

ASSEMBLY, No. 3987

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

Specifies conditions under which State, county, municipality, independent authority, school district, or higher education institution can grant unpaid or paid leave of absence to public employee to perform work for labor organization.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning unpaid and paid leaves of absence for public
2 employees who perform work for a labor organization and
3 amending and supplementing 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. N.J.S.11A:6-12 is amended to read as follows:

9 11A:6-12. Leaves of absence for elected and appointed union
10 officials. **[**An appointing authority may grant an unpaid leave of
11 absence to any employee elected or appointed as an officer or
12 representative of a local, county or State labor organization which
13 represents, or is affiliated with a local, county or State labor
14 organization which represents, public employees.

15 An appointing authority may grant a paid leave of absence to any
16 such employee, (1) provided the employer is reimbursed in advance
17 for compensation and benefit costs including retirement system
18 contributions and health benefit premiums or periodic charges paid
19 during the period of absence, or (2) in accordance with the terms of
20 a collective bargaining agreement.

21 The maximum period for such paid and unpaid leaves shall be a
22 subject of negotiation between the employer and union. **]**

23 a. An appointing authority as a public employer may grant an
24 unpaid leave of absence to any employee elected or appointed as an
25 officer or representative of a labor organization that represents, or is
26 affiliated with a labor organization that represents, the public
27 employees of the employer only if such an unpaid leave of absence
28 is provided for in a collective negotiations agreement between the
29 employer and the labor organization, or in an addendum to such an
30 agreement, and that agreement or addendum names the public
31 employee or describes the public employee who is eligible for the
32 unpaid leave of absence and specifies the commencement date and
33 termination date of the leave of absence.

34 b. An appointing authority as a public employer may grant a
35 paid leave of absence to any employee elected or appointed as an
36 officer or representative of a labor organization that represents, or is
37 affiliated with a labor organization that represents, the public
38 employees of the employer only if such a paid leave of absence is
39 provided for in a collective negotiations agreement between the
40 employer and the labor organization, or in an addendum to such an
41 agreement, and that agreement or addendum:

42 (1) names the public employee or describes the public employee
43 who is eligible for the paid leave absence;

44 (2) specifies the commencement date and termination date of the
45 leave of absence; and

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 (3) requires the labor organization to reimburse the employer in
2 advance, on a schedule provided in the agreement or addendum, for
3 payments to be made by the employer to the employee or on behalf
4 of that employee for compensation and benefits.

5 The amount of the reimbursement required by this subsection
6 shall be the amount paid by the employer to the employee for
7 salary, wages, allowances, bonuses, longevity pay, reimbursements,
8 or other supplemental compensation, the amount paid by the
9 employer on behalf of the employee for benefits including for
10 health care benefits coverage and for contributions to any retirement
11 program or plan, and the amount paid by the employer on behalf of
12 the employee for any taxes, fees, dues, or other payments including
13 those required by State or federal law or a collective bargaining
14 agreement or addendum to such an agreement.

15 c. A public employee shall not commence an unpaid or paid
16 leave of absence in accordance with subsection a. or b. of this
17 section until the employer has notified, in writing, the Division of
18 Pensions and Benefits in the Department of the Treasury and the
19 Civil Service Commission, and if the employer is a political
20 subdivision of the State, or an agency, authority or instrumentality
21 thereof, the Department of Community Affairs, of the name of the
22 public employee, the commencement date and termination date of
23 the leave of absence, and whether the employee will be on an
24 unpaid or paid leave of absence. The employer shall promptly
25 provide the division, commission, and department with such
26 additional information as may be requested. The employer shall
27 notify the division, commission, and department when a public
28 employee's unpaid or paid leave of absence has been terminated,
29 with the notification to occur no later than three business days
30 following the termination date.

31 The maximum period for such paid and unpaid leaves of absence
32 shall be a subject of negotiation between the employer and labor
33 organization.

34 d. (1) A public employer shall maintain a single file that
35 contains: the name, title, and position of each public employee who
36 is on an unpaid or paid leave of absence in accordance with
37 subsection a. or b. of this section; the commencement date and
38 termination date of the leave of absence; copies of the provisions of
39 each collective negotiations agreement or addendum to such an
40 agreement providing for such leave of absence for each employee
41 named; proofs of the payments of the reimbursement required under
42 subsection b. of this section; and proofs of the notifications required
43 under subsection c. of this section.

