

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2023-082

A motion was made by Councilman Tamburro; seconded by Councilman McEvoy that the following resolution be adopted:

**ADOPTING STATE COMPTROLLER REQUESTED
CORRECTIVE ACTION PLAN**

WHEREAS, in January of 2021 the Office of the State Comptroller performed a study and later issued a report regarding sick leave payments and accrual of vacation leave (hereinafter "Report"); and

WHEREAS, based upon some language contained in one of the Township's collective bargaining agreements the State Comptroller requested the Township respond to the findings and concerns contained in the Report: and

WHEREAS, the Report found the following potential violation on the part of the Township of Verona:

Based on Verona's response to OSC's survey, the text of its ordinances, and union contracts, OSC finds that: 1. The terms of one of Verona's union contracts do not comply with the 2010 law (*N.J.S.A. 11A:6-19.2*) with regard to payment for accrued sick leave. The contract allows employees hired after May 21, 2010 terminal leave of up to 100 days which may be in excess of the \$15,000 cap

WHEREAS, the Township understands that the provision in question that raised concern is contained the Agreement between the Township and Verona PBA Local #72, particularly Article XXI, paragraph 1 ("Terminal Leave") which states as follows:

An Officer having completed the required number of years of continuous (including military leave) service as provided by N.J. Statutes for Retirement, shall be entitled to terminal leave based upon his accumulated unused sick leave due not to exceed one hundred (100) days which days are vested.

WHEREAS, upon information and belief, the Township never intended or applied the above referenced language in a manner that is violative of *N.J.S.A. 11A:6-19.2*; and

WHEREAS, the parties understood that law in that regard and provision was never intended to apply, nor has it ever been applied to an employees hired after May 21, 2010; and

WHEREAS, the Township has requested that the Union amend the provision to ensure that in the future there is no confusion on its applicability and has requested the contractual language be amended to state:

This section shall not apply to any officer hired after May 21, 2010. Furthermore, the provisions of *N.J.S.A. 11A:6-19.2* and all other applicable laws shall be followed when calculating the payment of benefits for employees hired after May 21, 2010.

WHEREAS, the Council understands and hereby adopts and acknowledges that the Township's Corrective Action Plan is as follows:

1. The Township has not and will not making any payments under Article XX1 which are not consistent with the law.
2. The Township will not knowingly make any payments which are inconsistent with the law, including but not limited to the accumulated time compensation regulations identified in the State Comptroller's report.
3. The Township has requested that the language to the agreement be amended in the contract to clarify the provision identified in the Comptroller's Report to ensure that all readers of the contract recognize and abide by the provisions of *N.J.S.A. 11A:6-19.2* and the Township will not execute an agreement without the required language.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona that the above referenced corrective action plan is hereby adopted.

BE IT FURTHER RESOLVED that the Council directs the Township Manager, all Township professionals, and Township employees to become familiar with the above referenced corrective action plan and abide by the same.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON APRIL 17, 2023.


JENNIFER KIERNAN
MUNICIPAL CLERK

