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THIS BOOK DOES  
NOT CIRCULATE

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This is an Addendum to Agreement entered into by the Town of Montclair (hereinafter referred to as the "Town" or the "Employer") and Local 2296, Council 52, American Federation of State, County and Municipal Employees, AFL-CIO (hereinafter referred to as the "Union"), and is intended to include all hourly employees in the Montclair Parks Department who are represented by the Union, in the existing contract between the parties with specific exceptions concerning rates of pay, hours of work and other conditions of employment hereinafter specified.

ARTICLE I

RECOGNITION

The Employer recognizes the Union as the sole and exclusive representative for the purpose of negotiating wages, hours and other conditions of employment for:

1. All hourly employees in the Parks Department consisting of all laborers, equipment operators, pruners, parks maintenance, auto mechanics, employed by the Town of Montclair, but excluding professional and craft employees, clericals, police and supervisors within the meaning of the act.

4/177-12/31/78

ARTICLE II

SENIORITY

Section 1.

A new employee shall be deemed probationary for a period of sixty (60) calendar days, and not less than forty-five (45) working days, from the date of his employment, and during such period he shall be subject to termination for any reason.

The seniority of an employee who remains in the employment of the Town for more than the probationary period shall date from the date of his employment and shall be by seniority group.

The following is the seniority group:

(a) Parks Department

Within a seniority groups, the junior employee shall be the first to be laid off when a reduction in work force is necessary. A laid off employee shall be called back to work in accordance with his seniority group.

An employee may assert his seniority in lieu of layoff to bump a junior employee in his seniority group, provided he is then qualified to perform the work of such junior employee.

Section 2. Promotions

The provisions of Section 2 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

Section 3.

The provisions of Section 3 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE III

UNION BUSINESS

The provisions of Sections 1, 2 and 3 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE IV

MOVEMENT OF PERSONNEL

Section 1.

The provisions and practices of Sections 1 and 2 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE V

HOURS OF WORK

Section 1.

The provisions of Section 1 of the existing Agreement between the parties is incorporated by reference and shall pertain

to the hourly employees in the Parks Department covered by this Addendum to Agreement.

Section 2.

The provisions of Article V, Section 2 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

Section 3.

The provisions of Section 3 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement, except that past practice shall prevail with respect to prescheduled overtime including but not limited to band concerts, prescheduled recreation, skating rink and tennis courts, etc.

Section 4.

The provisions of Article V, Section 4 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

Section 5.

An employee required to work seven consecutive days shall be paid for all hours worked on the seventh consecutive day at two (2) times his regular rate of pay.

An employee required to work on a holiday shall receive times and one-half (1-1/2) his regular rate of pay for hours actually worked in addition to his holiday pay.

Section 6.

If a paid holiday occurs during an employee's vacation, he shall receive an additional day's vacation which may be added to his scheduled vacation provided he has received prior approval from the Employer.

Section 7.

There shall be no duplication in the payment of overtime or premium day pay.

Section 8.

Past practice shall prevail with respect to breaks.

ARTICLE VI

JOB CONDITIONS

Section 1.

Union activity shall be conducted in such a manner so as not to disrupt operations.

The Union shall notify the Town of the names of current Union officials and stewards responsible for processing grievances. Grievance meetings shall be scheduled by mutual agreement. An employee who is required to attend such meeting shall not have his pay suspended.

Section 2.

The Town shall continue its existing practice with respect to time allowed to wash and put tools away.

Section 3.

The Town agrees to pay one-half (1/2) the cost of safety shoes. Purchase may be made at any store provided purchase is approved in advance by the Town.

ARTICLE VII

HOLIDAYS

The following holidays are recognized by the Town as paid holidays:

New Year's Day  
Washington's Birthday  
Lincoln's Birthday  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Election Day  
Thanksgiving Day  
Christmas Day

A paid holiday not worked shall be considered as a day worked and credited as eight (8) hours work whenever an employee works on the sixth (6th) days of the week in which said paid holiday occurs.

An employee required to work on a holiday shall receive time and one-half (1-1/2) the regular rate of pay for hours actually worked in excess of forty (40) hours as specified in Article V, Section 5.

In order to receive holiday pay, an employee shall work the day before and the day after the holiday except the employees whose work week begins on a holiday shall work the day after the holiday and employees whose work week ends on a holiday shall work the day before the holiday. Absence for illness on any such day shall require a doctor's certificate.

## ARTICLE VIII

### WAGES

#### Section 1.

All employees covered under this Addendum shall receive a wage increase of 5% per hour, plus an increment where applicable, effective January 1, 1977.

Effective January 1, 1977, each employee who shall have been an employee of the Town for a continuous period of five (5) years in addition to his regular rate of pay, shall receive service incremental pay from and after the anniversary date of his employment which shall be based upon the total number of years of his service as an employee of the Town as follows:

|  |                  |
|--|------------------|
| After five years but less than ten years           | 1% of his salary |
| After ten years but less than fifteen years        | 2% of his salary |
| After fifteen years but less than twenty years     | 3% of his salary |
| After twenty years but less than twenty-five years | 4% of his salary |
| After twenty-five years or more                    | 5% of his salary |

For the purpose of this section, any interruption in the service of an employee by reason of his service in the armed forces of the United States of America shall not be deemed to be an interruption of such continuous service, except that the time during which such member shall be away on leave for such service shall not be counted in computing the total number of years of service as a regular member.

Section 2.

The provisions of Section 2 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE IX

GRIEVANCE PROCEDURE

The provisions of Article IX of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE X

PAID LEAVE

The provisions of Section 1 and Section 2 of the existing agreement between the parties is incorporated by reference and shall



pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE XI

DISCIPLINE

The provisions of Sections 1 and 2 of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE XII

SAFETY AND HEALTH

The provisions of Article XII of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE XIII

SAVINGS CLAUSE

The provisions of Article XIII of the existing Agreement between the parties is incorporated by reference and shall pertain to the hourly employees in the Parks Department covered by this Addendum to Agreement.

ARTICLE XIV

This addendum shall be effective as of January 1, 1977 and shall remain in full force and effect until December 31, 1978, and shall be automatically renewed from year to year thereafter unless either party shall notify the other in writing sixty (60) days prior to the anniversary date that it desires to modify or terminate this Agreement.

It is further agreed that the following matters may be reopened for discussion during the life of said Agreement:

- a) Wages, vacation schedule and benefits, dental and eye plans, commencing January 1, 1978;
- b) Personal leave days, elimination of step system (salaried only), and the vesting of terminal leave benefits, commencing January 1, 1978.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 30<sup>th</sup> day of June, 1977.

TOWN OF MONTCLAIR, IN THE COUNTY OF  
ESSEX

ATTEST:

*seal*  
*19/*

Constance B. Arnott  
Constance B. Arnott, Town Clerk

*19/*  
By Grant M. Gille  
Grant M. Gille, Mayor

AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, AFL-CIO,  
LOCAL 2296, Council 52

Witness:

*19/* Lillian J. Jones

*19/*  
By Charles Watkins  
Robert F. Wright  
Percy A. Latimore

Article 7. SICK LEAVE OF TOWN PERSONNEL  
OTHER THAN MEMBERS OF POLICE  
AND FIRE DEPARTMENTS.

2-29. Applicability.

All permanently employed and annually paid salaried employees of the town, and all permanently employed hourly, daily and weekly employees of the town shall be eligible for sick leave allowance as provided in this article; provided, however, that nothing in this article shall be construed to apply to "members" of the fire and police departments as defined in sections 11-1 and 18-1 respectively of these Revised Ordinances, and as to whom provision for sick leave allowance is made in chapters 11 and 18 respectively of these Revised Ordinances. Under no circumstances shall temporary employees of the town be considered as coming within the benefits of the plan of this article. (Ord. No. 1, 6-5-45, § 1, as amended by 3-17-53, § 2; No. 2, 6-5-45, § 1.)

