a child.

### **Special FMLA Regulations Relating to Time Off for Eligible Instructional Employees**

- Leave taken for a period that ends with the school year and begins the next trimester is considered consecutive leave, rather than intermittent leave. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.
- In addition, if an eligible instructional employee requires intermittent leave or a reduced leave schedule to care for a family member with a serious health condition or for the employee's own serious health condition, and the employee would be on leave for more than 20% of the total number of working days over the period that the leave would extend, the School may require the employee to take leave for a particular duration or to transfer to an available alternative position for which the employee is qualified, has equivalent pay and benefits and which better accommodates recurring periods of leave.
- An instructional employee who begins leave more than five weeks before the end of the school term and whose leave will last for at least three weeks such that the employee would return to work during the three-week period before the end of the term, may be required, if the School so chooses, to continue taking leave until the end of the term, unless otherwise prohibited by applicable law.
- If an instructional employee takes a leave for any qualifying reason, other than for his or her own serious health condition, that begins more than five weeks before the end of the term and will last more than two weeks and the employee would return to work during the last two weeks before the end of the term, the employee may be required by the School to continue taking leave until the end of the term, unless otherwise prohibited by applicable law.
- If the employee begins leave during the three-week period before the end of the term for any reason other than his or her own serious health condition, he or she may be required to continue taking leave until the end of the term if the leave will last more than five days, unless otherwise prohibited by applicable law.
- If the School requires the aforementioned leaves of absence to be taken until the end of the academic term, the additional time off will not count as FMLA leave; however, the School shall be required to maintain the employee's health benefits and restore the employee to an equivalent position at the end of the leave.



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- If the employee elects to take intermittent leave for a fixed block of time, the entire block shall all count as FMLA leave.

### **Returning From FMLA Leave**

If medical/family leave is based upon the employee's own serious health condition, the employee will be required to provide medical certification that he or she is fit to resume work. Employees shall be responsible for obtaining such certification from their health care provider and submitting it no later than their first scheduled return date. Employees failing to provide the appropriate certification may not be permitted to return to work.

Employees are expected to return to work on their scheduled return to work date. If an employee wishes to return to work prior to the anticipated expiration of an approved family leave, he/she must make every effort to give the School reasonable notice prior to the planned return. If an employee fails to respond and/or fails to report to work promptly at the end of the approved leave period, the School may assume the employee has resigned. In such case, the School also may exercise its right to recover from the employee the amount of the premium cost which it paid for the employee's health insurance coverage during the term of the leave, unless otherwise provided by applicable law.

When an FMLA medical/family leave ends, the School will return the employee to the same position, if it is still available, or to an equivalent position with the same employment benefits and pay, unless the former position was eliminated and/or the employee would have been terminated regardless of the FMLA leave.

### **New Jersey Family Leave Act (NJFLA) Leave Of Absence**

**\*If the reason for time off taken under the New Jersey Family Leave Act ("FLA") is also a covered reason for time off under the federal Family and Medical Leave Act, the time off will run concurrently under both laws. Thus, time off to bond with a new child or to care for a family member with a qualifying serious health condition, will count against both the FMLA and the NJFLA time off for which an employee is eligible.**

The New Jersey Family Leave Act (NJFLA) entitles eligible employees to take up to twelve (12) weeks of qualifying time off during a twenty-four (24) month period, measured on a rolling look-back basis from the date for which leave is requested.

If an employee is not eligible for NJFLA leave or if the leave does not qualify as a protected leave under the NJFLA, the employee will not be entitled to the benefits and protections provided under the NJFLA, but may be eligible for other benefits pursuant to New Jersey State law. Questions regarding family leave should be directed to the Human Resources representative of the School.

### **Eligibility Requirements for NJFLA Leave**

An employee may be eligible for NJFLA leave if:

- the School employs at least thirty (30) employees;





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- the employee has worked for the School for at least twelve (12) months; and
- the employee has worked at least 1000 hours in the twelve (12) months immediately preceding the first day of leave.

### **Qualifying Reasons for NJFLA Leave**

An eligible employee may qualify for NJFLA leave:

(1) to care for an immediate family member (as defined by applicable law) with a serious health condition; or

(2) in connection with the birth, adoption or foster placement of a child.

NJFLA leave is not available for an employee's own medical condition.

### **Use of NJFLA Intermittent/Reduced Schedule**

An employee may request to take NJFLA leave on an intermittent or reduced schedule basis to care for a family member, as defined by law.

Reduced leave schedules are only permitted for a period of up to 12-consecutive months for any one period of leave. Any remaining family leave that the employee may be eligible for may be taken on a consecutive or intermittent basis.

Leave to care for a new child may be consecutive, intermittent or taken on a reduced-schedule basis. Leave to care for a new child must start within the first year of the child's life or adoption or foster placement with the employee.

The employee shall make a reasonable effort to schedule reduced leave so as not to disrupt unduly the operations of the School and the employee shall provide the School with prior reasonable notice of the care or treatment that must be provided to a family member due to a serious health condition. The School may require an employee to transfer temporarily to an available alternative position with equivalent pay and benefits, for which the employee is qualified, and better accommodates recurring periods of leave than the employee's regular position.

### **Pay During NJFLA Leave**

NJFLA leave is generally unpaid leave, except that an employee may choose to substitute any available accrued paid time off such as School-provided paid personal, sick or vacation days (up to the maximum cap of 30 days, if available) for any otherwise unpaid leave, including intermittent leave.

An employee may also be eligible for New Jersey Family Leave Insurance ("FLI") benefits during NJFLA leave to care for a family member with a serious health condition or to care for and bond with a new baby.

If an employee takes time off to bond with and care for a new child and receives FLI benefits, he/she may be eligible for Parental Leave Supplemental pay from the School up to the employee's regular rate of pay for up to a maximum of two (2) weeks per 12-month period (measured on a rolling look-back basis). See Parental Leave Supplemental Pay.



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Use of paid personal, sick or vacation time and/or receipt of FLI benefits during NJFLA leave will not extend an employee's eligibility for NJFLA leave beyond the maximum allotment of twelve (12) weeks in a 2-month period (measured on a rolling look-back basis). The time off will run concurrently.

During NJFLA leave, including intermittent leave, no paid personal, sick or vacation days will accrue.

### **Notice and Documentation Requirements for NJFLA Leave**

Generally, eligible employees are required to give thirty (30) days' written notice prior to the anticipated first day of leave, except in emergent situations for which oral notice must be given as soon as possible (and must be followed by written notice as soon as possible). Employees must give fifteen (15) days' advance notice for intermittent leave requests to care for a family member with a serious health condition. Except in emergency circumstances, if an eligible employee fails to provide proper notice of leave, the starting date of the leave may be delayed.

The School may require employees to submit documentation substantiating the basis for leave. Eligible employees requesting family leave to care for an immediate family member must submit a Medical Certification form completed by a licensed physician or other qualified health care provider documenting the reason (Serious Health Condition) and anticipated duration of the proposed leave.<sup>2</sup> An employee may also be required to submit a Certification of Familial Relationship. Any employee who fails to submit a signed and completed Medical Certification form may be denied family leave or delayed in starting because the Medical Certification is the basis on which the School determines whether an employee qualifies for family leave.

The School reserves the right to require an examination by a second health care provider designated by the School. If the second health care provider's opinion conflicts with the original medical certification, the School may require a third, mutually agreed upon, health care provider to conduct an examination and provide a final opinion.

Forms are available from the School and should be submitted to the Human Resources representative.<sup>3</sup>

### **Health Insurance Coverage during NJFLA Leave**

Throughout a covered leave of absence taken by an eligible employee for any qualifying reason, the School will continue medical insurance coverage for covered employees under the same terms that the School provided medical insurance coverage to such employees prior to their leave. Such employees must continue to make timely contributions towards their portion of the premium cost. The employee must pay this amount directly to the School by the first day of each month to continue coverage for that month. If the employee fails to pay the required portion of the premium, the School may, upon notice as required by law, discontinue his or her coverage or family coverage. If the employee fails to return at the end of the NJFLA leave, the School may recover from the employee its entire premium costs in continuing coverage during the leave, in accordance with applicable law.

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<sup>2</sup> See Footnote 1.

<sup>3</sup> See Footnote 1.





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During a leave of absence that is not covered by the NJFLA or FMLA, employees who wish to continue their health insurance benefits, may be required to do so at their own cost pursuant to the Consolidated Omnibus Budget Reconciliation Act (“COBRA”).

