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111-2022

Agenda Item No.:

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, the Township of Berkeley Heights (“Township”) entered into a labor agreement with Teamsters Local Union 469 Department of Public Works titled “Agreement Between the Township of Berkeley Heights and Teamsters Local Union 469 Department of Public Works, January 1, 2019-December 31, 2023”; and

WHEREAS, it has been determined that a side letter agreement is appropriate to address compensatory time off; and

WHEREAS, the “Side Letter Agreement – Compensatory Time Off”, a copy of which is attached hereto, has been reviewed by Labor Counsel and recommended to the Administration and Council; and

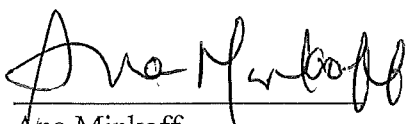
WHEREAS, it is the interests of the residents of the Township to have compensatory time off addressed by side letter agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township Administrator is hereby authorized to execute the side letter agreement referenced herein; and

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this 5th day of April, 2022.

ATTEST:



Ana Minkoff
Township Clerk

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
BRAHIMAJ				<input checked="" type="checkbox"/>
COUTO	✓			
DONNELLY	✓			
FOSTER	✓			
KINGSLEY	✓			
VARNERIN	✓			
TIE:				
MAYOR DEVANNEY				

SIDE LETTER OF AGREEMENT 1
COMPENSATORY TIME OFF
Teamsters Local Union No. 469
Department of Public Works

Negotiations unit members shall be permitted to accumulate compensatory time off as follows:

1. Where overtime is worked, an employee may elect, at his or her option, to take compensatory time off in lieu of overtime pay at the same rate (*i.e.* if an employee works two (2) hours of overtime, that employee may elect to accrue three (3) hours of compensatory time off in lieu of overtime pay; alternatively if an employee works two (2) hours of double time, that employee may elect to accrue four (4) hours of compensatory time off in lieu of double time pay).
2. Employees seeking to accrue compensatory time off in lieu of overtime must submit a written request to the DPW Supervisor, or his or her designee, ~~in advance of the overtime assignment.~~
3. In order to use accrued compensatory time off, employees must submit a written request to the DPW Supervisor, or his or her designee, at least twenty-four (24) hours prior to the time the employee is requesting off. ~~Attempts should be made to take the comp time in either four (4) or eight (8) hour increments.~~
4. Employees may accumulate up to eighty (80) hours of compensatory time off. Once an employee has banked eight (80) hours of compensatory time off, he or she will no longer be permitted to accrue additional compensatory time off, and will be paid overtime until his or her compensatory time bank falls below eighty (80) hours.
5. ~~If all employees of the Department of Public Works agree, the Foreman may request that the eighty (80) hour limit be temporarily lifted. Said request will be made to the Township Administrator. The Administrator shall consult with the DPW Supervisor, or his or her designee, prior to rendering his or her decision on the request. The decision of the Administrator regarding the 80-hour limit shall not be grievable.~~
6. Employees should make every effort to utilize compensatory time off in the year in which it was earned. However, in the event an employee cannot utilize his or her compensatory time off in the year in which it was accrued, then the employee may elect to receive pay for the unused portion at the rate in effect at the time of payment.
7. Nothing shall preclude the Township from paying for all or any portion of an employee's compensatory time bank. The Township reserves the right to pay for any and all accrued compensatory time off at any time.

8. Upon the expiration of this Agreement, during subsequent negotiations, and until a new agreement is executed, all of the terms and conditions of this Agreement shall remain in effect.

For the Union
Dated:

For the Township
Dated: