

ASSEMBLY, No. 4345

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 28, 2011

Sponsored by:

**Assemblywoman PAMELA R. LAMPITT
District 6 (Camden)**

SYNOPSIS

Limits use of and supplemental compensation for certain accumulated leave; permits use of certain unused sick leave to offset post-retirement health care cost; limits employment for certain public employees.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the sick and vacation leave of certain public
2 employees, and the employment of certain public employees on
3 leave, and amending and supplementing various parts of the
4 statutory law.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 44 of P.L.2007, c.92 (C.18A:30-3.5) is amended to
10 read as follows:

11 44. a. Notwithstanding any law, rule or regulation to the
12 contrary, a board of education, or an agency or instrumentality
13 thereof, shall not pay supplemental compensation to any officer or
14 employee for accumulated unused sick leave **[in an amount in**
15 **excess of \$15,000]** except that an officer or employee who:

16 (1) on the effective date of P.L.2007, c.92 (C.43:15C-1 et al.),
17 or upon the expiration of a collective negotiations agreement or
18 contract of employment applicable to that officer or employee in
19 effect on that date has accrued supplemental compensation based
20 upon accumulated unused sick leave shall, upon retirement, be
21 eligible to receive for any unused leave not more than the amount
22 so accumulated **[or not more than \$15,000, whichever is greater];**
23 or

24 (2) becomes an officer or employee after the effective date of
25 P.L.2007, c.92 (C.43:15C-1 et al.) and has previously accrued
26 supplemental compensation based upon accumulated unused sick
27 leave shall, upon retirement, be eligible to receive for any unused
28 leave not more than the amount so previously accumulated **[or not**
29 **more than \$15,000, whichever is greater].**

30 Supplemental compensation shall be payable only at the time of
31 retirement from a State-administered or locally-administered
32 retirement system based on the leave credited on the date of
33 retirement.

34 Upon the retirement of an officer or employee who is eligible to
35 continue health care benefits coverage that is fully or partly paid by
36 a public entity after retirement, and who has a minimum of 61 days
37 of accumulated unused sick leave earned after the effective date of
38 P.L. , c. (pending before the Legislature as this bill), the
39 employer shall determine, based on the employee's age at the time
40 of retirement, the actuarial equivalent in monthly installments for
41 the remaining life expectancy of such retired employee, the dollar
42 value of the numbered days over 60 of unused sick leave earned and
43 accumulated after the effective date of P.L. , c. (pending before
44 the Legislature as this bill), standing to his or her credit at the time

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of retirement, without interest. Such dollar value shall be based on
2 the officer's or employee's salary at the time of retirement. In
3 addition to regular employer contributions by a public entity,
4 contributions by a public entity in the amount of such monthly
5 installments shall be paid from the entity appropriation and applied
6 towards the charges for health care benefits premium payments
7 required of such retired officer or employee, to the extent necessary
8 to pay such charges, but not to exceed \$7,500 in the aggregate. The
9 remaining amount, if any, necessary to pay such charges shall be
10 contributed by such retired officer or employee.

11 As used in this section, "officer or employee" means an elected
12 official; or a person appointed by the Governor with the advice and
13 consent of the Senate, or appointed by the Governor to serve at the
14 pleasure of the Governor only during his or her term of office; or a
15 person appointed by an elected public official or elected governing
16 body of the political subdivision, with the specific consent or
17 approval of the elected governing body of the political subdivision
18 that is substantially similar in nature to the advice and consent of
19 the Senate for appointments by the Governor of the State as that
20 similarity is determined by the elected governing body and set forth
21 in an adopted resolution, pursuant to guidelines or policy that shall
22 be established by the Department of Education, but not including a
23 person who is employed or appointed in the regular or normal
24 course of employment or appointment procedures and consented to
25 or approved in a general or routine manner appropriate for and
26 followed by the political subdivision, or the agency or
27 instrumentality thereof.

28 b. (1) Payment of supplemental compensation for accumulated
29 unused sick leave shall be suspended if an officer or employee has
30 been indicted for a crime that involves or touches such office or
31 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
32 6.5).

33 (2) Supplemental compensation for accumulated unused sick
34 leave shall be forfeited if an officer or employee is convicted of a
35 crime that subjects the officer or employee to the provisions of
36 section 6 of P.L.2007, c.49, or for a substantially similar offense
37 under the laws of another state or the United States which would
38 have been such a crime under the laws of this State.

39 (cf: P.L.2007, c.92, s.44)

40

41 2. Section 3 of P.L.2010, c.3 (C.18A:30-3.6) is amended to
42 read as follows:

43 3. a. Notwithstanding any law, rule or regulation to the
44 contrary, a board of education, or an agency or instrumentality
45 thereof, shall not pay supplemental compensation to any officer or
46 employee for accumulated unused sick leave **[in an amount in**
47 **excess of \$15,000]** , except that an officer or employee who on the
48 effective date of P.L. , c. (pending before the Legislature as this

1 bill), or upon the expiration of a collective negotiations agreement
2 or contract of employment with a relevant provision applicable to
3 that officer or employee in effect on that date, has accrued
4 supplemental compensation based upon accumulated unused sick
5 leave shall be eligible to receive not more than the amount so
6 accumulated. Supplemental compensation shall be payable only at
7 the time of retirement from a State-administered or locally-
8 administered retirement system based on the leave credited on the
9 date of retirement. **【This provision shall apply only to officers and**
10 **employees who commence service with the board of education, or**
11 **the agency or instrumentality thereof, on or after the effective date**
12 **of P.L.2010, c.3. This section shall not be construed to affect the**
13 **terms in any collective negotiations agreement with a relevant**
14 **provision in force on that effective date.】**

15 Upon the retirement of an officer or employee who is eligible to
16 continue health care benefits coverage that is fully or partly paid by
17 a public entity after retirement, and who has a minimum of 61 days
18 of accumulated unused sick leave earned after the effective date of
19 P.L. , c. (pending before the Legislature as this bill), the
20 employer shall determine, based on the employee's age at the time
21 of retirement, the actuarial equivalent in monthly installments for
22 the remaining life expectancy of such retired employee of the dollar
23 value of the numbered days over 60 of unused sick leave earned and
24 accumulated after the effective date of P.L. , c. (pending before
25 the Legislature as this bill), standing to his or her credit at the time
26 of retirement, without interest. Such dollar value shall be based on
27 the officer's or employee's salary at the time of retirement. In
28 addition to regular employer contributions by a public entity,
29 contributions by a public entity in the amount of such monthly
30 installments shall be paid from the entity appropriation and applied
31 towards the charges for health care benefits premium payments
32 required of such retired officer or employee, to the extent necessary
33 to pay such charges, but not to exceed \$7,500 in the aggregate. The
34 remaining amount, if any, necessary to pay such charges shall be
35 contributed by such retired officer or employee.

