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Sheila Y. Oliver, Lieutenant Governor
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NJTRANSIT
One Penn Plaza East
Newark, NJ 07105-2246
973-491-7000

December 31, 2020

via email

Jerome Johnson
General Chairman – SMART-TD Local 60
8 Wilson Ave
Newark, NJ 07105

Re: Handling of Rail Agreement employee absences and payments related to COVID-19 and expiration of Families First Coronavirus Relief Act (“FFCRA”) coverage on December 31, 2020.

Dear Mr. Johnson:

As you know, NJTRO published a “Q&A” on March 14, 2020 (“Rail Policy”) which outlined how Agreement employees would be handled with respect to pay and attendance during the ongoing Coronavirus pandemic. As you also know, this policy was modified as set forth in a letter from me dated May 5, 2020. The May 5, 2020 letter highlighted the differences and intersections between the Rail Policy and the Families First Corona Virus Relief Act (“FFCRA”), which took effect on April 1, 2020. Agreement employees continue to be subject to the Rail Policy which took effect on March 14, 2020, as modified by the May 5, 2020 letter.

Be advised that the FFCRA is set to expire on December 31, 2020. After the expiration of the FFCRA, Rail agreement employees will remain subject to the Rail Policy, as explained in the May 5, 2020 letter.

Some important things to note:

1. The FFCRA expires on December 31, 2020, meaning benefits under the law end on December 31, 2020. The expiration date does not merely close a window for new applicants; it terminates all benefits. For example, an employee out for a consecutive school closure case eligible for ten (10) paid weeks beginning on December 15, 2020, would no longer receive payments under FFCRA as of December 31, 2020, regardless of the time “remaining” in the school closure absence.
2. Employees remain covered by the Rail Policy, as modified by the May 5, 2020 letter. The benefits for COVID-related absences for self / family member, related to diagnosis with COVID-19 or direction to quarantine by medical professional or government agency, related to exposure to COVID-19, remain the same. Employees with COVID-related issues such as these should, as before, notify their immediate supervisor (or crew caller) of the need to mark off, and should contact the COVID Hotline at 888-890-0729. Be advised, however, that the Rail FMLA department will no longer be involved in the administration of the Rail Policy, so any questions with respect to the application of this policy should be directed to the COVID-19 Hotline or the Rail Covid Policy Group:

- i. T&E = Lisa Belle LBelle@njtransit.com / 973-202-5169
- ii. OT&E = Brendan Egan Began@njtransit.com / 973-491-7943

Please note that absences related to school closures are handled differently under the Rail Policy than were handled by the FFCRA. The below is an excerpt from the Rail Policy:

Q: How will NJ Transit Rail deal with a situation in which an employee's absence is due to the need to care for a child whose school is closed related to COVID-19?

A: If an employee's absence is caused by the employee's need to care for his/her child due to the closure of a child care center, preschool program, elementary or secondary school (grades K-8), related to COVID-19, the employee must notify his/her immediate supervisor in person, by phone or email as soon as possible upon learning of the need that they are "unavailable for work due to a COVID-19 school closure" and if the employee provides timely documentation verifying the COVID-19 related closure to his/her supervisor, the employee will not be subject to the attendance policy. Failure to provide adequate and/or timely documentation will be subject the employee to the attendance policy. Employees may utilize single vacation days and personal days if desired to receive pay on these days. Notification of the desire to receive payment for these days should be made to the employee's supervisor at the time the employee advises the supervisor of the need to care for his/her child. Note: if both parents are employed by NJ Transit, this will only apply to one parent.

- 3. **Be advised that school closure absences are no longer administered by the Rail FMLA Department, therefore, employees should no longer contact the Rail FMLA hotline related to school closure absences. Employees should contact their immediate supervisor (or crew caller) to provide notice of a school closure absence.**
- 4. Employees that intend to mark-off school closure must be pre-approved to do so. Employees can obtain pre-approval for school closure absences by contacting the Rail Covid Policy Group:
 - i. T&E = Lisa Belle LBelle@njtransit.com / 973-202-5169
 - ii. OT&E = Brendan Egan Began@njtransit.com / 973-491-7943

Please note that an employee can mark off pending approval of a school closure case. Though the Rail Covid Policy Group is working with the Rail FMLA Department to ensure a smooth transition related to school closure, employees who previously had a school closure case administered by the Rail FMLA department must contact the Rail Policy Group to confirm that the appropriate documentation is on file.

- 5. Employees marking-off for school closure may elect to take either single vacation days (maximum of five) or personal leave days. Employees must provide adequate documentation for such absences (proof of dependent relationship; proof of school closure).

Mr. Jerome Johnson
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Should you have additional questions, please contact Labor Relations.

Very truly yours,



S. M. Drayzen
Deputy General Manager
Labor Relations & Administration

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