2-30. "Sickness" defined.

For the purpose of sick leave allowances granted under this article, "sickness" shall be defined as illness or bodily injury from any cause.

2-31. "Day" defined.

As used in this article, the words "day" or "days" mean a working day or working days. (Ord. No. 1, 6-5-45, § 8; No. 2, 6-5-45, § 8.)

2-32. Calendar year basis; fractions of years [Repealed].  
(Ord. 5-3-60, § 2.)

2-33. Regular sick leave allowances.

(a) All salaried employees and any supervisory personnel designated by the board of commissioners, shall be allowed  $1\frac{1}{4}$  days sick leave per full calendar month of each calendar year of employment. No sick leave credit shall be allowed for any period of employment less than a full calendar month.

(b) All hourly, daily or weekly employees, other than supervisory personnel designated by the board of commissioners shall be allowed  $\frac{1}{2}$  day per full calendar month of employment during the first year of employment and  $\frac{2}{3}$  day per full calendar month of employment each calendar year after the first year of employment.

(c) The sick leave allowance of each employee shall accrue at the end of each calendar month of employment until the end of the first full calendar year of his employment; and thereafter such sick leave allowance shall accrue on an annual basis in advance on the first day of January of each year.  
(Ord. 5-3-60, § 3.)

2-34. Computation of leave for hourly, etc., employees.

Computation for sick leave allowance for hourly, daily and weekly employees shall be based on the number of hours which comprise a regular work day or week for the particular job or bureau in which the employee is engaged. (Ord. No. 1, 6-5-45, § 3, as amended by 3-17-53, § 3.)

2-35. Leave for family illness.

All salaried and all hourly, daily and weekly employees shall be allowed not more than 5 days per year for illness or serious accident to a member of the family, viz.: father, mother, child, sister, brother, grandfather, grandmother, or any one making his home with the member's family in such degree as to cause him to be regarded as a member of the family. Application for the use of allowance under this section shall be made in writing to the head of the department. Such leave shall be charged against the employee's regular annual rate of allowance for sick leave, if he has any such available, or against his accumulated sick leave; if there be none of either available, any such leave shall be without pay. (Ord. No. 1, 6-5-45, § 3, as amended by 3-17-53, § 3; No. 2, 6-5-45, § 3.)

2-36. Leave pay.

During sickness on permitted sick leaves as provided in section 2-33, and during leave for illness or death in the family as provided in sections 2-35 and 2-37, pay shall be at the full rate, so long as the employee's current and accumulated sick leave time has not expired; provided, however, that such sick leave with pay during permitted sick leaves provided in section 2-33 shall not continue for any period exceeding one year commencing from the date of such sickness. In all cases of absence for personal sickness or injury the director of the department may require the employee, in order to qualify for sick leave at full pay, to present a statement signed by the town physician or other approved physician, attesting to the fact that such employee's absence from work was essential for the treatment and recovery from illness or bodily injury of such employee.

(Ord. 5-3-60, § 4; 2-19-63, § 2.)

2-37. Special leave for death in family; pay.

Special leaves may be granted in case of death of a member of the immediate family, as defined in section 2-35. Such special leave shall not exceed 5 days. In case of the death of a relative of the second degree, viz.: uncle, aunt, niece, nephew, cousin and in-laws, a leave of absence of one day may be allowed. Special leaves under this section, if approved by the director, shall be exclusive of allowance for sick leaves and shall be at full pay.

(Ord. 5-3-60, § 5.)

## 2-38. Workmen's compensation.

In the case of an employee suffering any illness or bodily injury compensable under the New Jersey Workmen's Compensation Act, such compensation as may be prescribed by said Workmen's Compensation Act during the period of his temporary disability, shall not be charged against his sick leave. He shall receive full pay in accordance with section 2-36 and only the difference between full pay and the compensation received under the Workmen's Compensation Act shall be charged against his sick leave.