36 b. (1) Payment of supplemental compensation for accumulated
37 unused sick leave shall be suspended if an officer or employee has
38 been indicted for a crime that involves or touches such office or
39 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
40 6.5).

41 (2) Supplemental compensation for accumulated unused sick
42 leave shall be forfeited if an officer or employee is convicted of a
43 crime that subjects the officer or employee to the provisions of
44 section 6 of P.L.2007, c.49, or for a substantially similar offense
45 under the laws of another state or the United States which would
46 have been such a crime under the laws of this State.

47 (cf: P.L.2010, c.3, s.3)

1 3. (New section) Notwithstanding any law, rule or regulation
2 to the contrary, for officers or employees of a school board, or any
3 agency or instrumentality thereof, the use of six or more
4 consecutive days of accumulated sick leave in the twelve months
5 prior to retirement in anticipation of that retirement without a
6 medical necessity verified in writing by a physician shall be
7 prohibited. The board shall promulgate rules and procedures to
8 ensure that verification of medical necessity is provided. The rules
9 shall provide that the employer may require the officer or employee
10 to submit to an examination by a physician selected by the
11 employer to verify the medical necessity. For the first violation of
12 this section, the employer shall treat the time taken as unpaid leave
13 and impose a minimum disciplinary penalty of a fine in an amount
14 equivalent to one and one-half times the daily rate of compensation
15 for each day of violation. For the second violation of this section,
16 in addition to treating the time taken as unpaid leave, the employer
17 shall impose a minimum disciplinary penalty of a fine in an amount
18 equivalent to three times the daily rate of compensation for each
19 day of violation. For the third violation of this section, in addition
20 to treating the time taken as unpaid leave, the employer shall have
21 good cause for termination of the employee. The minimum
22 penalties set forth for the first and second violations may be
23 increased at the discretion of the employer based upon the prior
24 record of the employee. The time converted to unpaid leave under
25 this section shall also be deducted from the number of unused
26 accumulated sick leave days credited on the effective date of
27 retirement upon which supplemental compensation, if any, for the
28 employee at the time of retirement is calculated. No monetary
29 penalty imposed under this section shall be construed to be a
30 reduction in compensation under applicable employee tenure laws.

31

32 4. Section 46 of P.L.2007, c.92 (C.18A:30-9) is amended to
33 read as follows:

34 46. a. Notwithstanding any law, rule or regulation to the
35 contrary, an officer or employee of a board of education, or an
36 agency or instrumentality thereof, who does not take vacation leave
37 that accrues on or after the effective date of P.L.2007, c.92
38 (C.43:15C-1 et al.), or on or after the date on which the person
39 becomes an officer or employee, in a given year because of business
40 demands shall be granted that accrued leave only during the next
41 succeeding year.

42 However, vacation leave not taken in a given year because of
43 duties directly related to a state of emergency declared by the
44 Governor may accumulate at the discretion of the appointing
45 authority until, pursuant to a plan established by the officer or
46 employee's appointing authority, the leave is used or the employee
47 or officer is compensated for that leave, which shall not be subject
48 to collective negotiation or collective bargaining.

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1 A person who (1) is an officer or employee on the effective date
2 of P.L.2007, c.92 (C.43:15C-1 et al.), or (2) becomes an officer or
3 employee after that effective date, and has previously accrued
4 vacation leave shall be eligible and shall be permitted to retain and
5 use that accrued vacation leave.

6 As used in this section, "officer or employee" means an elected
7 official; or a person appointed by the Governor with the advice and
8 consent of the Senate, or appointed by the Governor to serve at the
9 pleasure of the Governor only during his or her term of office; or a
10 person appointed by an elected public official or elected governing
11 body of the political subdivision, with the specific consent or
12 approval of the elected governing body of the political subdivision
13 that is substantially similar in nature to the advice and consent of
14 the Senate for appointments by the Governor of the State as that
15 similarity is determined by the elected governing body and set forth
16 in an adopted resolution, pursuant to guidelines or policy that shall
17 be established by the Department of Education, but not including a
18 person who is employed or appointed in the regular or normal
19 course of employment or appointment procedures and consented to
20 or approved in a general or routine manner appropriate for and
21 followed by the political subdivision, or the agency or
22 instrumentality thereof.

23 b. (1) Payment of supplemental compensation to any officer or
24 employee for accumulated unused vacation leave shall be
25 suspended if an officer or employee has been indicted for a crime
26 that involves or touches such office or employment as defined in
27 section 6 of P.L.2007, c.49 (C.2C:43-6.5).

28 (2) Supplemental compensation for accumulated unused
29 vacation leave shall be forfeited if an officer or employee is
30 convicted of a crime that subjects the officer or employee to the
31 provisions of section 6 of P.L.2007, c.49, or for a substantially
32 similar offense under the laws of another state or the United States
33 which would have been such a crime under the laws of this State.

34 (cf: P.L.2007, c.92, s.46)

35

36 5. Section 5 of P.L.2010, c.3 (C.18A:30-9.1) is amended to
37 read as follows:

38 5. a. Notwithstanding any law, rule or regulation to the
39 contrary, an officer or employee of a board of education, or an
40 agency or instrumentality thereof, who does not take vacation leave
41 that accrues in a given year because of business demands shall be
42 granted that accrued leave only during the next succeeding year.
43 However, vacation leave not taken in a given year because of duties
44 directly related to a state of emergency declared by the Governor
45 may accumulate at the discretion of the appointing authority until,
46 pursuant to a plan established by the officer or employee's
47 appointing authority, the leave is used or the employee or officer is
48 compensated for that leave, which shall not be subject to collective

1 negotiation or collective bargaining. **【This provision shall apply**
2 **only to officers and employees who commence service with the**
3 **board of education, or the agency or instrumentality thereof, on or**
4 **after the effective date of P.L.2010, c.3. This section shall not be**
5 **construed to affect the terms in any collective negotiations**
6 **agreement with a relevant provision in force on that effective date.】**

7 A person who on the effective date of P.L. , c. (pending
8 before the Legislature as this bill), or upon the expiration of a
9 collective negotiations agreement or contract of employment with a
10 relevant provision applicable to that officer or employee in effect on
11 that date, has accrued vacation leave shall be eligible and shall be
12 permitted to retain and use that accrued vacation leave.

