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Recent arbitration decision permits use of sick leave to attend child's social event

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By David Bander

In Pequannock Township Board of Education –and– Pequannock Township Education Association, an arbitrator considered a question that was not directly answered in the 2023 School Sick Leave Law. The 2023 law had greatly expanded school employees' ability to use their sick leave.

During the 2023–24 school year, several Pequannock members requested and were denied the use of sick leave to attend their child's school-related social events. These members had received invitations and/or requests to attend these events, though attendance was not mandatory.

One member received a flyer announcing a dance show, which stated, "Please reserve the date to see your child perform in the show." Another was an invitation in the form of a letter addressed to parents of band members, stating, "Please join us for our Winter Concert [on December 6] ... All parents/guests are welcome to attend."

These denials were grieved and advanced to arbitration. The arbitrator considered whether the 2023 School Sick Leave Law, which permits the use of sick leave "to attend a child's 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," could be used to attend a child's school-related social event, such as parades, concerts, performances and ceremonies.

There are two elements to this particular form of sick leave. First, there must be a qualifying event, specifically a child's "school-related conference, meeting, function or other event." Second, there must be an appropriate invitation, specifically the parent's attendance must be "requested or required by a school administrator, teacher or other professional staff member responsible for the child's education."

In his decision, the arbitrator held that sick leave could be used not only for "scholastic or educational events," but to school-related social events such as parades, concerts, performances and ceremonies. The arbitrator cited regulations implementing a similar sick leave law passed in 2018, which did not limit the use of sick leave to scholastic or educational events, but stated that a sporting event, play or similar activity could be considered a "function or other event" that qualified for the use of sick leave.

Since the language of the School Sick Leave Law closely "mirrored" that of the 2018 Earned Sick Leave Law, the arbitrator reasoned that the same principle should apply as well. The arbitrator also found support for this broad interpretation in the legislative history of the bill.

In addition to the main holding of the case, you should also note the particular invitations and requests, described above, that were considered and accepted by the arbitrator. These invitations and requests were not mandatory and were not specifically addressed to the child's parent. This can provide helpful guidance if you want to assess a particular request or invitation that you have received.

Please contact your UniServ field representative or the NJEA Office of Legal Services and Members Rights if you have questions about the School Sick Leave Law.

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