### **Prohibition On Other Employment During NJFLA Leave**

Employees shall not work full-time at another job while on NJFLA leave, unless otherwise permitted by applicable law.

### **Multiple Requests for Family Leave**

More than one School employee from the same family may be eligible for family leave at the same time.

### **Return From NJFLA Leave**

Employees are expected to return to work on their scheduled return to work date. If an employee wishes to return to work prior to the anticipated expiration of an approved family leave, he/she must give the School reasonable notice prior to the planned return.

If an employee fails to return to work without notice and upon the scheduled expiration of a family leave of absence, the School may treat the eligible employee’s failure to return as a voluntary resignation without notice. In such case, the School also may exercise its right to recover from the employee the amount of the premium cost which it paid for the employee’s health insurance coverage during the term of the family leave.

Eligible employees taking an approved family leave of absence in accordance with applicable law will be entitled to reinstatement to their former position, or to another position of substantially equivalent compensation, benefits, status and responsibility, if they return from the leave on the agreed upon date, and the leave does not extend beyond the maximum time off permitted under law.

## **TEMPORARY DISABILITY INSURANCE<sup>4</sup>**

Employees may be eligible for New Jersey Temporary Disability Insurance (“TDI”) benefits for up to 26 weeks per twelve month period, measured pursuant to applicable law, for a qualifying disability that precludes the employee from working. TDI is not to be confused with Workers’ Compensation. Workers’ Compensation covers only workplace injury or illness.

### **Eligibility for TDI Benefits**

Employees may be eligible for TDI benefits through a state plan and eligibility and the amount of benefits is determined by the State. If there is any question about the details relating to these benefits, please ask the Human Resources representative.

### **Notice and Documentation: School**

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<sup>4</sup>Employees on extended disability leaves of absence may be eligible to apply for Long Term Disability benefits to the extent the School has such a benefit plan in place. Employees should direct any questions to the Human Resources representative of the School.



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Employees must notify the Human Resources representative any time they are or expect to be absent for illness or medical conditions for a period of 7 consecutive days. In addition to TDI claim forms that must be submitted to the State of New Jersey, employees will be required to provide the School with documentation from their health care provider relating to and substantiating their need for time off<sup>5</sup>.

### **Notice and Documentation: State of New Jersey**

Employees are required to submit their claim for TDI benefits directly to the State of New Jersey; the Human Resources representative cannot do it for them. Employees may submit their claim form to the State of New Jersey to apply for TDI benefits on or after the date that they are no longer able to work and cannot submit any documentation prior to that date. The claim form must be completed by the employee's health care provider and immediately submitted to the State of New Jersey, no later than thirty (30) days following the onset of the medical condition. Failure to timely submit any such claim form may negatively impact the employee's eligibility for benefits from the State of New Jersey.

### **Use of School-provided Paid Time Off**

Employees may, but are not required, to use any accrued School-provided paid time off (paid personal, sick or vacation time -- up to the maximum cap of 30 days, if available) during the period of time that they are not able to work due to their medical condition and during which they are waiting for a determination as to their eligibility for TDI benefits from the State of New Jersey or in lieu of receiving TDI benefits. The employee will otherwise not be compensated by the School during the time that they are out of work as a result of the medical condition unless they are eligible for Temporary Disability Leave Supplemental Pay set forth below.

### **Time off runs concurrently with other leaves**

The time off during which an employee is eligible for TDI benefits will run concurrently with other applicable leaves of absence such as an employee's FMLA leave, if applicable and/or available and if the condition qualifies for FMLA leave. If the time off during which an employee is eligible for and receives TDI benefits qualifies for FMLA leave, all FMLA requirements will apply during the FMLA leave.

### **Health Insurance Coverage and Job Protection**

If the FMLA does not apply to the time off that an employee is out for a medical condition and eligible for and/or receiving TDI benefits, an employee is not entitled to job protection or to health insurance benefits, unless otherwise required by applicable law.

## **FAMILY LEAVE INSURANCE BENEFITS**

Employees may be eligible for up to six (6) weeks<sup>6</sup> of New Jersey Family Leave Insurance ("FLI") benefits, during a 12-month period, measured in accordance with applicable law:

1. to care for a family member, as defined by the New Jersey Family Leave Act ("NJFLA"), who has a serious health condition;
2. to care for a newborn child, during the 12 months following the birth;

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<sup>5</sup> See Footnote 1.