13 b. (1) Payment of supplemental compensation to any officer or
14 employee for accumulated unused vacation leave shall be
15 suspended if an officer or employee has been indicted for a crime
16 that involves or touches such office or employment as defined in
17 section 6 of P.L.2007, c.49 (C.2C:43-6.5).

18 (2) Supplemental compensation for accumulated unused
19 vacation leave shall be forfeited if an officer or employee is
20 convicted of a crime that subjects the officer or employee to the
21 provisions of section 6 of P.L.2007, c.49, or for a substantially
22 similar offense under the laws of another state or the United States
23 which would have been such a crime under the laws of this State.

24 (cf: P.L.2010, c.3, s.5)

25

26 6. Section 43 of P.L.2007, c.92 (C.40A:9-10.2) is amended to
27 read as follows:

28 43. a. Notwithstanding any law, rule or regulation to the
29 contrary, a political subdivision of the State, or an agency, authority
30 or instrumentality thereof, that has not adopted the provisions of
31 Title 11A of the New Jersey Statutes, shall not pay supplemental
32 compensation to any officer or employee for accumulated unused
33 sick leave **【in an amount in excess of \$15,000】** except that an
34 officer or employee who:

35 (1) on the effective date of P.L.2007, c.92 (C.43:15C-1 et al.),
36 or upon the expiration of a collective negotiations agreement or
37 contract of employment applicable to that officer or employee in
38 effect on that date has accrued supplemental compensation based
39 upon accumulated unused sick leave shall, upon retirement, be
40 eligible to receive for any unused leave not more than the amount
41 so accumulated **【or not more than \$15,000, whichever is greater】**;
42 or

43 (2) becomes an officer or employee after the effective date of
44 P.L.2007, c.92 (C.43:15C-1 et al.) and has previously accrued
45 supplemental compensation based upon accumulated unused sick
46 leave shall, upon retirement, be eligible to receive for any unused

1 leave not more than the amount so previously accumulated [or not
2 more than \$15,000, whichever is greater].

3 Supplemental compensation shall be payable only at the time of
4 retirement from a State-administered or locally-administered
5 retirement system based on the leave credited on the date of
6 retirement.

7 Upon the retirement of an officer or employee who is eligible to
8 continue health care benefits coverage that is fully or partly paid by
9 a public entity after retirement, and who has a minimum of 61 days
10 of accumulated unused sick leave earned after the effective date of
11 P.L. , c. (pending before the Legislature as this bill), the
12 employer shall determine, based on the employee's age at the time
13 of retirement, the actuarial equivalent in monthly installments for
14 the remaining life expectancy of such retired employee of the dollar
15 value of the numbered days over 60 of unused sick leave earned and
16 accumulated after the effective date of P.L. , c. (pending before
17 the Legislature as this bill), standing to his or her credit at the time
18 of retirement, without interest. Such dollar value shall be based on
19 the officer's or employee's salary at the time of retirement. In
20 addition to regular employer contributions by a public entity,
21 contributions by a public entity in the amount of such monthly
22 installments shall be paid from the entity appropriation and applied
23 towards the charges for health care benefits premium payments
24 required of such retired officer or employee, to the extent necessary
25 to pay such charges, but not to exceed \$7,500 in the aggregate. The
26 remaining amount, if any, necessary to pay such charges shall be
27 contributed by such retired officer or employee.

28 As used in this section, "officer or employee" means an elected
29 official; or a person appointed by the Governor with the advice and
30 consent of the Senate, or appointed by the Governor to serve at the
31 pleasure of the Governor only during his or her term of office; or a
32 person appointed by an elected public official or elected governing
33 body of a political subdivision of the State, with the specific
34 consent or approval of the elected governing body of the political
35 subdivision that is substantially similar in nature to the advice and
36 consent of the Senate for appointments by the Governor of the State
37 as that similarity is determined by the elected governing body and
38 set forth in an adopted ordinance or resolution, pursuant to
39 guidelines or policy that shall be established by the Local Finance
40 Board in the Department of Community Affairs, but not including a
41 person who is employed or appointed in the regular or normal
42 course of employment or appointment procedures and consented to
43 or approved in a general or routine manner appropriate for and
44 followed by the political subdivision, or the agency, authority or
45 instrumentality of a subdivision, or a person who holds a
46 professional license or certificate to perform and is performing as a
47 certified health officer, tax assessor, tax collector, municipal
48 planner, chief financial officer, registered municipal clerk,

1 construction code official, licensed uniform subcode inspector,
2 qualified purchasing agent, or certified public works manager.

3 b. (1) Payment of supplemental compensation for accumulated
4 unused sick leave shall be suspended if an officer or employee has
5 been indicted for a crime that involves or touches such office or
6 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
7 6.5).

8 (2) Supplemental compensation for accumulated unused sick
9 leave shall be forfeited if an officer or employee is convicted of a
10 crime that subjects the officer or employee to the provisions of
11 section 6 of P.L.2007, c.49, or for a substantially similar offense
12 under the laws of another state or the United States which would
13 have been such a crime under the laws of this State.

14 (cf: P.L.2007, c.92, s.43)

15

16 7. Section 45 of P.L.2007, c.92 (C.40A:9-10.3) is amended to
17 read as follows:

18 45. a. Notwithstanding any law or any rule or regulation to the
19 contrary, an officer or employee of a political subdivision of the
20 State, or an agency, authority, or instrumentality of a subdivision,
21 that has not adopted the provisions of Title 11A, Civil Service, of
22 the New Jersey Statutes, who does not take vacation leave that
23 accrues on or after the effective date of P.L.2007, c.92 (C.43:15C-1
24 et al.), or on or after the date on which the person becomes an
25 officer or employee, in a given year because of business demands
26 shall be granted that accrued leave only during the next succeeding
27 year.

28 However, vacation leave not taken in a given year because of
29 duties directly related to a state of emergency declared by the
30 Governor may accumulate at the discretion of the appointing
31 authority until, pursuant to a plan established by the officer or
32 employee's appointing authority, the leave is used or the employee
33 or officer is compensated for that leave, which shall not be subject
34 to collective negotiation or collective bargaining.

35 A person who (1) is an officer or employee on the effective date
36 of P.L.2007, c.92 (C.43:15C-1 et al.), or (2) becomes an officer or
37 employee after that effective date, and has previously accrued
38 vacation leave shall be eligible and shall be permitted to retain and
39 use that accrued vacation leave.