44 The information in this file shall be available to the public for
45 inspection, copying, and examination as a government record
46 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

47 Each collective negotiations agreement and any addendum to
48 such an agreement that contains a provision relevant to an unpaid or

1 paid leave of absence provided for in this section shall be filed with
2 the New Jersey Public Employment Relations Commission in
3 accordance with section 11 of P.L.1968, c.303 (C.34:13A-8.2).

4 Any reference to an addendum to a collective negotiations
5 agreement in this section shall include any memorandum of
6 agreement or sidebar agreement.

7 (2) The initial file shall be prepared and complete within 30
8 days after the effective date of P.L. , c. (pending before the
9 Legislature as this bill). The information in the file shall be
10 transmitted to the Division of Pensions and Benefits in the
11 Department of the Treasury and Civil Service Commission, and
12 Department of Community Affairs if appropriate, within three
13 business days of completion. An acknowledgement of receipt of
14 the information shall be obtained from the division, commission,
15 and department and that acknowledgement shall be included in the
16 file.

17 For public employees who are on unpaid or paid leaves of
18 absence on the effective date of P.L. , c. (pending before the
19 Legislature as this bill), the file shall contain: the name, title, and
20 position of each such public employee; whether the leave is in
21 accordance with the provisions of a collective negotiations
22 agreement or an addendum to such an agreement; the
23 commencement date and termination date of the leave of absence;
24 copies of the provisions of each collective negotiations agreement
25 or addendum to such an agreement providing for such leave of
26 absence for each employee named; proofs of the payments of any
27 reimbursement required; and proofs of the notifications that may
28 have been made. If there is no collective negotiations agreement or
29 an addendum to such an agreement that provides for, through
30 specific language or general reference, an unpaid or paid leave of
31 absence for an employee, a record in the file shall describe the
32 circumstances and conditions under which the leave of absence was
33 granted and whether it is an unpaid or paid leave of absence.

34 e. If on the effective date of P.L. , c. (pending before the
35 Legislature as this bill) a public employee is on an unpaid or paid
36 leave of absence that is not provided for, through specific language
37 or a general reference, in a collective negotiations agreement or an
38 addendum to such an agreement, the leave of absence for that public
39 employee shall be terminated on the 120th day following that
40 effective date unless the requirements for such an unpaid or paid
41 leave of absence specified in subsections a., b., and c. of this section
42 are met by the 120th day.

43 (cf: P.L.2005, c.368, s.1)

44
45 2. Section 2 of P.L.2005, c.368 (C.40A:9-7.3) is amended to
46 read as follows:

47 2. **【**Any employee, except a policeman or firefighter, elected or
48 appointed as an officer or representative of a local, county or State

1 labor organization which represents, or is affiliated with a local,
2 county or State labor organization which represents, public
3 employees may be granted, by a county, municipality or agency
4 thereof, an unpaid leave of absence.

5 A county, municipality or agency thereof may grant a paid leave
6 of absence to any such employee, (1) provided the employer is
7 reimbursed in advance for compensation and benefit costs including
8 retirement system contributions and health benefit premiums or
9 periodic charges paid during the period of absence, or (2) in
10 accordance with the terms of a collective bargaining agreement.

11 The maximum period for such paid and unpaid leaves shall be a
12 subject of negotiation between the employer and union.】

13 a. A public employer that is a political subdivision of the State,
14 including an agency, authority, or instrumentality thereof, that has
15 not adopted the provisions of Title 11A of the New Jersey Statutes
16 may grant an unpaid leave of absence to any employee elected or
17 appointed as an officer or representative of a labor organization that
18 represents, or is affiliated with a labor organization that represents,
19 the public employees of the employer only if such an unpaid leave
20 of absence is provided for in a collective negotiations agreement
21 between the employer and the labor organization, or in an
22 addendum to such an agreement, and that agreement or addendum
23 names the public employee or describes the public employee who is
24 eligible for the unpaid leave of absence and specifies the
25 commencement date and termination date of the leave of absence.