If an employee shall be unable to perform his duties and shall be absent from work for a period greater than 10 consecutive working days by reason of temporary disability arising out of such a compensable injury or illness, which temporary disability is evidenced by the certificate of the town physician or such other physician designated by the board of commissioners, the board of commissioners, by resolution, in its discretion may grant a special leave of absence to such employee for any part or all of the period of his absence exceeding such 10 day period, without any charge being made against the sick leave of such employee for the difference between his full pay and the compensation received under the Workmen's Compensation Act.

In the event that an employee's sick leave allowance has been exhausted, the board of commissioners may, by resolution, extend the period of full pay for such time as it may deem desirable, and for the period of such extension the amounts paid in excess of those covered by the Workmen's Compensation Act allowance may be charged against the future sick leave allowance of the employee.

In no case shall any employee receive full pay for any period exceeding one year commencing from the date of such illness or bodily injury.

(Ord. 2-19-63, § 3.)

NOTE. Former section 2-38 of the Revised Ordinances entitled, "Procedure for special leave; misrepresentation punishable," was repealed by ordinance of May 3, 1960, § 6 and replaced by present section 2-38 by ordinance of 2-19-63, § 3.

## 2-39. Accumulated leave.

(a) Annual allowances for sick leave, to the extent that they have not been used by any hourly, daily or weekly employee (other than supervisory personnel designated by the board of commissioners), may be accumulated up to a maximum of 225 days in the case of employees whose employment with the town commenced prior to January 1, 1963; and may be accumulated up to a maximum of 130 days in the case of employees whose employment with the town commenced on or after January 1, 1963. Accumulations of less than  $\frac{1}{2}$  day shall be disregarded. Accumulations of  $\frac{1}{2}$  day or more shall be credited at the rate of one full day.

Annual allowances for sick leave, if they have not been used by any salaried employee and any supervisor or other designated by the board of commissioners, may be accumulated up to and including 50% of such unused days of sick leave; provided, however, that such accumulations of employees whose employment with the town commenced prior to January 1, 1963; and that such accumulations of employees whose employment with the town commenced on or after January 1, 1963. Accumulations of less than 1/2 day shall be disregarded. Accumulations of 1/2 day or more shall be credited at the rate of one full day.

(c) Any salaried, hourly, daily or weekly employee who shall retire upon or after reaching the age of 60 years, may convert the accumulated sick leave allowances provided by this section into a terminal vacation at full pay to be taken not more than one year preceding the effective date of his retirement.

(d) Any salaried, hourly, daily or weekly employee who, after having been employed by the town for not less than 25 years, shall voluntarily terminate his employment with the town before reaching the age of 60 years, may convert into a terminal vacation at full pay to be taken not more than one year preceding the termination date of his employment, that portion of his accumulated sick leave allowance as is determined by multiplying his total accumulated sick leave allowance by a fraction, the numerator of which is two times the total number of his full years of employment with the town and the denominator of which is 100.

(e) No vacation and no sick leave allowance shall accrue or be credited for or during any terminal vacation period as above defined.

(f) In the case of all absences on account of sick leave other than those compensable under the New Jersey Workmen's Compensation Act and in all cases of terminal vacation, each period of 7 consecutive days of absence or vacation shall be charged as 5 days of sick leave or vacation, as the case may be, exclusive of legal holidays falling upon any terminal vacation exceed a period of 45 calendar weeks in the case of employees whose employment with the town commenced prior to January 1, 1963; and no terminal vacation shall exceed a period of 26 calendar weeks in the case of employees whose employment with the town commenced on or after January 1, 1963.  
(Ord. 5-3-60, § 7; 2-19-63, §§ 4, 5.)

**2-40. Prior accumulations.**

(a) Each hourly, daily and weekly employee who was in the employ of the town on January 1, 1943 shall be allowed an accumulation of 4 days sick leave for each year of regular service in the employ of the town prior to said date.