40 As used in this section, "officer or employee" means an elected
41 official; or a person appointed by the Governor with the advice and
42 consent of the Senate, or appointed by the Governor to serve at the
43 pleasure of the Governor only during his or her term of office; or a
44 person appointed by an elected public official or elected governing
45 body of a political subdivision of the State, with the specific
46 consent or approval of the elected governing body of the political
47 subdivision that is substantially similar in nature to the advice and
48 consent of the Senate for appointments by the Governor of the State

1 as that similarity is determined by the elected governing body and
2 set forth in an adopted ordinance or resolution, pursuant to
3 guidelines or policy that shall be established by the Local Finance
4 Board in the Department of Community Affairs, but not including a
5 person who is employed or appointed in the regular or normal
6 course of employment or appointment procedures and consented to
7 or approved in a general or routine manner appropriate for and
8 followed by the political subdivision, or the agency, authority or
9 instrumentality of a subdivision, or a person who holds a
10 professional license or certificate to perform and is performing as a
11 certified health officer, tax assessor, tax collector, municipal
12 planner, chief financial officer, registered municipal clerk,
13 construction code official, licensed uniform subcode inspector,
14 qualified purchasing agent, or certified public works manager.

15 b. (1) Payment of supplemental compensation to any officer or
16 employee for accumulated unused vacation leave shall be
17 suspended if an officer or employee has been indicted for a crime
18 that involves or touches such office or employment as defined in
19 section 6 of P.L.2007, c.49 (C.2C:43-6.5).

20 (2) Supplemental compensation for accumulated unused
21 vacation leave shall be forfeited if an officer or employee is
22 convicted of a crime that subjects the officer or employee to the
23 provisions of section 6 of P.L.2007, c.49, or for a substantially
24 similar offense under the laws of another state or the United States
25 which would have been such a crime under the laws of this State.

26 (cf: P.L.2007, c.92, s.45)

27
28 8. Section 2 of P.L.2010, c.3 (C.40A:9-10.4) is amended to
29 read as follows:

30 2. a. Notwithstanding any law, rule or regulation to the
31 contrary, a political subdivision of the State, or an agency, authority
32 or instrumentality thereof, that has not adopted the provisions of
33 Title 11A of the New Jersey Statutes, shall not pay supplemental
34 compensation to any officer or employee for accumulated unused
35 sick leave [in an amount in excess of \$15,000] , except that an
36 officer or employee who on the effective date of P.L. _____,

37 c. (pending before the Legislature as this bill), or upon the
38 expiration of a collective negotiations agreement or contract of
39 employment with a relevant provision applicable to that officer or
40 employee in effect on that date, has accrued supplemental
41 compensation based upon accumulated unused sick leave shall be
42 eligible to receive not more than the amount so accumulated.

43 Supplemental compensation shall be payable only at the time of
44 retirement from a State-administered or locally-administered
45 retirement system based on the leave credited on the date of
46 retirement. **【**This provision shall apply only to officers and
47 employees who commence service with the political subdivision of
48 the State, or the agency, authority or instrumentality thereof, on or

1 after the effective date of P.L.2010, c.3. This section shall not be
2 construed to affect the terms in any collective negotiations
3 agreement with a relevant provision in force on that effective date.】

4 Upon the retirement of an officer or employee who is eligible to
5 continue health care benefits coverage that is fully or partly paid by
6 a public entity after retirement, and who has a minimum of 61 days
7 of accumulated unused sick leave earned after the effective date of
8 P.L. , c. (pending before the Legislature as this bill), the
9 employer shall determine, based on the employee's age at the time
10 of retirement, the actuarial equivalent in monthly installments for
11 the remaining life expectancy of such retired employee of the dollar
12 value of the numbered days over 60 of unused sick leave earned and
13 accumulated after the effective date of P.L. , c. (pending before
14 the Legislature as this bill), standing to his or her credit at the time
15 of retirement, without interest. Such dollar value shall be based on
16 the officer's or employee's salary at the time of retirement. In
17 addition to regular employer contributions by a public entity,
18 contributions by a public entity in the amount of such monthly
19 installments shall be paid from the entity appropriation and applied
20 towards the charges for health care benefits premium payments
21 required of such retired officer or employee, to the extent necessary
22 to pay such charges, but not to exceed \$7,500 in the aggregate. The
23 remaining amount, if any, necessary to pay such charges shall be
24 contributed by such retired officer or employee.

25 b. (1) Payment of supplemental compensation for accumulated
26 unused sick leave shall be suspended if an officer or employee has
27 been indicted for a crime that involves or touches such office or
28 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
29 6.5).

30 (2) Supplemental compensation for accumulated unused sick
31 leave shall be forfeited if an officer or employee is convicted of a
32 crime that subjects the officer or employee to the provisions of
33 section 6 of P.L.2007, c.49, or for a substantially similar offense
34 under the laws of another state or the United States which would
35 have been such a crime under the laws of this State.

36 (cf: P.L.2010, c.3, s.2)

37

38 9. Section 4 of P.L.2010, c.3 (C.40A:9-10.5) is amended to
39 read as follows:

40 4. a. Notwithstanding any law, rule or regulation to the
41 contrary, an officer or employee of a political subdivision of the
42 State, or an agency, authority, or instrumentality thereof, that has
43 not adopted the provisions of Title 11A of the New Jersey Statutes,
44 who does not take vacation leave that accrues in a given year
45 because of business demands shall be granted that accrued leave
46 only during the next succeeding year. However, vacation leave not
47 taken in a given year because of duties directly related to a state of
48 emergency declared by the Governor may accumulate at the

1 discretion of the appointing authority until, pursuant to a plan
2 established by the officer or employee's appointing authority, the
3 leave is used or the employee or officer is compensated for that
4 leave, which shall not be subject to collective negotiation or
5 collective bargaining. **【This provision shall apply only to officers
6 and employees who commence service with the political
7 subdivision of the State, or the agency, authority or instrumentality
8 thereof, on or after the effective date of P.L.2010, c.3. This section
9 shall not be construed to affect the terms in any collective
10 negotiations agreement with a relevant provision in force on that
11 effective date.】**

12 A person who on the effective date of P.L. _____, c. _____ (pending
13 before the Legislature as this bill), or upon the expiration of a
14 collective negotiations agreement or contract of employment with a
15 relevant provision applicable to that officer or employee in effect on
16 that date, has accrued vacation leave shall be eligible and shall be
17 permitted to retain and use that accrued vacation leave.