26 b. A public employer that is a political subdivision of the State,
27 including an agency, authority, or instrumentality thereof, that has
28 not adopted the provisions of Title 11A of the New Jersey Statutes
29 may grant a paid leave of absence to any employee elected or
30 appointed as an officer or representative of a labor organization that
31 represents, or is affiliated with a labor organization that represents,
32 the public employees of the employer only if such a paid leave of
33 absence is provided for in a collective negotiations agreement
34 between the employer and the labor organization, or in an
35 addendum to such an agreement, and that agreement or addendum:

36 (1) names the public employee or describes the public employee
37 who is eligible for the paid leave absence;

38 (2) specifies the commencement date and termination date of the
39 leave of absence; and

40 (3) requires the labor organization to reimburse the employer in
41 advance, on a schedule provided in the agreement or addendum, for
42 payments to be made by the employer to the employee or on behalf
43 of that employee for compensation and benefits.

44 The amount of the reimbursement required by this subsection
45 shall be the amount paid by the employer to the employee for
46 salary, wages, allowances, bonuses, longevity pay, reimbursements,
47 or other supplemental compensation, the amount paid by the
48 employer on behalf of the employee for benefits including for

1 health care benefits coverage and for contributions to any retirement
2 program or plan, and the amount paid by the employer on behalf of
3 the employee for any taxes, fees, dues, or other payments including
4 those required by State or federal law or a collective bargaining
5 agreement or addendum to such an agreement.

6 c. A public employee shall not commence an unpaid or paid
7 leave of absence in accordance with subsection a. or b. of this
8 section until the employer has notified, in writing, the Division of
9 Pensions and Benefits in the Department of the Treasury and the
10 Department of Community Affairs of the name of the public
11 employee, the commencement date and termination date of the
12 leave of absence, and whether the employee will be on an unpaid or
13 paid leave of absence. The employer shall promptly provide the
14 division and department with such additional information as may be
15 requested. The employer shall notify the division and department
16 when a public employee's unpaid or paid leave of absence has been
17 terminated, with the notification to occur no later than three
18 business days following the termination date.

19 The maximum period for such paid and unpaid leaves of absence
20 shall be a subject of negotiation between the employer and labor
21 organization.

22 d. (1) A public employer shall maintain a single file that
23 contains: the name, title, and position of each public employee who
24 is on an unpaid or paid leave of absence in accordance with
25 subsection a. or b. of this section; the commencement date and
26 termination date of the leave of absence; copies of the provisions of
27 each collective negotiations agreement or addendum to such an
28 agreement providing for such leave of absence for each employee
29 named; proofs of the payments of the reimbursement required under
30 subsection b. of this section; and proofs of the notifications required
31 under subsection c. of this section.

32 The information in this file shall be available to the public for
33 inspection, copying, and examination as a government record
34 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

35 Each collective negotiations agreement and any addendum to
36 such an agreement that contains a provision relevant to an unpaid or
37 paid leave of absence provided for in this section shall be filed with
38 the New Jersey Public Employment Relations Commission in
39 accordance with section 11 of P.L.1968, c.303 (C.34:13A-8.2).

40 Any reference to an addendum to a collective negotiations
41 agreement in this section shall include any memorandum of
42 agreement or sidebar agreement.

43 (2) The initial file shall be prepared and complete within 30
44 days after the effective date of P.L. , c. (pending before the
45 Legislature as this bill). The information in the file shall be
46 transmitted to the Division of Pensions and Benefits in the
47 Department of the Treasury and Department of Community Affairs
48 within three business days of completion. An acknowledgement of

1 receipt of the information shall be obtained from the division and
2 department and that acknowledgement shall be included in the file.

3 For public employees who are on unpaid or paid leaves of
4 absence on the effective date of P.L. , c. (pending before the
5 Legislature as this bill), the file shall contain: the name, title, and
6 position of each such public employee; whether the leave is in
7 accordance with the provisions of a collective negotiations
8 agreement or an addendum to such an agreement; the
9 commencement date and termination date of the leave of absence;
10 copies of the provisions of each collective negotiations agreement
11 or addendum to such an agreement providing for such leave of
12 absence for each employee named; proofs of the payments of any
13 reimbursement required; and proofs of the notifications that may
14 have been made. If there is no collective negotiations agreement or
15 an addendum to such an agreement that provides for, through
16 specific language or general reference, an unpaid or paid leave of
17 absence for an employee, a record in the file shall describe the
18 circumstances and conditions under which the leave of absence was
19 granted and whether it is an unpaid or paid leave of absence.