(b) Each salaried employee who was in the employ of the town on January 1, 1945 shall be allowed an accumulation of 5 days of sick leave for each year of regular service in the employ of the town prior to said date. (Ord. No. 1, 6-5-45, §§ 6, 18, as amended by 3-17-53, § 5; No. 2, 6-5-45, §§ 6, 18, as amended by 7-17-45, § 2.)

**2-41. Certification to comptroller.**

The head of each department shall certify to the office of the comptroller any sick leave allowances made in each calendar month. (Ord. No. 1, 6-5-45, § 9; No. 2, 6-5-45, § 9.)

**2-42. Duty of employees to seek proper medical care.**

Any employee to whom a sick leave allowance is granted will be expected to obtain suitable medical advice and to act

**2-43. Medical certificate for leave pay of 3 days or more.**

Before making any payment on account of sick leave allowance for 3 days or more, the town shall have the right to require the employee to furnish a certificate from a duly licensed attending physician stating the nature and gravity of the illness or injury and the probable duration of the absence. (Ord. No. 1, 6-5-45, § 13; No. 2, 6-5-45, § 13.)

**2-44. Medical report where absence exceeds 10 days.**

If the absence continues beyond 10 days, the town shall have the right to require at intervals, in its discretion and at its own expense, a satisfactory medical report, by one or more physicians of the town's own selection. (Ord. No. 1, 6-5-45, § 14; No. 2, 6-5-45, § 14.)

**2-45. Misconduct; abuse of sick leave privileges.**

Sick leave allowance may be withheld or discontinued in the case of any disabled employee guilty of misconduct, or willful action prejudicial to the town's interest or to the public welfare as determined by the board of commissioners, whose decision shall be final.

Sick leave allowance shall be forfeited in the case of any employee shamming sickness and disability for work, or otherwise guilty of malingering or fraud. (Ord. No. 1, 6-5-45, §§ 15, 16; No. 2, 6-5-45, §§ 15, 16.)

**2-46. Limitation of benefits.**

No employee shall be entitled to any other benefits in connection with the plan established by this article, other than provided herein. (Ord. No. 1, 6-5-45, § 17; No. 2, 6-5-45, § 17.)



June 11, 1974

AN ORDINANCE CONCERNING EMPLOYEES OF THE TOWN OF MONTCLAIR, OTHER THAN MEMBERS OF THE POLICE AND FIRE DEPARTMENTS AND GRADUATE PUBLIC HEALTH NURSES, AND AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE REVISED ORDINANCES OF MONTCLAIR, NEW JERSEY, 1959.

The Board of Commissioners of the Town of Montclair, in the County of Essex, does ordain:

Section 1. That the Revised Ordinances of Montclair, New Jersey, 1959, be amended by renumbering Article 9, Redevelopment Agency, Sections 2-48 and 2-49 to read Article 10, Redevelopment Agency, Sections 2-48 and 2-50.

Section 2. That said Revised Ordinances be amended and supplemented by adding thereto a new Article 9, Section 2-48, to read as follows:

Section 2-48. Vacation Schedule for Town Employees, Other than members of the Police and Fire Departments and Graduate Public Health Nurses.

The following schedule be and the same hereby is adopted as the vacation schedule for all salaried and hourly rate employees of the Town of Montclair, other than members of the Police and Fire Departments and Graduate Public Health Nurses:

1. Vacations shall accrue on January first of each year and shall be taken within one year thereafter. Accumulation of vacation time shall not be permitted.
2. The length of an employee's vacation during a given year shall be determined by the period of his consecutive employment with the Town to and including January First of that year, as follows:
  - (a) Full-time employees having been permanently employed for less than ten (10) full months shall receive a vacation equal to one working day for each full calendar month of employment.

(b) 2 (5) Full-time employees having been permanently employed for ten (10) months or more, but for less than five (5) years shall receive a vacation of ten (10) working days.

Adopted 3/2/76

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ten (10) working days.