18 b. (1) Payment of supplemental compensation to any officer or
19 employee for accumulated unused vacation leave shall be
20 suspended if an officer or employee has been indicted for a crime
21 that involves or touches such office or employment as defined in
22 section 6 of P.L.2007, c.49 (C.2C:43-6.5).

23 (2) Supplemental compensation for accumulated unused
24 vacation leave shall be forfeited if an officer or employee is
25 convicted of a crime that subjects the officer or employee to the
26 provisions of section 6 of P.L.2007, c.49, or for a substantially
27 similar offense under the laws of another state or the United States
28 which would have been such a crime under the laws of this State.

29 (cf: P.L.2010, c.3, s.4)

30

31 10. (New section) Notwithstanding any law, rule or regulation
32 to the contrary, for officers or employees of a political subdivision
33 of the State, or any agency, authority or instrumentality thereof, that
34 has not adopted the provisions of Title 11A, Civil Service, of the
35 New Jersey Statutes, the use of six or more consecutive days of
36 accumulated sick leave in the twelve months prior to retirement in
37 anticipation of that retirement without a medical necessity verified
38 in writing by a physician shall be prohibited. The governing body
39 of a political subdivision shall promulgate rules and procedures to
40 ensure that verification of medical necessity is provided. The rules
41 shall provide that the employer may require the officer or employee
42 to submit to an examination by a physician selected by the
43 employer to verify the medical necessity. For the first violation of
44 this section, the employer shall treat the time taken as unpaid leave
45 and impose a minimum disciplinary penalty of a fine in an amount
46 equivalent to one and one-half times the daily rate of compensation
47 for each day of violation. For the second violation of this section,
48 in addition to treating the time taken as unpaid leave, the employer

1 shall impose a minimum disciplinary penalty of a fine in an amount
2 equivalent to three times the daily rate of compensation for each
3 day of violation. For the third violation of this section, in addition
4 to treating the time taken as unpaid leave, the employer shall have
5 good cause for termination of the employee. The minimum
6 penalties set forth for the first and second violations may be
7 increased at the discretion of the employer based upon the prior
8 record of the employee. The time converted to unpaid leave under
9 this section shall also be deducted from the number of unused
10 accumulated sick leave days credited on the effective date of
11 retirement upon which supplemental compensation, if any, for the
12 employee at the time of retirement is calculated.

13

14 11. N.J.S.11A:6-5 is amended to read as follows:

15 11A:6-5. Sick leave. a. Full-time State and political subdivision
16 employees shall receive a sick leave credit of no less than one
17 working day for each completed month of service during the
18 remainder of the first calendar year of service and 15 working days
19 in every year thereafter. Unused sick leave shall accumulate without
20 limit.

21 b. Notwithstanding the provisions of any law, rule, or
22 regulation to the contrary, the use of six or more consecutive days
23 of accumulated sick leave in the twelve months prior to retirement
24 in anticipation of that retirement without a medical necessity
25 verified in writing by a physician shall be prohibited. The
26 commission shall promulgate rules and procedures to ensure that
27 verification of medical necessity is provided. The rules shall
28 provide that the employer may require the employee to submit to an
29 examination by a physician selected by the employer to verify the
30 medical necessity. For the first violation of this subsection, the
31 employer shall treat the time taken as unpaid leave and impose a
32 minimum disciplinary penalty of a fine in an amount equivalent to
33 one and one-half times the daily rate of compensation for each day
34 of violation. For the second violation of this subsection, in addition
35 to treating the time taken as unpaid leave, the employer shall
36 impose a minimum disciplinary penalty of a fine in an amount
37 equivalent to three times the daily rate of compensation for each
38 day of violation. For the third violation of this subsection, in
39 addition to treating the time taken as unpaid leave, the employer
40 shall have good cause for termination of the employee. The
41 minimum penalties set forth for the first and second violations may
42 be increased at the discretion of the employer based upon the prior
43 record of the employee. The time converted to unpaid leave under
44 this subsection shall also be deducted from the number of unused
45 accumulated sick leave days credited on the effective date of
46 retirement upon which supplemental compensation, if any, for the
47 employee at the time of retirement is calculated.

48 (cf: N.J.S.11A:6-5)

1 12. N.J.S.11A:6-16 is amended to read as follows:

2 11A:6-16. Supplemental compensation upon retirement in State
3 employment.

4 a. State employees in the career service, and those in the senior
5 executive and unclassified services who have been granted sick
6 leave under terms and conditions similar to career service
7 employees, shall be entitled upon retirement from a State-
8 administered retirement system to receive a lump sum payment as
9 supplemental compensation, as calculated and limited pursuant to
10 N.J.S. 11A:6-19, for each full day of accumulated unused sick leave
11 which is credited on the effective date of retirement.

12 b. (1) Payment of supplemental compensation for accumulated
13 unused sick leave shall be suspended if an officer or employee has
14 been indicted for a crime that involves or touches such office or
15 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
16 6.5).

17 (2) Supplemental compensation for accumulated unused sick
18 leave shall be forfeited if an officer or employee is convicted of a
19 crime that subjects the officer or employee to the provisions of
20 section 6 of P.L.2007, c.49, or for a substantially similar offense
21 under the laws of another state or the United States which would
22 have been such a crime under the laws of this State.

23 (cf: N.J.S.A.11A:6-16)

24

25 13. N.J.S.11A:6-19 is amended to read as follows:

26 11A:6-19. Supplemental compensation; computation; limitation.

27 a. Supplemental compensation shall be computed at the rate of
28 one-half of the eligible employee's daily rate of pay for each day of
29 accumulated sick leave based upon the compensation received
30 during the last year of employment prior to the effective date of
31 retirement, but supplemental compensation shall not exceed
32 \$15,000.00. If an employee dies after the effective date of
33 retirement but before payment is made, payment shall be made to
34 the employee's estate.

35 No supplemental compensation shall be paid to any officer or
36 employee for unused sick leave accumulated after the effective date
37 of P.L. , c. (pending before the Legislature as this bill).

38 b. An officer or employee who on the effective date of P.L. ,
39 c. (pending before the Legislature as this bill), or upon the
40 expiration of a collective negotiations agreement or contract of
41 employment with a relevant provision applicable to that officer or
42 employee in effect on that date, has accrued supplemental
43 compensation based upon accumulated unused sick leave shall be
44 eligible to receive not more than the amount so accumulated.

