

3-0321

11/1/76-12/31/80

18-14

THIS DOES NOT
CIRCULATE

Somerset

Agreement made this 4th day of NOVEMBER 1976, between the
Borough of North Plainfield (hereinafter referred to as Borough)
and the Firemen's Mutual Benevolent Association (hereinafter
referred to as the FMBA).

WHEREAS, Borough and FMBA entered into a collective bargaining agreement dated June 7, 1976; and

WHEREAS, pursuant to the provisions of said Agreement the parties continued negotiations pertaining to sick leave; and,

WHEREAS, the parties have agreed upon a sick leave policy as more particularly set forth in draft of Ordinance No. 659 annexed hereto and made a part hereof; and

WHEREAS, Borough intends to introduce said draft of Ordinance at the Mayor and Council meeting of October 18, 1976 and to consider final passage of said Ordinance at the meeting of November 8th, 1976.

NOW, THEREFORE, the parties agree that upon final passage of the draft of Ordinance No. 659, sick leave benefits for members of the FMBA shall be in accordance with Ordinance No. 659, for the period January 1, 1976, through December 31, 1980, and continuing thereafter until changed by mutual consent of the parties.

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The parties further agree that upon final passage of Ordinance No. 659, sick leave benefits shall not be an item of negotiation between FMBA and Borough for the years 1976 through 1980 except upon mutual consent of the parties.

Approved:

North Plainfield FMBA Local #53

By:

James P. Conliney

By:

George J. Bennett

Borough of North Plainfield

By:

Steve Novak, Jr.
Steven Novak, Jr., Mayor

Attest:

Mary A. Smith
Mary A. Smith, Clerk

ORDINANCE NO. 659

AN ORDINANCE ESTABLISHING A SICK LEAVE POLICY
FOR EMPLOYEES OF THE BOROUGH OF NORTH PLAINFIELD

Be it Ordained by the Mayor and Council of the Borough of North Plainfield, in the County of Somerset, and State of New Jersey as follows:

1. Sick leave means paid leave granted to a Borough employee who because of sickness or injury becomes disabled to a degree that makes it impossible for him to perform the duties of his position or, who is quarantined by a physician because he has been exposed to a contagious disease.

2. Full-time employees shall be eligible for sick leave in the manner hereinafter set forth. Permanent part-time employees shall be eligible for sick leave on a pro-rata basis. Temporary part-time and seasonal employees shall not be eligible for sick leave. Unless otherwise designated to the contrary, "employee" shall mean "full-time employee".

3. A. Each employee shall be entitled to sick leave on the basis of ten (10) days for 1976, twelve (12) days each for 1977, 1978 and 1979 and fifteen (15) days for 1980 and fifteen (15) days for each year thereafter. In the first year of employment, an employee shall be entitled to sick leave on a

pro-rata basis per month.

B. Upon an employee's retirement from service with the Borough and provided he is qualified for and is approved for benefits by the Public Employees' Retirement System or Police and Firemen's Retirement System under the Service, Deferred, Special, Early, Mandatory, Ordinary Disability, or Accidental Disability Retirement programs of either System, such employee shall be entitled to pay at the pay rate for his position as of the date of retirement equivalent to one-half ($\frac{1}{2}$) per full day of verifiable sick leave accumulated and not previously used up to and including the first ninety (90) days of such accumulated sick leave and five-sixths ($\frac{5}{6}$) day per full day of verifiable sick leave accumulated and not previously used in excess of ninety (90) days of such accumulated sick leave up to and including the one-hundred-eightieth (180th) day of such accumulated sick leave. An employee shall not, upon retirement, be entitled to any payment or credit for sick leave accumulated and not previously used in excess of one hundred-eighty (180) days.

C. In the event of an employee's death prior to retirement such employee's estate shall be entitled to pay at the rate for the deceased employee's position as of the date of

death equivalent to one-half ($\frac{1}{2}$) day per full day of verifiable sick leave accumulated and not previously used up to and including the first ninety (90) days of such accumulated sick leave and five-sixths ($\frac{5}{6}$) day per full day of verifiable sick leave accumulated and not previously used in excess of ninety (90) days of such accumulated sick leave up to and including the one-hundred-eightieth (180th) day of such accumulated sick leave. An employee's estate shall not be entitled to any payment or credit for sick leave accumulated and not previously used in excess of one hundred-eighty (180) days.

D. An employee shall not be permitted to utilize anticipated sick leave until he has completed one (1) year of service. After one (1) year of service an employee may utilize up to the current year's anticipated sick leave provided prior accumulated sick leave has been first utilized.

E. Each employee in the employ of the Borough as of January 1, 1976, shall have credited to his accumulation of sick leave days, those verifiable, not previously used sick leave days to which he would have been entitled pursuant to prior sick leave procedures of the Borough. In no event, however, shall any employee be deemed to have been entitled to more than ten (10)

days sick leave per calendar year. Each employee in the employ of the Borough as of January 1, 1976, shall be deemed to have been entitled to ten (10) days sick leave days for each calendar year during which he was an employee of the Borough.

F. There shall be no limitation, except as may be provided by statute, upon the number of sick leave days an employee may accumulate and utilize during his term of service, in accordance with the provisions of this Ordinance.

G. Each employee in the employ of the Borough as of the date of adoption of this Ordinance shall be deemed to have been entitled to ten (10) days sick leave days for the calendar year in which his employment commenced, anything to the contrary contained herein, notwithstanding.