(c) 2 (c) Full-time employees having been permanently employed for five (5) years or more, but less than nine (9) years shall receive a vacation of twelve (12) working days; **ly for receive**  
 Adopted 3/2/76  
**a vacation of fifteen (15) working days.**

(d) 2 (d) Full-time employees having been permanently employed for nine (9) years or more, but less than nineteen (19) years shall receive a vacation of fifteen (15) working days. **ly em- shall days.**  
 Adopted 3/2/76

2 (e) Full-time employees having been permanently employed for nineteen (19) or more years shall receive a vacation of twenty (20) working days.

*Adopted 3/2/76*

(F) (5) **Vacation for part-time employees shall be prorated in accordance with the foregoing schedule, based upon the number of days worked per week.**

2 (g) In the case of part time employees who subsequently become full time employees, years of service for the purpose of computing vacation allowance shall be deemed to commence with the date of employment as a part time employee but the time worked as a part time employee shall be adjusted as to the proportion of time worked as a part time employee compared to continuous full time employment (e.g. an employee who worked 2 & 1/2 days per week for two (2) years and then became a full time employee would, at the time of completing five (5) years of employment with the Town, receive a vacation equal to 2/3 of the vacation received by an employee who had completed three (3) full years of full time employment. Such employee having worked one-half time for two (2) years, for computation purposes will be credited with 50 per cent of full time employment or one (1) full year with the Town added to the one (1) year of full time employment for a total of two (2) years or 2/3 of the vacation received by an employee who has completed three (3) years of full time employment). **who subse- years of g vacation ce with the mployee but oye shall time worked continuous yee who worked then became a me of completing a, receive a on received years of full ring worked utation pur- full time em-**  
 Adopted 3/2/76  
~~employment of 3 years with the Town added to the 3 years of full time employment for a total of 6 years or 6/9 of the vacation received by an employee who has completed 9 years of full time employment.~~

3. **The General Superintendent of the Department of Public Works, the Town Comptroller, the Town Clerk, the Superintendent of Recreation, Parks and Shade Trees, the Health Officer, the Town Planner and the Director of the Bureau of Public Welfare, shall be entitled to five (5) working days vacation in addition to the number of days to which they otherwise would be entitled by virtue of the length of their permanent service in the employ of the Town of Montclair, provided, however, that none of the persons holding said positions shall receive an aggregate of more than twenty (20) working days vacation in any year.**

4. Any full-time permanent employee whose employment shall be terminated by the Town for any reason whatever shall not receive any vacation credit for the vacation year starting the January first prior to such termination of employment, except that the Director of the Department, in his discretion, may allow any part of such vacation as the employee would have been entitled to receive had his termination been a voluntary one.
5. (a) Any permanent employee having more than five (5) years continuous full-time employment who shall voluntarily terminate his employment with the Town shall be entitled to one (1) day of vacation for each full calendar month of employment, subsequent to January first of the year when such termination takes place, but not more than ten (10) days vacation.  
  
(b) Any permanent employee having nine (9) years but less than twenty-four (24) years continuous full time employment who shall voluntarily terminate his employment with the Town shall be entitled to one and one-half (1-1/2) days of vacation for each full calendar month of employment, subsequent to January first of the year when such termination takes place, but not more than fifteen (15) days vacation.  
  
(c) Any permanent employee having twenty-four (24) years or more of continuous full time employment who shall voluntarily terminate his employment with the Town shall be entitled to two (2) days of vacation for each full calendar month of employment, subsequent to January first of the year when such termination takes place, but not more than twenty (20) days vacation.
6. Vacation schedules shall be arranged by the Director of each department, having due regard to the needs of the service, seniority of the employee and, as far as possible, the wishes of the employee.
7. Notwithstanding the foregoing, no employee shall receive any vacation credit for any period of time during which he is away from his employment using his accumulated sick leave allowance, or any part thereof for vacation or terminal leave.

Section 3. That the vacation resolution of May 31, 1961 and the amending resolution of May 15, 1962, be and the same hereby are rescinded.