

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE No. 2020-20

AMENDING CHAPTER 36 (PERSONNEL BENEFITS, COMPENSATION
AND REGULATIONS), ARTICLE I (BENEFITS AND COMPENSATION),
SECTION 36-25 (DONATED LEAVE PROGRAM) OF THE CODE OF THE
TOWNSHIP OF VERONA

BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex and New Jersey, as follows:

SECTION 1. Chapter 36 (Personnel Benefits, Compensation and Regulations), Article I (Benefits and Compensation), Section 32-25 (Donated leave program) of the Code of the Township of Verona is hereby amended to read as follows **[additions are bolded in brackets]**:

CHAPTER 36 Personnel Benefits, Compensation and Regulations

ARTICLE I BENEFITS AND COMPENSATION

§ 36-25 Donated leave program.

- A. An employee shall be eligible to receive donated sick or vacation leave if the employee:
 - a. Has completed at least one year of continuous service to the Township;
 - b. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
 - c. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
 - d. Either:
 - i. Suffers from a catastrophic health condition or injury;
 - ii. Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or
 - iii. Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).
- B. For purposes of this section, a "catastrophic health condition or injury" shall be defined as follows:
 - a. With respect to an employee, a "catastrophic health condition or injury" is either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 60 or more work days.
 - b. With respect to an employee's immediate family member, a "catastrophic health condition or injury" is either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by his or her mental or physical health which requires the care of a physician who provides a medical verification of the need for the family member's care by the employee for 60 or more work days.
- C. An employee may request that the Township Manager approve his or her participation in the program, as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

- a. The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the appointing authority medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.
 - b. When the Township Manager has approved an employee as a leave recipient, the appointing authority shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time, and shall provide notice to all negotiations representatives in that appointing authority.
 - i. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.
- D. A leave recipient must receive at least five sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than 30 such days to any one recipient.
 - a. A leave recipient shall receive no more than 260 sick days or vacation days, and shall not receive any such days on a retroactive basis.
 - b. A leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave **[and at least 12 days of accrued vacation leave if donating vacation leave]**.
 - c. A leave donor shall not revoke the leave donation.
 - d. If a leave donor is not in the same department or autonomous agency as the leave recipient, appropriate arrangements shall be made between the affected appointing authorities to verify donor eligibility and adjust leave records. However, the posting requirement set forth in (c)2 above is limited to the recipient's appointing authority.
- E. While using donated leave time, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.
 - a. Any unused, donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that leave time shall not be returned.
 - b. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days which he or she had received through the leave donation program.
- F. An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.
- G. The use of contributed time shall run concurrently with approved FMLA and NJFLA benefits, if applicable.
- H. The Township Manager may suspend or terminate the donated leave program at any time upon 30 days written notice of such suspension or termination to the Chairperson or designee, all affected employees, and labor negotiations representatives.
- I. This donated leave program shall become effective thirty days (30) after approval of the program criteria by the Chairperson or his/her designee of the Civil Service Commission.

SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this

ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF SEPTEMBER 25, 2020 AND _____, 2020.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: September 21, 2020

PUBLIC HEARING: October 5, 2020

EFFECTIVE DATE: