

ASSEMBLY, No. 426

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

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District 10 (Ocean)

SYNOPSIS

Restricts use of accumulated sick leave by public employees in year prior to retirement.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2020)

1 **AN ACT** concerning the use of accumulated sick leave prior to
2 retirement and amending and supplementing various parts of
3 statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. N.J.S.11A:6-5 is amended to read as follows:

9 11A:6-5. Sick leave. a. Full-time State and political
10 subdivision employees shall receive a sick leave credit of no less
11 than one working day for each completed month of service during
12 the remainder of the first calendar year of service and 15 working
13 days in every year thereafter. Unused sick leave shall accumulate
14 without limit.

15 b. Notwithstanding the provisions of any law, rule, or
16 regulation to the contrary, the use of six or more consecutive days
17 of accumulated sick leave by an employee in the twelve months
18 prior to retirement in anticipation of that retirement without a
19 medical necessity verified in writing by a physician shall be
20 prohibited. The board shall promulgate rules and procedures to
21 ensure that verification of medical necessity is provided. The rules
22 shall provide that the employer may require the employee to submit
23 to an examination by a physician selected by the employer to verify
24 the medical necessity. The employer shall (1) impose a fine and
25 issue a reprimand against the employee found to be in violation of
26 this prohibition, with the fine to be an amount equivalent to three
27 times the daily rate of compensation for each day of violation, or
28 (2) for a second violation of the prohibition, deduct all sick leave
29 found to have been used in violation of this prohibition from the
30 number of unused accumulated sick leave credited on the effective
31 date of retirement upon which supplemental compensation, if any,
32 for the employee at the time of retirement is calculated, or (3) both.
33 (cf: N.J.S.11A:6-5)

34
35 2. (New section) Notwithstanding any law, rule or regulation
36 to the contrary, for officers or employees of a political subdivision
37 of the State, or any agency, authority or instrumentality thereof, that
38 has not adopted the provisions of Title 11A, Civil Service, of the
39 New Jersey Statutes, the use of six or more consecutive days of
40 accumulated sick leave by an officer or employee in the twelve
41 months prior to retirement in anticipation of that retirement without
42 a medical necessity verified in writing by a physician shall be
43 prohibited. The governing body of the political subdivision shall
44 promulgate rules and procedures to ensure that verification of
45 medical necessity is provided. The rules shall provide that the
46 employer may require the officer or employee to submit to an
47 examination by a physician selected by the employer to verify the

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 medical necessity. The employer shall (1) impose a fine and issue a
2 reprimand against the officer or employee found to be in violation
3 of this prohibition, with the fine to be an amount equivalent to three
4 times the daily rate of compensation for each day of violation, or
5 (2) for a second violation of the prohibition, deduct all sick leave
6 found to have been used in violation of this prohibition from the
7 number of unused accumulated sick leave credited on the effective
8 date of retirement upon which supplemental compensation, if any,
9 for the officer or employee at the time of retirement is calculated, or
10 (3) both.

11

12 3. (New section) Notwithstanding any law, rule or regulation
13 to the contrary, for officers or employees of a school board, or any
14 agency or instrumentality thereof, the use of six or more
15 consecutive days of accumulated sick leave by an officer or
16 employee in the twelve months prior to retirement in anticipation of
17 that retirement and without a medical necessity verified in writing
18 by a physician shall be prohibited. The board shall promulgate
19 rules and procedures to ensure that verification of medical necessity
20 is provided. The rules shall provide that the employer may require
21 the officer or employee to submit to an examination by a physician
22 selected by the employer to verify the medical necessity. The
23 employer shall (1) impose a fine and issue a reprimand against the
24 officer or employee found to be in violation of this prohibition, with
25 the fine to be an amount equivalent to three times the daily rate of
26 compensation for each day of violation, or (2) for a second violation
27 of the prohibition, deduct all sick leave found to have been used in
28 violation of this prohibition from the number of unused
29 accumulated sick leave credited on the effective date of retirement
30 upon which supplemental compensation, if any, for the officer or
31 employee at the time of retirement is calculated, or (3) both.

32

33 4. The provisions of P.L. , c. (pending before the
34 Legislature as this bill) shall not be deemed to impair the obligation
35 of a collective bargaining agreement or individual contract of
36 employment in effect on the effective date of P.L. ,
37 c. (pending before the Legislature as this bill) that provides for
38 relevant discipline procedures or supplemental compensation at
39 retirement for unused accumulated sick leave.

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41 5. This act shall take effect immediately.

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STATEMENT

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46 This bill prohibits the use of six or more consecutive days of
47 accumulated sick leave by a public officer or employee in the
48 twelve months prior to retirement without a medical necessity

1 verified in writing by a physician. This bill seeks to end a practice
2 known as “terminal leave” when a public employee, in anticipation
3 of retirement, is permitted to use up accumulated days of sick leave.
4 The bill requires the State, political subdivisions of the State, and
5 boards of education to promulgate rules and procedures to ensure
6 that verification of medical necessity is provided. Under the rules,
7 the employer could require the officer or employee to submit to an
8 examination by a physician selected by the employer to verify the
9 medical necessity. For a violation of this prohibition, the employer
10 would (1) impose a fine and issue a reprimand against the officer or
11 employee, with the fine to be an amount equivalent to three days
12 compensation for each day of violation, or (2) for a second violation
13 of the prohibition deduct all sick leave found to have been used in
14 violation of this prohibition from the number of unused
15 accumulated sick leave credited on the effective date of retirement
16 upon which supplemental compensation, if any, for the officer or
17 employee at the time of retirement is calculated, or (3) both.