20 e. If on the effective date of P.L. , c. (pending before the
21 Legislature as this bill) a public employee is on an unpaid or paid
22 leave of absence that is not provided for, through specific language
23 or a general reference, in a collective negotiations agreement or an
24 addendum to such an agreement, the leave of absence for that public
25 employee shall be terminated on the 120th day following that
26 effective date unless the requirements for such an unpaid or paid
27 leave of absence specified in subsections a., b., and c. of this section
28 are met by the 120th day.

29 (cf: P.L.2005, c.368, s.2)

30

31 3. (New section) a. A school district as a public employer may
32 grant an unpaid leave of absence to any employee elected or
33 appointed as an officer or representative of a labor organization that
34 represents, or is affiliated with a labor organization that represents,
35 the public employees of the employer only if such an unpaid leave
36 of absence is provided for in a collective negotiations agreement
37 between the employer and the labor organization, or in an
38 addendum to such an agreement, and that agreement or addendum
39 names the public employee or describes the public employee who is
40 eligible for the unpaid leave of absence and specifies the
41 commencement date and termination date of the leave of absence.

42 b. A school district as a public employer may grant a paid leave
43 of absence to any employee elected or appointed as an officer or
44 representative of a labor organization that represents, or is affiliated
45 with a labor organization that represents, the public employees of
46 the employer only if such a paid leave of absence is provided for in
47 a collective negotiations agreement between the employer and the

1 labor organization, or in an addendum to such an agreement, and
2 that agreement or addendum:

3 (1) names the public employee or describes the public employee
4 who is eligible for the paid leave absence;

5 (2) specifies the commencement date and termination date of the
6 leave of absence; and

7 (3) requires the labor organization to reimburse the employer in
8 advance, on a schedule provided in the agreement or addendum, for
9 payments to be made by the employer to the employee or on behalf
10 of that employee for compensation and benefits.

11 The amount of the reimbursement required by this subsection
12 shall be the amount paid by the employer to the employee for
13 salary, wages, allowances, bonuses, longevity pay, reimbursements,
14 or other supplemental compensation, the amount paid by the
15 employer on behalf of the employee for benefits including for
16 health care benefits coverage and for contributions to any retirement
17 program or plan, and the amount paid by the employer on behalf of
18 the employee for any taxes, fees, dues, or other payments including
19 those required by State or federal law or a collective bargaining
20 agreement or addendum to such an agreement.

21 c. A public employee shall not commence an unpaid or paid
22 leave of absence in accordance with subsection a. or b. of this
23 section until the employer has notified, in writing, the Division of
24 Pensions and Benefits in the Department of the Treasury and the
25 Department of Education, and the Civil Service Commission if
26 appropriate, of the name of the public employee, the
27 commencement date and termination date of the leave of absence,
28 and whether the employee will be on an unpaid or paid leave of
29 absence. The employer shall promptly provide the division,
30 department, and commission with such additional information as
31 may be requested. The employer shall notify the division,
32 department, and commission when a public employee's unpaid or
33 paid leave of absence has been terminated, with the notification to
34 occur no later than three business days following the termination
35 date.

36 The maximum period for such paid and unpaid leaves of absence
37 shall be a subject of negotiation between the employer and labor
38 organization.

39 d. (1) A public employer shall maintain a single file that
40 contains: the name, title, and position of each public employee who
41 is on an unpaid or paid leave of absence in accordance with
42 subsection a. or b. of this section; the commencement date and
43 termination date of the leave of absence; copies of the provisions of
44 each collective negotiations agreement or addendum to such an
45 agreement providing for such leave of absence for each employee
46 named; proofs of the payments of the reimbursement required under
47 subsection b. of this section; and proofs of the notifications required
48 under subsection c. of this section.

1 The information in this file shall be available to the public for
2 inspection, copying, and examination as a government record
3 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

4 Each collective negotiations agreement and any addendum to
5 such an agreement that contains a provision relevant to an unpaid or
6 paid leave of absence provided for in this section shall be filed with
7 the New Jersey Public Employment Relations Commission in
8 accordance with section 11 of P.L.1968, c.303 (C.34:13A-8.2).

9 Any reference to an addendum to a collective negotiations
10 agreement in this section shall include any memorandum of
11 agreement or sidebar agreement.

12 (2) The initial file shall be prepared and complete within 30
13 days after the effective date of P.L. , c. (pending before the
14 Legislature as this bill). The information in the file shall be
15 transmitted to the Division of Pensions and Benefits in the
16 Department of the Treasury and the Department of Education, and
17 the Civil Service Commission if appropriate, within three business
18 days of completion. An acknowledgement of receipt of the
19 information shall be obtained from the division, department, and
20 commission and that acknowledgement shall be included in the file.