45 Upon the retirement of an officer or employee who is eligible to
46 continue health care benefits coverage that is fully or partly paid by
47 a public entity after retirement, and who has a minimum of 61 days
48 of accumulated unused sick leave earned after the effective date of

1 P.L. , c. (pending before the Legislature as this bill), the
2 employer shall determine, based on the employee's age at the time
3 of retirement, the actuarial equivalent in monthly installments for
4 the remaining life expectancy of such retired employee of the dollar
5 value of the numbered days over 60 of unused sick leave earned and
6 accumulated after the effective date of P.L. , c. (pending before
7 the Legislature as this bill), standing to his or her credit at the time
8 of retirement, without interest. Such dollar value shall be based on
9 the officer's or employee's salary at the time of retirement. In
10 addition to regular employer contributions by a public entity,
11 contributions by a public entity in the amount of such monthly
12 installments shall be paid from the entity appropriation and applied
13 towards the charges for health care benefits premium payments
14 required of such retired officer or employee, to the extent necessary
15 to pay such charges, but not to exceed \$7,500 in the aggregate. The
16 remaining amount, if any, necessary to pay such charges shall be
17 contributed by such retired officer or employee.

18 (cf: N.J.S.11A:6-19)

19

20 14. Section 42 of P.L.2007, c.92 (C.11A:6-19.1) is amended to
21 read as follows:

22 42. a. Notwithstanding any law, rule or regulation to the
23 contrary, a political subdivision of the State, or an agency, authority
24 or instrumentality thereof, that has adopted the provisions of Title
25 11A of the New Jersey Statutes, shall not pay supplemental
26 compensation to any officer or employee for accumulated unused
27 sick leave **[in an amount in excess of \$15,000]**, except that an
28 officer or employee who:

29 (1) on the effective date of P.L.2007, c.92 (C.43:15C-1 et al.),
30 or upon the expiration of a collective negotiations agreement or
31 contract of employment applicable to that officer or employee in
32 effect on that date has accrued supplemental compensation based
33 upon accumulated unused sick leave shall, upon retirement, be
34 eligible to receive for any unused leave not more than the amount
35 so accumulated **[or not more than \$15,000 whichever is greater]**; or

36 (2) becomes an officer or employee after the effective date of
37 P.L.2007, c.92 (C.43:15C-1 et al.) and has previously accrued
38 supplemental compensation based upon accumulated unused sick
39 leave shall, upon retirement, be eligible to receive for any unused
40 leave not more than the amount so previously accumulated **[or not**
41 **more than \$15,000, whichever is greater]**.

42 Supplemental compensation shall be payable only at the time of
43 retirement from a State-administered or locally-administered
44 retirement system based on the leave credited on the date of
45 retirement.

46 Upon the retirement of an officer or employee who is eligible to
47 continue health care benefits coverage that is fully or partly paid by
48 a public entity after retirement, and who has a minimum of 61 days

1 of accumulated unused sick leave earned after the effective date of
2 P.L. , c. (pending before the Legislature as this bill), the
3 employer shall determine, based on the employee's age at the time
4 of retirement, the actuarial equivalent in monthly installments for
5 the remaining life expectancy of such retired employee of the dollar
6 value of the numbered days over 60 of unused sick leave earned and
7 accumulated after the effective date of P.L. , c. (pending before
8 the Legislature as this bill), standing to his or her credit at the time
9 of retirement, without interest. Such dollar value shall be based on
10 the officer's or employee's salary at the time of retirement. In
11 addition to regular employer contributions by a public entity,
12 contributions by a public entity in the amount of such monthly
13 installments shall be paid from the entity appropriation and applied
14 towards the charges for health care benefits premium payments
15 required of such retired officer or employee, to the extent necessary
16 to pay such charges, but not to exceed \$7,500 in the aggregate. The
17 remaining amount, if any, necessary to pay such charges shall be
18 contributed by such retired officer or employee.

19 As used in this section, "officer or employee" means an elected
20 official; or a person appointed by the Governor with the advice and
21 consent of the Senate, or appointed by the Governor to serve at the
22 pleasure of the Governor only during his or her term of office; or a
23 person appointed by an elected public official or elected governing
24 body of a political subdivision of the State, with the specific
25 consent or approval of the elected governing body of the political
26 subdivision that is substantially similar in nature to the advice and
27 consent of the Senate for appointments by the Governor of the State
28 as that similarity is determined by the elected governing body and
29 set forth in an adopted ordinance or resolution, pursuant to
30 guidelines or policy that shall be established by the Local Finance
31 Board in the Department of Community Affairs, but not including a
32 person who is employed or appointed in the regular or normal
33 course of employment or appointment procedures and consented to
34 or approved in a general or routine manner appropriate for and
35 followed by the political subdivision, or the agency, authority or
36 instrumentality of a subdivision, or a person who holds a
37 professional license or certificate to perform and is performing as a
38 certified health officer, tax assessor, tax collector, municipal
39 planner, chief financial officer, registered municipal clerk,
40 construction code official, licensed uniform subcode inspector,
41 qualified purchasing agent, or certified public works manager.

42 b. (1) Payment of supplemental compensation for accumulated
43 unused sick leave shall be suspended if an officer or employee has
44 been indicted for a crime that involves or touches such office or
45 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
46 6.5).

47 (2) Supplemental compensation for accumulated unused sick
48 leave shall be forfeited if an officer or employee is convicted of a

1 crime that subjects the officer or employee to the provisions of
2 section 6 of P.L.2007, c.49, or for a substantially similar offense
3 under the laws of another state or the United States which would
4 have been such a crime under the laws of this State.

5 (cf: P.L.2007, c.92, s.42)

6
7 15. Section 1 of P.L.2010, c.3 (C.11A:6-19.2) is amended to
8 read as follows:

9 1. a. Notwithstanding any law, rule or regulation to the
10 contrary, a political subdivision of the State, or an agency, authority
11 or instrumentality thereof, that has adopted the provisions of Title
12 11A of the New Jersey Statutes, shall not pay supplemental
13 compensation to any officer or employee for accumulated unused
14 sick leave **【in an amount in excess of \$15,000】** , except that an
15 officer or employee who on the effective date of P.L. , c.
16 (pending before the Legislature as this bill), or upon the expiration
17 of a collective negotiations agreement or contract of employment
18 with a relevant provision applicable to that officer or employee in
19 effect on that date, has accrued supplemental compensation based
20 upon accumulated unused sick leave shall be eligible to receive not
21 more than the amount so accumulated. Supplemental compensation
22 shall be payable only at the time of retirement from a State-
23 administered or locally-administered retirement system based on the
24 leave credited on the date of retirement. **【This provision shall apply**
25 **only to officers and employees who commence service with the**
26 **political subdivision of the State, or the agency, authority or**
27 **instrumentality thereof, on or after the effective date of P.L.2010,**
28 **c.3. This section shall not be construed to affect the terms in any**
29 **collective negotiations agreement with a relevant provision in force**
30 **on that effective date.】**