H. Should an employee's employment terminate between January 1 and June 30, both inclusive, in any calendar year, such employee shall be entitled to one-half ($\frac{1}{2}$) the allowable sick leave days for such calendar year. Should an employee's employment terminate between July 1 and December 31, both inclusive, in any calendar year, such employee shall be entitled to all the allowable sick leave days for such calendar year.

I. Each employee in the employ of the Borough for one year or more as of January 1, 1976, shall have credited to

his accumulation of sick leave days, an additional ten (10) days; provided, however, any employee who was credited with an additional number of sick leave days pursuant to paragraph 3B of Ordinance No. 640, shall only be credited with the difference between ten (10) days and the number of additional sick leave days with which he was credited pursuant to Ordinance No. 640, paragraph 3B.

4.A. When an employee is absent from work because of sickness, injury or quarantine for more than five (5) consecutive work days, his supervisor may require the employee, at the employee's expense, to submit an acceptable medical certificate from a physician relating to such illness, injury or quarantine.

B. When an employee has been absent on sick leave for periods totaling in excess of ten (10) days in one (1) calendar year consisting of periods of less than five (5) consecutive work days, his supervisor may require the employee, at the employee's expense, to submit an acceptable medical certificate from a physician before approving any additional sick leave in that calendar year.

C. An employee's supervisor may require medical proof of an employee's incapacity whenever an employee is on sick leave

provided said requirement appears reasonable and demand for such proof is timely made. In such event the employee shall produce such proof. If satisfactory medical proof is produced, Borough shall reimburse employee the reasonable expense of obtaining same.

D. Abuse of sick leave shall be cause for disciplinary action.

E. An employee who intends to take sick leave shall notify his supervisor of such intention as soon as is reasonably possible under the circumstances. An employee on sick leave shall notify his supervisor of his place of recuperation and shall permit his supervisor or his supervisor's designee access and entry to such place during the continuance of the sick leave.

F. An employee shall submit to such medical examinations as shall be required from time to time by his department head. In any such case in which a medical examination pursuant to Paragraph 4F is required, the cost of such examination shall be borne exclusively by the Borough.

5. Accumulated sick leave may be used by an employee for personal sickness, injury, quarantine, or for the sickness or injury of a member of his immediate family, provided, however, sick leave used because of sickness or injury of a member of an employee's immediate family shall be limited to five (5) days per calendar year. For the purposes of this Ordinance "immediate

family" shall mean an employee's spouse, children, minor children over whom employee has custody, parents or other relatives by blood or marriage of the employee and who are actually residing in and are members of the employee's household.

6. Absence from employment caused by personal injury, incapacitating an employee to a degree that makes it impossible for the employee to perform the duties of his position shall not be charged against the employee's accumulated or anticipated sick leave if such personal injury was caused by accident arising out of and in the course of the employee's employment with the Borough.

7. A "work related injury" for the purpose of this Ordinance is a personal injury caused by accident arising out of and in the course of an employee's employment with the Borough. A decision by the Division of Workmen's Compensation or court of competent jurisdiction on appeal that an injury is or is not compensable under the Workmen's Compensation Act shall be conclusively binding on the Borough and the employee that the injury is or is not work related. A decision by the Division of Workmen's Compensation or court of competent jurisdiction on appeal as to the duration of temporary disability shall be conclusively binding on the Borough and the employee as to the

duration of disability.

In the event of a temporary disability, of lesser duration than the Workmen's Compensation Act waiting period, the decision of the Borough's Workmen's Compensation insurance carrier to pay any benefits, including medical expenses, shall be conclusively binding on the Borough and employee that the injury is or is not work related.

8. An employee sustaining a work related injury disabling him to a degree that makes it impossible for him to perform the duties of his position, shall, during the period of such disability and as such period is limited by statute, be entitled to leave with full pay without such leave being charged against accumulated or anticipated sick leave, provided; however, that in the event such period of disability exceeds the waiting period for temporary workmen's compensation disability benefits, the employee, as a condition of receiving such benefits from the Borough, shall make and prosecute appropriate application for (in the event not voluntarily paid) temporary workmen's compensation disability benefits and shall turn the proceeds of all such benefits over to the Borough. In the event the employee shall have received benefits from the Borough under this

paragraph 8 in excess of the period of time ultimately determined by the Division of Workmen's Compensation or court of competent jurisdiction on appeal as the duration of temporary disability, the employee shall reimburse the Borough in the full amount of any excess payments.

In the event there shall be a disagreement between the employee and the Borough over the duration of temporary disability caused by work related injury which such disability shall be for a period less than the Workmen s Compensation Act waiting period for temporary disability benefits, such disagreement shall be resolved through the grievance procedure in effect for the employee Department.

9. To the extent any other Ordinance of the Borough is inconsistent with the provisions hereof, said Ordinance shall be deemed to have been repealed to the extent of such inconsistency provided, however, such other Ordinance shall remain in full force and effect to the extent consistent herewith.

10. This Ordinance upon final adoption and publication according to law shall be effective retroactively to January 1, 1976.

Introduced:

STEVEN NOVAK, JR.

Mayor

Approved:

Adopted:

Attest:

James R. Courtney
George J. Brant

MARY A. SMITH, Borough Clerk