21 For public employees who are on unpaid or paid leaves of
22 absence on the effective date of P.L. , c. (pending before the
23 Legislature as this bill), the file shall contain: the name, title, and
24 position of each such public employee; whether the leave is in
25 accordance with the provisions of a collective negotiations
26 agreement or an addendum to such an agreement; the
27 commencement date and termination date of the leave of absence;
28 copies of the provisions of each collective negotiations agreement
29 or addendum to such an agreement providing for such leave of
30 absence for each employee named; proofs of the payments of any
31 reimbursement required; and proofs of the notifications that may
32 have been made. If there is no collective negotiations agreement or
33 an addendum to such an agreement that provides for, through
34 specific language or general reference, an unpaid or paid leave of
35 absence for an employee, a record in the file shall describe the
36 circumstances and conditions under which the leave of absence was
37 granted and whether it is an unpaid or paid leave of absence.

38 e. If on the effective date of P.L. , c. (pending before the
39 Legislature as this bill) a public employee is on an unpaid or paid
40 leave of absence that is not provided for, through specific language
41 or a general reference, in a collective negotiations agreement or an
42 addendum to such an agreement, the leave of absence for that public
43 employee shall be terminated on the 120th day following that
44 effective date unless the requirements for such an unpaid or paid
45 leave of absence specified in subsections a., b., and c. of this section
46 are met by the 120th day.

1 4. (New section) a. A public employer that is an independent
2 State authority or a public institution of higher education of this
3 State not otherwise covered by N.J.S.11A:6-12 may grant an unpaid
4 leave of absence to any employee elected or appointed as an officer
5 or representative of a labor organization that represents, or is
6 affiliated with a labor organization that represents, the public
7 employees of the employer only if such an unpaid leave of absence
8 is provided for in a collective negotiations agreement between the
9 employer and the labor organization, or in an addendum to such an
10 agreement, and that agreement or addendum names the public
11 employee or describes the public employee who is eligible for the
12 unpaid leave of absence and specifies the commencement date and
13 termination date of the leave of absence.

14 b. A public employer that is an independent State authority or a
15 public institution of higher education of this State not otherwise
16 covered by N.J.S.11A:6-12 may grant a paid leave of absence to
17 any employee elected or appointed as an officer or representative of
18 a labor organization that represents, or is affiliated with a labor
19 organization that represents, the public employees of the employer
20 only if such a paid leave of absence is provided for in a collective
21 negotiations agreement between the employer and the labor
22 organization, or in an addendum to such an agreement, and that
23 agreement or addendum:

24 (1) names the public employee or describes the public employee
25 who is eligible for the paid leave absence;

26 (2) specifies the commencement date and termination date of the
27 leave of absence; and

28 (3) requires the labor organization to reimburse the employer in
29 advance, on a schedule provided in the agreement or addendum, for
30 payments to be made by the employer to the employee or on behalf
31 of that employee for compensation and benefits.

32 The amount of the reimbursement required by this subsection
33 shall be the amount paid by the employer to the employee for
34 salary, wages, allowances, bonuses, longevity pay, reimbursements,
35 or other supplemental compensation, the amount paid by the
36 employer on behalf of the employee for benefits including for
37 health care benefits coverage and for contributions to any retirement
38 program or plan, and the amount paid by the employer on behalf of
39 the employee for any taxes, fees, dues, or other payments including
40 those required by State or federal law or a collective bargaining
41 agreement or addendum to such an agreement.

42 c. A public employee shall not commence an unpaid or paid
43 leave of absence in accordance with subsection a. or b. of this
44 section until the employer has notified, in writing, the Division of
45 Pensions and Benefits in the Department of the Treasury of the
46 name of the public employee, the commencement date and
47 termination date of the leave of absence, and whether the employee
48 will be on an unpaid or paid leave of absence. The employer shall

1 promptly provide the division with such additional information as
2 may be requested. The employer shall notify the division when a
3 public employee's unpaid or paid leave of absence has been
4 terminated, with the notification to occur no later than three
5 business days following the termination date.

6 The maximum period for such paid and unpaid leaves of absence
7 shall be a subject of negotiation between the employer and labor
8 organization.