<sup>6</sup> Pursuant to an amendment to this law, effective July 2020, it is anticipated that employees may be eligible for up to twelve weeks of Family Leave Insurance benefits per twelve month period, measured in accordance with applicable law.



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3. to care for a newly adopted child or foster placement of a child, during the 12 months following the placement; or
4. for domestic violence-related reasons as set forth under the New Jersey Security and Financial Empowerment Act (“SAFE Act”).

### **Eligibility**

Eligibility for FLI benefits is determined by the State of New Jersey. In general, an employee may be eligible for family leave insurance benefits if he/she has worked at least 20 calendar weeks in covered New Jersey employment in which he/she earned no less than an amount equal to 20 times the minimum wage or has earned at least 1000 times the minimum wage in the year preceding the requested leave.

### **Employee Obligations**

In order to seek benefits, Employees must submit a claim to the Division of Temporary Disability Insurance within 30 days of the start of leave. Failure to do so may negatively impact eligibility for benefits. Employees who are recovering from a pregnancy or child-birth related disability may only apply for FLI benefits after they are no longer eligible for TDI benefits.

1. Eligible employees may submit a claim for FLI benefits up to 60 days in advance of the date that the leave period will commence.
2. Eligible employees must provide the Human Resources representative 30 days’ notice if leave is sought to care for a child after the birth of that child or the placement of the child for adoption or foster care.
3. Eligible employees must provide the Human Resources representative prior notice of the leave in a reasonable and practicable manner if the leave is to care for a family member with a serious health condition, unless an emergency or other unforeseen circumstance precludes prior notice.
4. Eligible employees must provide a medical certification from the health care provider of the family member setting forth:
  - a. the date on which the serious health condition commenced;
  - b. the probable duration of the condition;
  - c. the medical facts regarding the condition<sup>7</sup>;
  - d. a statement that the condition warrants the employee providing care; and
  - e. an estimate of the amount of time the employee may need to care for the family member.

### **Intermittent Leave - up to 42<sup>8</sup> days**

Generally, leave taken in connection with FLI benefits to care for a new child shall be taken for a single continuous time or during non-consecutive weeks. Time off can be taken intermittently to care for a new child or to care for a family member with a serious health condition if:

1. the total time within which the leave is taken does not exceed 12 months;
2. the employee provides not less than 15 days’ notice before the first day on which benefits are paid, unless an emergency or other unforeseen circumstance precludes prior notice;

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<sup>7</sup>See Footnote 1.

<sup>8</sup> Effective July 2020, employees may be eligible for up to 56 days.



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3. the employee makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the school and, if possible, provide a schedule of the intermittent leave; and
4. the employee submits a medical certification which includes the information set forth above and a statement of the medical necessity (applicable to leaves taken to care for a family member with a serious health condition) for the intermittent leave, the duration of the intermittent leave and, if leave is for planned treatments, the dates of the treatments.

### **Use of School-provided Paid Time Off**

Employees may choose to use accrued School-provided paid time off (paid personal, sick or vacation -- up to the maximum cap of 30 days, if available) to the time during which an employee may otherwise be eligible for FLI benefits. In addition, employees may be eligible for Parental Leave Supplemental Pay for up to two weeks.

### **Time off runs concurrently with other leaves**

If an eligible employee is entitled to leave under other laws such as the New Jersey Family Leave Act or the Federal Family and Medical Leave Act, the employee shall take such time off and collect FLI benefits concurrently with such other leaves of absence.

### **Health Insurance and Job Protection**

If the FMLA and/or the NJFLA does not apply to the time off that an employee is out for and eligible for and/or receiving FLI benefits, an employee is not entitled to continuation of health insurance benefits, unless otherwise required by applicable law. Unless the reason for the leave of absence is also covered by the NJFLA and/or the FMLA and only in the event that such laws apply to the School, the School cannot guarantee that the employee will have a position to return to at the expiration of the leave. Employees shall not be retaliated against for requesting and or claiming Family Leave Insurance benefits.

