

SENATE, No. 1564

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 9, 2012

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Prohibits payment of supplemental compensation for unused sick earned by public officers and employees after effective date.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2013)

S1564 STACK, CUNNINGHAM

2

1 AN ACT concerning the payment of supplemental compensation for
2 the accumulated unused sick leave of public officers and
3 employees and amending various parts of the statutory law.

4

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

7

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

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

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

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

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

32 As used in this section, "officer or employee" means an elected
33 official; or a person appointed by the Governor with the advice and
34 consent of the Senate, or appointed by the Governor to serve at the
35 pleasure of the Governor only during his or her term of office; or a
36 person appointed by an elected public official or elected governing
37 body of the political subdivision, with the specific consent or
38 approval of the elected governing body of the political subdivision
39 that is substantially similar in nature to the advice and consent of
40 the Senate for appointments by the Governor of the State as that
41 similarity is determined by the elected governing body and set forth
42 in an adopted resolution, pursuant to guidelines or policy that shall
43 be established by the Department of Education, but not including a
44 person who is employed or appointed in the regular or normal
45 course of employment or appointment procedures and consented to

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 or approved in a general or routine manner appropriate for and
2 followed by the political subdivision, or the agency or
3 instrumentality thereof.

4 b. A board of education, or an agency or instrumentality
5 thereof, shall not pay supplemental compensation to any officer or
6 employee for accumulated unused sick leave earned after the
7 effective date of P.L. , c. (pending before the Legislature as this
8 bill) or after the expiration of collective negotiations agreement or
9 an individual contract of employment with a relevant provision
10 applicable to that officer or employee in effect on that date, except
11 that an officer or employee who on the effective date of P.L. , c.
12 (pending before the Legislature as this bill), or upon the expiration
13 of collective negotiations agreement or an individual contract of
14 employment with a relevant provision applicable to that officer or
15 employee in effect on that date, has accrued supplemental
16 compensation based upon accumulated unused sick leave earned
17 prior to the effective date shall continue to be eligible to receive the
18 amount so accrued based on that sick leave that remains credited on
19 the date of retirement. Supplemental compensation shall be payable
20 only at the time of retirement from a State-administered or locally-
21 administered retirement system based on the leave credited on the
22 date of retirement.

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

24

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

27 3. a. Notwithstanding any law, rule or regulation to the
28 contrary, a board of education, or an agency or instrumentality
29 thereof, shall not pay supplemental compensation to any officer or
30 employee for accumulated unused sick leave in an amount in excess
31 of \$15,000. Supplemental compensation shall be payable only at
32 the time of retirement from a State-administered or locally-
33 administered retirement system based on the leave credited on the
34 date of retirement. This provision shall apply only to officers and
35 employees who commence service with the board of education, or
36 the agency or instrumentality thereof, on or after the effective date
37 of P.L.2010, c.3. This section shall not be construed to affect the
38 terms in any collective negotiations agreement with a relevant
39 provision in force on that effective date.

40 b. A board of education, or an agency or instrumentality
41 thereof, shall not pay supplemental compensation to any officer or
42 employee who was in service with the employer prior to the
43 effective date of P.L.2010, c.3 and continuously thereafter or who
44 commenced service on or after that effective date for accumulated
45 unused sick leave earned after the effective date of P.L. , c.
46 (pending before the Legislature as this bill) or after the expiration of
47 collective negotiations agreement or an individual contract of

1 employment with a relevant provision applicable to that officer or
2 employee in effect on that date, except that an officer or employee
3 who on the effective date of P.L. , c. (pending before the
4 Legislature as this bill), or upon the expiration of a collective
5 negotiations agreement or an individual contract of employment
6 with a relevant provision applicable to that officer or employee in
7 effect on that date, has accrued supplemental compensation based
8 upon accumulated unused sick leave earned prior to the effective
9 date shall continue to be eligible to receive the amount so accrued
10 based on that sick leave that remains credited on the date of
11 retirement. Supplemental compensation shall be payable only at the
12 time of retirement from a State-administered or locally-
13 administered retirement system based on the leave credited on the
14 date of retirement.

