

#2

158-2021

RESOLUTION AMENDING THE AGREEMENT BETWEEN THE TOWNSHIP OF BERKELEY HEIGHTS AND TEAMSTERS LOCAL UNION NO. 469 (DEPARTMENT OF PUBLIC WORKS) TO PERMIT THE DONATION OF SICK TIME

WHEREAS, on November 12, 2019, the Township of Berkeley Heights ("Township" and the Teamsters Local Union No. 469 ("Union") executed a collective bargaining agreement ("Agreement") for a period commencing on January 1, 2019 and terminating on December 31, 2023; and

WHEREAS, both the Township and the Union seek to amend said Agreement pursuant to Article II and Article XLI of the aforementioned Agreement to include a sick time donation policy; and

WHEREAS, the terms and conditions of this sick time donation policy are attached hereto as Schedule A and shall be incorporated into the collective bargaining agreement between the parties upon the assent and approval of both the Township and the Union; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, assents and approves to the amendment attached hereto as Schedule A inserting a sick time donation policy in the collective bargaining agreement currently effective between the parties referenced herein; and

BE IT FURTHER RESOLVED that the Township Clerk shall transmit a certified copy of this resolution and its attachment to the Teamsters Local Union No. 469 upon its availability; and

BE IT FURTHER RESOLVED that the amendment contemplated herein shall be effective upon the last approval as between the Township and the Union pursuant to Article II and Article XLI of the Agreement.

Approved this 18th day of May, 2021.

ATTEST:


Aha Minkoff
Township Clerk

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
BRAHIMAJ	✓			☐
COUTO	✓			
KINGSLEY	✓			
MEDEIROS	✓			
VARNERIN	✓			
YELLIN	✓			
TIE:				
MAYOR DEVANNEY				

SCHEDULE A

MAY 2021

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TEAMSTERS LOCAL UNION No. 469
SICK LEAVE DONATION PROGRAM
SIDEBAR
May 2021

TWP. CLERK

PURPOSE

1. The purpose of this voluntary program is to provide employees a means of assisting a co-worker who has exhausted, or is likely to exhaust, his/her accrued leave due to a catastrophic health condition or injury to either the employee or the employee's immediate family member which would result in a substantial loss of income.

ELIGIBILITY TO RECEIVE LEAVE

Teamsters Local 469 unit members may receive donated sick time under the following circumstances:

1. The unit member requires leave for a personal health condition or the health condition of a family members that includes: an extreme or debilitating medication situation; severely complicated disabilities; effects of being involved in a major accident that requires a prolonged period of recuperation; or recuperation time after donating an organ or bone marrow.
2. The unit member has been employed by the Township as a Teamsters Local 469 unit member for a minimum of one (1) year.
3. The unit member has exhausted all sick, vacation, personal and compensatory time.
4. The unit member is not taking a leave that is covered under the New Jersey Worker's Compensation Act.
5. The employee submits acceptable medical verification from a physician or other license health care provider indicating the nature, severity and anticipated duration of the disability and a statement that the recipient is unable to work.
6. The employee consents to the posting of a notification of the employee's wish to be a recipient of donated leave time.
7. A Teamsters 469 unit member who has sustained discipline for chronic or excessive lateness or abuse of leave within the twelve (12) months immediately preceding the request shall not be eligible to receive donated sick leave.

ELIGIBILITY TO DONATE LEAVE

Teamsters Local 469 unit members may voluntarily elect to donate sick leave to a designated recipient subject to the following:

1. The donating unit member certifies that the sick leave is being donated voluntarily, confidentially and with the knowledge that it cannot be revoked once donated.
2. A Teamsters Local 469 member who donates sick leave shall not have those days counted against him or her for the purposes of eligibility for the sick leave buy-back

program or sick leave incentive program set forth in Article XXI of the contract between the Teamsters 469 and Township of Berkeley Heights.

3. Only whole days are donated, no partial days.
4. Each bargaining unit member shall only donate one (1) day per donation request. If the initial request does not produce enough donations, subsequent requests can be made and a DPW employee can elect to donate an additional day for each subsequent request. Any such requests must be approved by the Township Administrator.

GENERAL PROVISIONS

The Sick Leave Donation Program will be administered subject to the following general provisions:

1. During the period that donated sick leave is used, the donated sick leave recipient shall be treated in the same manner as an employee on sick leave for purposes of service credit and any term, condition or benefit or employment.
2. Donated sick leave will be placed in a "Sick Time Donation Bank." If all of the donated sick leave is not used, the remainder shall remain in the Sick Time Donation Bank to be used only by members of the Teamsters 469 negotiations unit.
3. Donated sick leave cannot be "cashed out."
4. No unit member will be forced to donate sick leave.
5. The Township administration shall have the authority to approve or disapprove the donation request for the unit member. A request for donated sick leave shall not be unreasonably denied.
6. All donated sick leave shall be used concurrent with FMLA/FLA, if said DPW employee is eligible for such leave.

PROCEDURE

To the extent possible, the procedure set forth below shall be followed with regard to the Sick Leave Donation Program. It is understood, however, that emergent circumstances are likely to arise and will be handled on a case-by-case basis.

1. A unit member that believes he or she may require donated sick leave must notify the Shop Steward as soon as practicable of the need. Unit member must fill out a Donated Leave Program Application Form. The Shop Steward or his or her designee will advise the Department head and the Township Administrator of the request and submit the Donated Leave Program Application Form to Administration.
2. Proper medical documentation will be required.
3. The Teamsters Union 469 will send out a request for sick leave donors as soon as practicable after being advised of the unit member's eligibility.
4. Potential sick leave donors must respond directly to Township Administration as soon as practicable to the notice from the Teamsters and complete the Sick Time Transfer Form. Administration will deduct their donation from their time banks accordingly.
5. All donors will be anonymous.

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TWP. CLERK