



**State of New Jersey**  
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*Commissioner*

**REVISED**

TO: David Beckett, Esq.

FROM: DLGS State Designee, Jeffrey S. Chiesa  
 Timothy Cunningham, Director, Division of Local Governmental Services

cc: Ronald L. Israel, Esq.  
 Jason Holt, Business Administrator  
 Scott Evans, Atlantic City Fire Chief  
 Rick Richardella, State Fiscal Monitor  
 Matthew J. Giacobbe, Esq., Special Labor Counsel  
 Gregory J. Franklin, Esq.

Date: May 19, 2017

RE: NOTICE OF IMPLEMENTATION – AFSCME Local 2303C  
 (Lifeguards, Lead Lifeguards, Lieutenants and Sr. Lieutenants)

After review of the collective negotiations agreement, we have determined that the following modifications set forth in this memorandum are reasonable and directly related to stabilizing the City’s finances. Accordingly, please take notice that we will exercise the statutory powers vested in the Municipal Stabilization and Recovery Act, codified at N.J.S.A. 52:27BBBB-1, et seq., to unilaterally modify the collective negotiations agreement between the City and AFSCME Local 2303C to rehabilitate the financial condition of the City. The following contractual modifications will be implemented on May 19, 2017 as indicated below:

- Duration of Agreement: May 19, 2017 through December 31, 2021.
- Effective May 19, 2017, eliminate Longevity in its entirety for all employees.
- Effective May 19, 2017, a new salary guide is hereby established for **all** employees, (including future promotions to the ranks of Lead Lifeguard, Lieutenant and Sr. Lieutenant). The below salaries shall be the entire compensation for each employee. There shall be no supplemental compensation except for overtime where applicable.

| <u>RANK</u>                             | <u>2017 Salaries</u> |
|-----------------------------------------|----------------------|
| <u>LIFEGUARDS</u>                       |                      |
| 1 <sup>ST</sup> to 3 <sup>rd</sup> year | \$100.65 per day     |
| 4 <sup>th</sup> year                    | \$120.65 per day     |



|                                           |                  |
|-------------------------------------------|------------------|
| 5 <sup>th</sup> year                      | \$130.00 per day |
| 6 <sup>th</sup> year                      | \$133.78 per day |
| 7 <sup>th</sup> year                      | \$139.50 per day |
| 8 <sup>th</sup> year                      | \$142.50 per day |
| 9 <sup>th</sup> year                      | \$146.90 per day |
| 10 <sup>th</sup> to 12 <sup>th</sup> year | \$153.80 per day |
| 13 <sup>th</sup> year                     | \$160.07 per day |
| 14 <sup>th</sup> to 15 <sup>th</sup> year | \$166.61 per day |
| 16 <sup>th</sup> to 18 <sup>th</sup> year | \$173.16 per day |
| 19 <sup>th</sup> year                     | \$175.00 per day |
| 20 <sup>th</sup> year                     | \$181.24 per day |
| 21 <sup>st</sup> to 22 <sup>nd</sup> year | \$183.32 per day |
| 23 <sup>rd</sup> year                     | \$186.32 per day |
| 24 years and over                         | \$189.32 per day |

LEAD LIFEGUARDS – Add \$10.00 per day to all above steps

LIEUTENANTS \$215.02 per day

SR. LIEUTENANTS \$225.02 per day

- Article IV – Negotiations Procedure – Effective May 19, 2017 eliminate Section B in its entirety, which establishes binding interest arbitration as the terminal procedure for resolving impasses in collective negotiations for a successor agreement.
- Article XIII – United States Lifeguard Meetings – Effective May 19, 2017, eliminate this Article in its entirety, which requires the City to grant leave from duty with pay for up to two meetings of the United States Lifeguard Association for two (2) employees per year.
- Article XIV – Special Leaves, Section C - Add the following words to first sentence as follows: “...subject to the approval of a physician designated by the City, and such unpaid leave of absence will be granted at the discretion of the Chief.”
- Effective May 19, 2017, eliminate Article XIV, Section D in its entirety, requiring all lifeguards who are not absent for an entire season from starting date through Labor Day to receive one-half (1 ½) day additional pay at the end of the season.
- Effective May 19, 2017, a “season” shall be defined as one hundred twenty (120) days of service from May 1 through October 31 (instead of the current forty-five (45) days of service), throughout the collective negotiations agreement. Specifically, this provision shall be applicable to the following provisions:
- Article XVII – Season/Seniority Rights, Section C shall be modified as follows: “Effective May 19, 2017, an employee must complete one hundred twenty (120) days of service during season in order to earn credit for one (1) year of service for seniority purposes.”

- Article XVII - Season/Seniority Rights, Section F – Add following sentence: “Effective May 19, 2017, all employees must complete one hundred twenty (120) days of service in order to earn one (1) year of service for pension purposes.”
- Article XIX – Probationary Period – Modify second sentence as follows: “Effective May 19, 2017, a season shall be defined as one hundred twenty (120) days of service from May 1 through October 31.”
- Article XXI – Tenure, Section B - Modify second sentence as follows: “Effective May 19, 2017, a season shall be defined as one hundred twenty (120) days of service from May 1 through October 31.”
- Article XVIII – Workweek and Overtime – “An employee shall be entitled to overtime after forty-eight (48) hours worked in any given week in compliance with the Fair Labor Standards Act. Effective May 19, 2017, sick leave shall not count as hours worked for overtime purposes in accordance with the Fair Labor Standards Act, 29 C.F.R. Part 778.218 (d).”
- Article XXII – Leave of Absence – Effective May 19, 2017, eliminate Section A in its entirety, enabling requests up to two (2) seasons of unpaid leave of absence without loss of seniority rights.

Include a provision ensuring that the City shall comply with all applicable statutes and City ordinances in connection with leaves of absence for military leave.

- Article XXIII – Salary – Effective May 19, 2017, eliminate Section B in its entirety, establishing a \$5.00 per day stipend for all employees certified as an EMT.
- Article XXIV – Fully Bargained Provisions – Add new Section E as follows: “No salary increments or other salary increases will be paid to employees upon the expiration of this agreement, and such salary increments or other salary increases will not be paid until a successor agreement is executed by both parties.”