9 d. (1) A public employer shall maintain a single file that
10 contains: the name, title, and position of each public employee who
11 is on an unpaid or paid leave of absence in accordance with
12 subsection a. or b. of this section; the commencement date and
13 termination date of the leave of absence; copies of the provisions of
14 each collective negotiations agreement or addendum to such an
15 agreement providing for such leave of absence for each employee
16 named; proofs of the payments of the reimbursement required under
17 subsection b. of this section; and proofs of the notifications required
18 under subsection c. of this section.

19 The information in this file shall be available to the public for
20 inspection, copying, and examination as a government record
21 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

22 Each collective negotiations agreement and any addendum to
23 such an agreement that contains a provision relevant to an unpaid or
24 paid leave of absence provided for in this section shall be filed with
25 the New Jersey Public Employment Relations Commission in
26 accordance with section 11 of P.L.1968, c.303 (C.34:13A-8.2).

27 Any reference to an addendum to a collective negotiations
28 agreement in this section shall include any memorandum of
29 agreement or sidebar agreement.

30 (2) The initial file shall be prepared and complete within 30
31 days after the effective date of P.L. , c. (pending before the
32 Legislature as this bill). The information in the file shall be
33 transmitted to the Division of Pensions and Benefits in the
34 Department of the Treasury within three business days of
35 completion. An acknowledgement of receipt of the information
36 shall be obtained from the division and that acknowledgement shall
37 be included in the file.

38 For public employees who are on unpaid or paid leaves of
39 absence on the effective date of P.L. , c. (pending before the
40 Legislature as this bill), the file shall contain: the name, title, and
41 position of each such public employee; whether the leave is in
42 accordance with the provisions of a collective negotiations
43 agreement or an addendum to such an agreement; the
44 commencement date and termination date of the leave of absence;
45 copies of the provisions of each collective negotiations agreement
46 or addendum to such an agreement providing for such leave of
47 absence for each employee named; proofs of the payments of any
48 reimbursement required; and proofs of the notifications that may

1 have been made. If there is no collective negotiations agreement or
2 an addendum to such an agreement that provides for, through
3 specific language or general reference, an unpaid or paid leave of
4 absence for an employee, a record in the file shall describe the
5 circumstances and conditions under which the leave of absence was
6 granted and whether it is an unpaid or paid leave of absence.

7 e. If on the effective date of P.L. , c. (pending before the
8 Legislature as this bill) a public employee is on an unpaid or paid
9 leave of absence that is not provided for, through specific language
10 or a general reference, in a collective negotiations agreement or an
11 addendum to such an agreement, the leave of absence for that public
12 employee shall be terminated on the 120th day following that
13 effective date unless the requirements for such an unpaid or paid
14 leave of absence specified in subsections a., b., and c. of this section
15 are met by the 120th day.

16 f. A used in this section, "independent State authority" means a
17 public authority, board, commission, corporation, or other agency
18 or instrumentality of the State allocated, in but not of, a principal
19 department of State government pursuant to Article V, Section IV,
20 paragraph 1 of the New Jersey Constitution, or which is not subject
21 to supervision or control by the department in which it is allocated;
22 and "public institution of higher education" means any public
23 university or college, including Rutgers, The State University, New
24 Jersey Institute of Technology and the University of Medicine and
25 Dentistry of New Jersey.

26
27 5. Section 11 of P.L.1968, c.303 (C.34:13A-8.2) is amended to
28 read as follows:

29 11. The commission shall collect and maintain a current file of
30 filed contracts in public employment. Public employers shall file
31 with the commission a copy of any contracts, and addenda,
32 memoranda of agreement, or sidebar agreements to such contracts,
33 it has negotiated with public employee representatives following the
34 consummation of negotiations.

35 (cf: P.L.1968, c.303, s.11)

36
37 6. This act shall take effect immediately.

40 STATEMENT

41
42 This bill implements the recommendations of the State
43 Commission of Investigation as set forth in its report of May 2012
44 entitled "Union Work Public Pay: The Taxpayer Cost of
45 Compensation and Benefits for Public-Employee Union Leave."
46 The provisions of this bill apply to the State, counties,
47 municipalities, school districts, independent authorities, and
48 institutions of higher education as public employers.