## **PARENTAL LEAVE SUPPLEMENTAL PAY**

Provided a full-time employee has been employed at the School for at least twelve months, he/she, may be eligible to receive full pay for up to two (2) weeks in a twelve (12) month period to bond with a new child(ren). Specifically, the School will supplement an employee's New Jersey Family Leave Insurance benefits up to 100% of his/her regular base pay for up to two (2) weeks during the approved leave period ("Parental Leave") to care for or bond with a newborn, newly adopted or newly placed foster child within the first 12 months after the child's birth or placement.

Failure to apply for and receive state-provided paid family leave benefits may result ineligibility for some or all of the Parental Leave Supplemental Pay benefit under this Policy.

Time off taken for parental leave during which an employee receives the School's Parental Leave Supplemental Pay benefit runs concurrently with any applicable FMLA and/or NJFLA leave that an employee may be eligible for. This Parental Leave Supplemental Pay is solely a monetary benefit and not an entitlement to a leave of absence. Employees who will be out of work to bond with a new child must request a leave of absence and provide notice in accordance with the FLI benefit law.



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While an eligible employee is on parental leave, the School will continue to pay its portion of health insurance benefits, as long as the leave qualifies for leave under the FMLA or the NJFLA. The employee remains responsible for his or her contribution to the School's group health insurance during the FMLA or NJFLA period of time. All voluntary insurance policy premiums will continue to be the responsibility of the employee.

During a leave of absence not covered by FMLA or NJFLA, employees who wish to continue their health insurance benefits may be required to do so at their own cost, pursuant to COBRA.

### **TEMPORARY DISABILITY SUPPLEMENTAL PAY**

Provided a full-time employee has been employed at the School for at least twelve months, the School will provide supplemental temporary disability pay for up to six weeks within a twelve-month period while that employee is on an authorized medical leave of absence. Supplemental pay will be the employee's full salary less the amount of State Temporary Disability benefits to which he or she is entitled. This Supplemental Pay benefit will only apply when an eligible employee is on leave for his or her own serious medical condition and receives State Temporary Disability Insurance benefits.

To qualify for this benefit, an eligible employee must provide medical documentation from a health care provider substantiating the medical condition and the need for a leave of absence. Employees may, but are not required, to utilize School-provided paid personal, sick and/or vacation during the time that he/she is waiting for a determination as to eligibility for TDI benefits.

While an eligible employee is on temporary disability leave, the School will continue to pay its portion of health insurance benefits, as long as the leave qualifies for leave under the FMLA. The employee remains responsible for his or her contribution to the School's group health insurance during the FMLA period of time. All voluntary insurance policy premiums will continue to be the responsibility of the employee.

During a non-FMLA medical leave of absence, employees who wish to continue their health insurance benefits may be required to do so at their own cost, pursuant to COBRA.

### **WORKERS' COMPENSATION BENEFITS**

Employees who are injured or become ill on the job, may be eligible to receive Workers' Compensation insurance benefits.

#### **Notice and Documentation**

Employees who suffer from any work-related injury or illness must immediately report it to the School, regardless of how minor the injury/illness may be. Employees may be required to complete a claim form and may be directed to seek medical treatment from certain providers. Employees may also be required to submit documentation from their health care provider relating to their inability to work due to their medical condition. In addition, employees may need to complete and submit FMLA forms.

#### **Use of School-provided Paid Time Off**

Employees may, but are not required, to use any accrued School-provided paid personal, sick or vacation time off during the period of time that they are not able to work due to their medical condition and during which they are waiting for a determination as to their eligibility for Workers' Compensation benefits from



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the carrier. The employee will otherwise not be compensated by the School during the time that they are out of work as a result of the medical condition.

### **Time off runs concurrently with other leaves**

The time off during which an employee is eligible for Workers' Compensation benefits will run concurrently with other applicable leaves of absence such as an employee's FMLA leave, if applicable and/or available and if the condition qualifies for FMLA leave. If the time off during which an employee is eligible for and receives Workers' Compensation benefits qualifies for FMLA leave, all FMLA requirements will apply during the FMLA leave.

### **Fraudulent Claims**

State law imposes legal consequences on the abuse of Workers' Compensation benefits. The School is required to report any concerns of false or fraudulent claims to the Workers' Compensation insurance carrier for investigation. Any person who makes or causes to be made any material statement or representation, known to be false or fraudulent, for the purpose of obtaining or denying workers' compensation benefits or payments can be guilty of a crime and subject to criminal and civil penalties.