

RESOLUTION NO. 15 - 02

**RESOLUTION ADOPTING TRUST POLICY AND PROCEDURE NO. 3.05
“UNPAID LEAVE OF ABSENCE POLICY”**

WHEREAS, the New Jersey Environmental Infrastructure Trust (the “Trust”) has the authority to enact and amend Policies and Procedures pursuant to Section IX of its By-Laws; and

WHEREAS, it is the Trust’s desire to provide clear direction to full-time employees as to the circumstances in which to an employee will be permitted leave without pay (Unpaid Leave of Absence); and

NOW THEREFORE BE IT RESOLVED, the Trust hereby adopts Policy and Procedure No. 3.05 “Unpaid Leave of Absence.”

Adopted Date: January 15, 2015

Motion Made By: Robert Briant Jr.

Motion Seconded By: Mark Longo

Ayes: 7

Nays: 0

Abstentions: 0

**NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST
POLICY AND PROCEDURE**

SUBJECT: Unpaid Leave of Absence

EFFECTIVE DATE: February 3, 2015

NO. 3.05 (January 15, 2015)

REVISION HISTORY: None

Background

The New Jersey Environmental Infrastructure Trust is an independent State Financing Authority which works in partnership with the New Jersey Department of Environmental Protection. The Trust “is established in, but not of,” the DEP and has the power to appoint and employ an executive director and any other officers or employees as it may require for the performance of its duties. N.J.S.A. 58:11B-4; NJSA 58:11B-5(h). The Trust has elected to have the Department provide administrative support for the Trust including the area of human resources. Although the Trust frequently looks to the DEP for policies regarding various human resources matters, the Trust possesses the statutory flexibility to enact its own policies pursuant to N.J.S.A. 58:11B-5(A).

POLICY

Given the Trust’s broad statutory mission and its limited staff, the unpaid absence of an employee is prohibited unless otherwise provided for herein.

1. **Permitted Leave:** Upon the expiration of earned and accumulated paid leave balances (Vacation Leave, Sick Leave, and Administrative Leave), employees for reasons satisfactory to the Executive Director, may be granted a personal leave of absence for a period of up to six (6) months without pay or credit for service (except as is provided in Military Leave DEP Policy 2.09(E)) only in the following circumstances:
 - a. **Sick Leave** (DEP Policy 2.10, 2.16 and 2.26);
 - b. **Military Leave** (DEP Policy 2.09(E), Uniformed Services Employment and Reemployment Rights Act of 1994 (P.L. 103-353) 5 CFR 353.106);
 - c. **Family Leave**, (DEP Policy 2.13, (The Family and Medical Leave Act of 1993 (FMLA) (P.L. 103-3, February 5, 1993) 5 CFR part 630, subpart L), N.J. Family Leave Act and Family and Medical Leave Act of 1993, N.J.S.A. 34:11B-1 et seq.;
 - d. **Child Care Leave**, (DEP Policy 2.09(B));
 - e. **Jury Duty**, (DEP Policy 2.09(D));
 - f. **Leave upon Appointment of the Governor**, (DEP Policy 2.09(G));
 - g. **Leave to Appear as a Witness**; (DEP Policy 2.09(I));
 - h. **Emergency Civilian Duty Leave**, (DEP Policy 2.09(J));
 - i. **Leave for Disaster Relief Assistance**, (DEP Policy 2.09(K)); and
 - j. **School Volunteer Leave**, (DEP Policy 2.09(L)).

In addition, leave may be granted as required by law under the Americans with Disabilities Act, the "New Jersey Security and Financial Empowerment Act," (NJ SAFE Act), P.L. 2013, c.82 or any other applicable state or federal law. Nothing in this policy shall serve to impede providing an employee with additional leave as may be necessary to make a reasonable accommodation for persons with disabilities.

In exceptional circumstances, such leave may be extended by the Executive Director for an additional six (6) months, provided it is considered to be in the best interest of the NJEIT. No such leaves will be granted beyond one year unless otherwise provided by statute.

2. Prohibited Non-Paid Leave: The following unpaid leave of absence is expressly prohibited:
- a. Voluntary Furlough (N.J.S.A. 4A6:1.23, DEP Policy 2.64);
 - b. Educational purposes (DEP Policy 2.09(F));
 - c. Administrative purposes (DEP Policy 2.12);
 - d. Vacation purposes (DEP Policy 2.11);
 - e. Convention Leave (DEP Policy 2.09(H));
 - f. Pursuit or Acceptance of employment with another employer; and
 - g. Other personal purposes.

Personal leaves of absence shall be granted with the understanding that the employee intends to return to duty. Upon completion of an approved leave of absence, the NJEIT will make every reasonable effort to return the employee to the same work location and schedule. However, this cannot be assured in advance.

Employees on an approved leave without pay for more than two weeks in any month shall **not receive or accrue holiday pay, earned sick leave, vacation time, or personal leave**, during or for that period. Employees absent due to a prohibited unpaid leave purpose above may be subject to disciplinary action. Further, employees that are absent for five or more consecutive days of prohibited unpaid leave; or a failure to return within five working days after the expiration of a leave or excused absence, will be considered to have resigned not in good standing.