1 This bill authorizes a public employer to grant an unpaid leave of
2 absence to any employee elected or appointed as an officer or
3 representative of a labor organization that represents, or is affiliated
4 with a labor organization that represents, the public employees of
5 the employer only if such an unpaid leave of absence is provided
6 for in a collective negotiations agreement between the employer and
7 the labor organization, or in an addendum to such an agreement,
8 and that agreement or addendum names the public employee or
9 describes the public employee who is eligible for the unpaid leave
10 of absence and specifies the commencement date and termination
11 date of the leave of absence.

12 The public employer may also grant a paid leave of absence to
13 any employee elected or appointed as an officer or representative of
14 a labor organization that represents, or is affiliated with a labor
15 organization that represents, the public employees of the employer
16 only if such a paid leave of absence is provided for in a collective
17 negotiations agreement between the employer and the labor
18 organization, or in an addendum to such an agreement, and that
19 agreement or addendum:

20 (1) names the public employee or describes the public employee
21 who is eligible for the paid leave absence;

22 (2) specifies the commencement date and termination date of the
23 leave of absence; and

24 (3) requires the labor organization to reimburse the employer in
25 advance, on a schedule provided in the agreement or addendum, for
26 payments to be made by the employer to the employee or on behalf
27 of that employee for compensation and benefits.

28 The amount of the reimbursement required must include the
29 amount paid by the employer to the employee for salary, wages,
30 allowances, bonuses, longevity pay, reimbursements, or other
31 supplemental compensation, the amount paid by the employer on
32 behalf of the employee for benefits including for health care
33 benefits coverage and for contributions to any retirement program
34 or plan, and the amount paid by the employer on behalf of the
35 employee for any taxes, fees, dues, or other payments including
36 those required by State or federal law or a collective bargaining
37 agreement or addendum to such an agreement.

38 A public employee would not commence an unpaid or paid leave
39 of absence until the employer has notified, in writing, the Division
40 of Pensions and Benefits in the Department of the Treasury, and
41 when appropriate the Department of Community Affairs, the Civil
42 Service Commission, and the Department of Education, of the name
43 of the public employee, the commencement date and termination
44 date of the leave of absence, and whether the employee will be on
45 an unpaid or paid leave of absence. The employer must notify the
46 division when a public employee's unpaid or paid leave of absence
47 has been terminated, with the notification to occur no later than
48 three business days following the termination date.

1 The maximum period for such paid and unpaid leaves of absence
2 would be a subject of negotiation between the employer and labor
3 organization.

4 The bill requires a public employer to maintain a single file that
5 contains: the name, title, and position of each public employee who
6 is on an unpaid or paid leave of absence; the commencement date
7 and termination date of the leave of absence; copies of the
8 provisions of each collective negotiations agreement or addendum
9 to such an agreement providing for such leave of absence for each
10 employee named; proofs of the payments of the reimbursement
11 required; and proofs of the notifications required.

12 The information in this file must be available to the public for
13 inspection, copying, and examination as a government record.

14 Each collective negotiations agreement and any addendum to
15 such an agreement that contains a provision relevant to an unpaid or
16 paid leave of absence provided for in this section must be filed with
17 the New Jersey Public Employment Relations Commission.

18 The initial file must be prepared and complete within 30 days
19 after the bill's effective date and transmitted to the appropriate State
20 agency.

21 For public employees who are on unpaid or paid leaves of
22 absence on the bill's effective date, the file must contain: the name,
23 title, and position of each such public employee; whether the leave
24 is in accordance with the provisions of a collective negotiations
25 agreement or an addendum to such an agreement; the
26 commencement date and termination date of the leave of absence;
27 copies of the provisions of each collective negotiations agreement
28 or addendum to such an agreement providing for such leave of
29 absence for each employee named; proofs of the payments of any
30 reimbursement required; and proofs of the notifications that may
31 have been made. If there is no collective negotiations agreement or
32 an addendum to such an agreement that provides for, through
33 specific language or general reference, an unpaid or paid leave of
34 absence for an employee, a record in the file must describe the
35 circumstances and conditions under which the leave of absence was
36 granted and whether it is an unpaid or paid leave of absence.

37 If on the bill's effective date a public employee is on an unpaid
38 or paid leave of absence that is not provided for, through specific
39 language or a general reference, in a collective negotiations
40 agreement or an addendum to such an agreement, the leave of
41 absence for that public employee will be terminated on the 120th
42 day following that effective date unless the requirements for such
43 an unpaid or paid leave of absence specified in the bill are met by
44 the 120th day.