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

16

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

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

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

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

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

43 As used in this section, "officer or employee" means an elected
44 official; or a person appointed by the Governor with the advice and
45 consent of the Senate, or appointed by the Governor to serve at the
46 pleasure of the Governor only during his or her term of office; or a
47 person appointed by an elected public official or elected governing

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

19 b. A political subdivision of the State, or an agency, authority
20 or instrumentality thereof, that has not adopted the provisions of
21 Title 11A of the New Jersey Statutes, shall not pay supplemental
22 compensation to any officer or employee for accumulated unused
23 sick leave earned after the effective date of P.L. , c. (pending
24 before the Legislature as this bill) or after the expiration of
25 collective negotiations agreement or an individual contract of
26 employment with a relevant provision applicable to that officer or
27 employee in effect on that date, except that an officer or employee
28 who on the effective date of P.L. , c. (pending before the
29 Legislature as this bill), or upon the expiration of collective
30 negotiations agreement or an individual contract of employment
31 with a relevant provision applicable to that officer or employee in
32 effect on that date, has accrued supplemental compensation based
33 upon accumulated unused sick leave earned prior to the effective
34 date shall continue to be eligible to receive the amount so accrued
35 based on that sick leave that remains credited on the date of
36 retirement. Supplemental compensation shall be payable only at the
37 time of retirement from a State-administered or locally-
38 administered retirement system based on the leave credited on the
39 date of retirement.

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

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42 4. Section 2 of P.L.2010, c.3 (C.40A:9-10.4) is amended to
43 read as follows:

44 2. a. Notwithstanding any law, rule or regulation to the
45 contrary, a political subdivision of the State, or an agency, authority
46 or instrumentality thereof, that has not adopted the provisions of
47 Title 11A of the New Jersey Statutes, shall not pay supplemental

1 compensation to any officer or employee for accumulated unused
2 sick leave in an amount in excess of \$15,000. Supplemental
3 compensation shall be payable only at the time of retirement from a
4 State-administered or locally-administered retirement system based
5 on the leave credited on the date of retirement. This provision shall
6 apply only to officers and employees who commence service with
7 the political subdivision of the State, or the agency, authority or
8 instrumentality thereof, on or after the effective date of P.L.2010,
9 c.3. This section shall not be construed to affect the terms in any
10 collective negotiations agreement with a relevant provision in force
11 on that effective date.

12 b. A political subdivision of the State, or an agency, authority
13 or instrumentality thereof, that has not adopted the provisions of
14 Title 11A of the New Jersey Statutes, shall not pay supplemental
15 compensation to any officer or employee who was in service with
16 the employer prior to the effective date of P.L.2010, c.3 and
17 continuously thereafter or who commenced service on or after that
18 effective date for accumulated unused sick leave earned after the
19 effective date of P.L. , c. (pending before the Legislature as this
20 bill) or after the expiration of collective negotiations agreement or
21 an individual contract of employment with a relevant provision
22 applicable to that officer or employee in effect on that date, except
23 that an officer or employee who on the effective date of P.L. , c.
24 (pending before the Legislature as this bill), or upon the expiration
25 of a collective negotiations agreement or an individual contract of
26 employment with a relevant provision applicable to that officer or
27 employee in effect on that date, has accrued supplemental
28 compensation based upon accumulated unused sick leave earned
29 prior to the effective date shall continue to be eligible to receive the
30 amount so accrued based on that sick leave that remains credited on
31 the date of retirement. Supplemental compensation shall be payable
32 only at the time of retirement from a State-administered or locally-
33 administered retirement system based on the leave credited on the
34 date of retirement.

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

36

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

38 11A:6-16. Supplemental compensation upon retirement in State
39 employment.

40 a. State employees in the career service, and those in the senior
41 executive and unclassified services who have been granted sick
42 leave under terms and conditions similar to career service
43 employees, shall be entitled upon retirement from a State-
44 administered retirement system to receive a lump sum payment as
45 supplemental compensation for each full day of accumulated sick
46 leave which is credited on the effective date of retirement.

1 b. The State shall not pay supplemental compensation to any
2 officer or employee who was in service with the employer prior to
3 the effective date of P.L. , c. (pending before the Legislature as
4 this bill) and continuously thereafter or who commenced service on
5 or after that effective date for accumulated unused sick leave earned
6 after the effective date of P.L. , c. (pending before the Legislature
7 as this bill) or after the expiration of collective negotiations
8 agreement or an individual contract of employment with a relevant
9 provision applicable to that officer or employee in effect on that
10 date, except that an officer or employee who on the effective date of
11 P.L. , c. (pending before the Legislature as this bill), or upon the
12 expiration of a collective negotiations agreement or an individual
13 contract of employment with a relevant provision applicable to that
14 officer or employee in effect on that date, has accrued supplemental
15 compensation based upon accumulated unused sick leave earned
16 prior to the effective date shall continue to be eligible to receive the
17 amount so accrued based on that sick leave that remains credited on
18 the date of retirement as calculated in accordance with N.J.S.11A:6-
19 19. Supplemental compensation shall be payable only at the time of
20 retirement from a State-administered or locally-administered
21 retirement system based on the leave credited on the date of
22 retirement. This subsection shall be applicable to employees
23 described in N.J.S.11A:6-17.