31 Upon the retirement of an officer or employee who is eligible to
32 continue health care benefits coverage that is fully or partly paid by
33 a public entity after retirement, and who has a minimum of 61 days
34 of accumulated unused sick leave earned after the effective date of
35 P.L. , c. (pending before the Legislature as this bill), the
36 employer shall determine, based on the employee's age at the time
37 of retirement, the actuarial equivalent in monthly installments for
38 the remaining life expectancy of such retired employee of the dollar
39 value of the numbered days over 60 of unused sick leave earned and
40 accumulated after the effective date of P.L. , c. (pending before
41 the Legislature as this bill), standing to his or her credit at the time
42 of retirement, without interest. Such dollar value shall be based on
43 the officer's or employee's salary at the time of retirement. In
44 addition to regular employer contributions by a public entity,
45 contributions by a public entity in the amount of such monthly
46 installments shall be paid from the entity appropriation and applied
47 towards the charges for health care benefits premium payments
48 required of such retired officer or employee, to the extent necessary

1 to pay such charges, but not to exceed \$7,500 in the aggregate. The
2 remaining amount, if any, necessary to pay such charges shall be
3 contributed by such retired officer or employee.

4 b. (1) Payment of supplemental compensation for accumulated
5 unused sick leave shall be suspended if an officer or employee has
6 been indicted for a crime that involves or touches such office or
7 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
8 6.5).

9 (2) Supplemental compensation for accumulated unused sick
10 leave shall be forfeited if an officer or employee is convicted of a
11 crime that subjects the officer or employee to the provisions of
12 section 6 of P.L.2007, c.49, or for a substantially similar offense
13 under the laws of another state or the United States which would
14 have been such a crime under the laws of this State.

15 (cf: P.L.2010, c.3, s.1)

16

17 16. Section 6 of P.L.2007, c.49 (C.2C:43-6.5) is amended to
18 read as follows:

19 6. a. Notwithstanding the provisions of subsection a. of
20 N.J.S.2C:43-6 and except as otherwise provided in subsection c. of
21 this section, a person who serves or has served as a public officer or
22 employee under the government of this State, or any political
23 subdivision thereof, who is convicted of a crime that involves or
24 touches such office or employment as set forth in subsection b. of
25 this section, shall be sentenced to a mandatory minimum term of
26 imprisonment without eligibility for parole as follows: for a crime
27 of the fourth degree, the mandatory minimum term shall be one
28 year; for a crime of the third degree, two years; for a crime of the
29 second degree, five years; and for a crime of the first degree, 10
30 years; unless the provisions of any other law provide for a higher
31 mandatory minimum term. As used in this subsection, "a crime that
32 involves or touches such office or employment" means that the
33 crime was related directly to the person's performance in, or
34 circumstances flowing from, the specific public office or
35 employment held by the person.

36 b. Subsection a. of this section applies to a conviction of any of
37 the following crimes:

38 (1) Paragraph (4) of subsection a. of N.J.S.2C:13-5, criminal
39 coercion;

40 (2) N.J.S.2C:20-4, theft by deception, if the amount involved
41 exceeds \$10,000;

42 (3) Subsection d. of N.J.S.2C:20-5, theft by extortion;

43 (4) N.J.S.2C:20-9, theft by failure to make required disposition
44 of property received, if the amount involved exceeds \$10,000;

45 (5) N.J.S.2C:21-10, commercial bribery;

46 (6) Section 3 of P.L.1994, c.121 (C.2C:21-25), money
47 laundering;

- 1 (7) Section 97 of P.L.1999, c.440 (C.2C:21-34), false contract
- 2 payment claims;
- 3 (8) N.J.S.2C:27-2, bribery in official matters;
- 4 (9) N.J.S.2C:27-3, threats and other improper influence in
- 5 official and political matters;
- 6 (10) Section 100 of P.L.1999, c.440 (C.2C:27-9), unlawful
- 7 official business transaction where interest is involved;
- 8 (11) Section 5 of P.L.2003, c.255 (C.2C:27-10), acceptance or
- 9 receipt of unlawful benefit by public servant for official behavior;
- 10 (12) Section 6 of P.L.2003, c.255 (C.2C:27-11), offer of
- 11 unlawful benefit to public servant for official behavior;
- 12 (13) N.J.S.2C:28-1, perjury;
- 13 (14) N.J.S.2C:28-5, tampering with witnesses;
- 14 (15) N.J.S.2C:28-7, tampering with public records or
- 15 information;
- 16 (16) N.J.S.2C:29-4, compounding;
- 17 (17) N.J.S.2C:30-2, official misconduct;
- 18 (18) N.J.S.2C:30-3, speculating or wagering on official action or
- 19 information; or
- 20 (19) Section 3 of P.L.2003, c.31 (C.2C:30-7), pattern of official
- 21 misconduct.
- 22 c. (1) On motion by the prosecutor stating that the defendant
- 23 has provided substantial assistance in a criminal investigation or
- 24 prosecution of another person, the court may waive or reduce the
- 25 mandatory minimum term of imprisonment required by subsection
- 26 a. of this section. The appropriate waiver or reduction shall be
- 27 determined by the court for reasons stated that may include, but are
- 28 not limited to, consideration of the following:
- 29 (i) the court's evaluation of the significance and usefulness of
- 30 the defendant's assistance, giving substantial weight to the
- 31 prosecutor's evaluation of the assistance rendered;
- 32 (ii) the truthfulness, completeness, and reliability of any
- 33 information or testimony provided by the defendant;
- 34 (iii) the nature and extent of the defendant's assistance;
- 35 (iv) any injury suffered, or any danger or risk of injury to the
- 36 defendant or his family resulting from his assistance;
- 37 (v) the timeliness of the defendant's assistance.
- 38 In making such a determination, the court shall give substantial
- 39 weight to the prosecutor's evaluation of the extent of the defendant's
- 40 assistance, particularly where the extent and value of the assistance
- 41 are difficult to ascertain.
- 42 (2) If the court finds by clear and convincing evidence that
- 43 extraordinary circumstances exist such that imposition of a
- 44 mandatory minimum term would be a serious injustice which
- 45 overrides the need to deter such conduct in others, the court may
- 46 waive or reduce the mandatory minimum term of imprisonment
- 47 required by subsection a. of this section. In making any such
- 48 finding, the court must state with specificity its reasons for waiving

1 or reducing the mandatory minimum sentence that would otherwise
2 apply.