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

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

28 42. 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 adopted the provisions of Title
31 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 officer
34 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; or

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

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

5 As used in this section, "officer or employee" means an elected
6 official; or a person appointed by the Governor with the advice and
7 consent of the Senate, or appointed by the Governor to serve at the
8 pleasure of the Governor only during his or her term of office; or a
9 person appointed by an elected public official or elected governing
10 body of a political subdivision of the State, with the specific
11 consent or approval of the elected governing body of the political
12 subdivision that is substantially similar in nature to the advice and
13 consent of the Senate for appointments by the Governor of the State
14 as that similarity is determined by the elected governing body and
15 set forth in an adopted ordinance or resolution, pursuant to
16 guidelines or policy that shall be established by the Local Finance
17 Board in the Department of Community Affairs, 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, authority or
22 instrumentality of a subdivision, or a person who holds a
23 professional license or certificate to perform and is performing as a
24 certified health officer, tax assessor, tax collector, municipal
25 planner, chief financial officer, registered municipal clerk,
26 construction code official, licensed uniform subcode inspector,
27 qualified purchasing agent, or certified public works manager.

28 b. A political subdivision of the State, or an agency, authority
29 or instrumentality thereof, that has adopted the provisions of Title
30 11A of the New Jersey Statutes, shall not pay supplemental
31 compensation to any officer or employee for accumulated unused
32 sick leave earned after the effective date of P.L. , c. (pending
33 before the Legislature as this bill) or after the expiration of
34 collective negotiations agreement or an individual contract of
35 employment with a relevant provision applicable to that officer or
36 employee in effect on that date, except that an officer or employee
37 who on the effective date of P.L. , c. (pending before the
38 Legislature as this bill), or upon the expiration of collective
39 negotiations agreement or an individual contract of employment
40 with a relevant provision applicable to that officer or employee in
41 effect on that date, has accrued supplemental compensation based
42 upon accumulated unused sick leave earned prior to the effective
43 date shall continue to be eligible to receive the amount so accrued
44 based on that sick leave that remains credited on the date of
45 retirement. Supplemental compensation shall be payable only at the
46 time of retirement from a State-administered or locally-

1 administered retirement system based on the leave credited on the
2 date of retirement.

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

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

7 1. a. Notwithstanding any law, rule or regulation to the
8 contrary, a political subdivision of the State, or an agency, authority
9 or instrumentality thereof, that has adopted the provisions of Title
10 11A of the New Jersey Statutes, shall not pay supplemental
11 compensation to any officer or employee for accumulated unused
12 sick leave in an amount in excess of \$15,000. Supplemental
13 compensation shall be payable only at the time of retirement from a
14 State-administered or locally-administered retirement system based
15 on the leave credited on the date of retirement. This provision shall
16 apply only to officers and employees who commence service with
17 the political subdivision of the State, or the agency, authority or
18 instrumentality thereof, on or after the effective date of P.L.2010,
19 c.3. This section shall not be construed to affect the terms in any
20 collective negotiations agreement with a relevant provision in force
21 on that effective date.

22 b. A political subdivision of the State, or an agency, authority
23 or instrumentality thereof, that has adopted the provisions of Title
24 11A of the New Jersey Statutes, shall not pay supplemental
25 compensation to any officer or employee who was in service with
26 the employer prior to the effective date of P.L.2010, c.3 and
27 continuously thereafter or who commenced service on or after that
28 effective date for accumulated unused sick leave earned after the
29 effective date of P.L. , c. (pending before the Legislature as this
30 bill) or after the expiration of collective negotiations agreement or
31 an individual contract of employment with a relevant provision
32 applicable to that officer or employee in effect on that date, except
33 that an officer or employee who on the effective date of P.L. , c.
34 (pending before the Legislature as this bill), or upon the expiration
35 of a collective negotiations agreement or an individual contract of
36 employment with a relevant provision applicable to that officer or
37 employee in effect on that date, has accrued supplemental
38 compensation based upon accumulated unused sick leave earned
39 prior to the effective date shall continue to be eligible to receive the
40 amount so accrued based on that sick leave that remains credited on
41 the date of retirement. Supplemental compensation shall be payable
42 only at the time of retirement from a State-administered or locally-
43 administered retirement system based on the leave credited on the
44 date of retirement.

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

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