3 (3) If, pursuant to paragraph (1) or (2) of this subsection, the
4 court waives or reduces the mandatory minimum term required by
5 subsection a. of this section, such sentence shall not become final
6 for 10 days in order to permit the appeal of the sentence by the
7 prosecution.

8 d. (1) A prosecutor shall not recommend the admission into or
9 consent to the referral to a pretrial intervention program of a person
10 who serves or has served as a public officer or employee under the
11 government of this State, or any political subdivision thereof, who
12 is charged with a crime that involves or touches such office or
13 employment as set forth in subsection b. of this section, without the
14 prior approval of the Attorney General.

15 (2) A person who serves or has served as a public officer or
16 employee under the government of this State, or any political
17 subdivision thereof, who is convicted of a crime that involves or
18 touches such office or employment as set forth in subsection b. of
19 this section shall be ineligible for participation in any program of
20 intensive supervision during any period of parole ineligibility.

21 e. The Attorney General shall develop guidelines to ensure the
22 uniform exercise of discretion in making determinations regarding
23 the waiver or reduction of a mandatory minimum term of
24 imprisonment pursuant to paragraph (1) of subsection c. of this
25 section and participation in a pretrial intervention program pursuant
26 to paragraph (1) of subsection d. of this section.

27 f. The Attorney General shall develop guidelines or establish a
28 procedure designed to provide a State agency as defined in section 2
29 of P.L.1971, c.182 (C.52:13D-13), a local government agency as
30 defined in section 3 of P.L.1991, c.29 (C.40A:9-22.3), a local
31 school district as defined in section 3 P.L.1991, c.393 (C.18A:12-
32 23) or other public employer, as appropriate, with notice of any
33 indictment or conviction of any active or former officer or
34 employee of such entity for a crime that involves or touches such
35 office or employment as set forth in subsection b. of this section
36 that will subject the officer or employee to sentencing under the
37 provisions of this section.

38 (cf: P.L.2007, c.49, s.6)

39

40 17. (New section) a. The provisions of sections 1, 2, 4 through
41 9, and 12 through 15 of P.L. , c. (pending before the Legislature
42 as this bill) as amending various sections of statutory law regarding
43 the suspension of payment of supplemental compensation for
44 accumulated unused sick or vacation leave to an officer or
45 employee who has been indicted for a crime that involves or
46 touches such office or employment as defined in section 6 of
47 P.L.2007, c.49 (C.2C:43-6.5) shall be prospective in application for

1 any crime or offense committed after the effective date of P.L. ,
2 c. (pending before the Legislature as this bill).

3 b. The provisions of sections 1 , 2, 4 through 9, and 12 through
4 15 of P.L. , c. (pending before the Legislature as this bill) as
5 amending various sections of statutory law providing for the
6 forfeiture of supplemental compensation for accumulated unused
7 sick or vacation leave of an officer or employee who has been
8 convicted of a crime that subjects an officer or employee to the
9 provisions of section 6 of P.L.2007, c.49 (C.2C:43-6.5) shall be
10 prospective in application for any crime or offense committed after
11 the effective date of P.L. , c. (pending before the Legislature as
12 this bill).

13
14 18. (New section) A local government agency, as defined in
15 section 3 of P.L.1991, c.29 (C.40A:9-22.3), shall not employ any
16 person in a full-time or part-time position while that person is on
17 paid leave from a full-time or part-time position with a local
18 government agency of another county or municipality.

19
20 19. This act shall take effect on the first day of the third month
21 following enactment.

22
23
24 STATEMENT

25
26 This bill imposes limits on the payment of supplemental
27 compensation for unused accumulated sick leave to, and the
28 accumulation of vacation leave by, any current or future State, local
29 government, or board of education employee. Under this bill,
30 unused sick leave payments will not be permitted upon retirement in
31 any amount for any sick leave time accumulated after the bill's
32 effective date. Supplemental compensation for any time earned
33 prior to that date is payable as under current law. For unused sick
34 leave over 60 days earned and accumulated after the effective date,
35 an employer will apply an actuarial value placed on that leave and
36 the employer will appropriate that value, in monthly installments, to
37 offset any cost of post-retirement health care charged to the
38 employee. The portion the employer pays will not exceed \$7,500 in
39 the aggregate.

40 In addition, the bill imposes limits on the carry-forward of
41 vacation leave that is not used in a given year by any current or
42 future employee of the State, a local government, or board of
43 education. Also, the payment for unused accumulated sick leave
44 and vacation leave will be suspended if the officer or employee is
45 indicted for certain crimes that involve or touch the office or
46 employment. The payments will be forfeited if the officer or
47 employee is convicted. The bill requires the Attorney General to
48 develop guidelines or establish procedures to provide the

1 appropriate governmental agency or public employer with notice of
2 any indictment or conviction of a current or former officer or
3 employee.

4 The bill prohibits the use of six or more consecutive days of
5 accumulated sick leave in the twelve months prior to retirement,
6 without medical necessity verified in writing by a physician, by a
7 current or future public officer or employee. The employer may
8 require the officer or employee to submit to an examination by a
9 physician selected by the employer to verify the medical necessity.
10 There are penalties for violations of this provision. For the first
11 violation, the employer will treat the time taken as unpaid leave and
12 impose a minimum disciplinary penalty of a fine in an amount equal
13 to one and one-half times the daily rate of compensation for each
14 day of violation. For the second violation, in addition to treating
15 the time as unpaid leave, the employer will impose a minimum
16 disciplinary penalty of a fine in an amount equal to three times the
17 daily rate of compensation for each day of violation. For the third
18 violation, in addition to treating the time taken as unpaid leave, the
19 employer will have good cause to terminate the employee.

20 The minimum penalties set forth for the first and second
21 violations may be increased at the discretion of the employer, based
22 upon the prior record of the employee. The time converted to
23 unpaid leave will also be deducted from the number of unused
24 accumulated sick leave days credited on the effective date of
25 retirement.

26 Certain provisions of the bill would apply after the expiration of
27 a collective negotiations agreement or individual contract of
28 employment with a relevant provision in effect on the bill's
29 effective date.

30 Finally, this bill provides that a local government agency cannot
31 employ any person in a full-time or part-time position while that
32 person is on paid leave from a full-time or part-time position with a
33 local government agency of another county or municipality.

34 The bill will take effect the third month after enactment.