

# ASSEMBLY, No. 239

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman MICHAEL INGANAMORT**

**District 24 (Morris, Sussex and Warren)**

**Assemblywoman DAWN FANTASIA**

**District 24 (Morris, Sussex and Warren)**

**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**

Introduced Pending Technical Review by Legislative Counsel.



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2

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 paid  
35 leave of absence to any employee elected or appointed as an officer  
36 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

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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 days  
8 after the effective date of P.L. , c. (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. (C. ) (pending before  
19 the Legislature as this bill), the file shall contain: the name, title,  
20 and 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. (C. ) (pending before  
35 the Legislature as this bill) a public employee is on an unpaid or  
36 paid leave of absence that is not provided for, through specific  
37 language or a general reference, in a collective negotiations  
38 agreement or an addendum to such an agreement, the leave of  
39 absence for that public employee shall be terminated on the 120th  
40 day following that effective date unless the requirements for such  
41 an unpaid or paid leave of absence specified in subsections a., b.,  
42 and c. of this section 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 days  
44 after the effective date of P.L. , c. (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. (C. ) (pending before  
5 the Legislature as this bill), the file shall contain: the name, title,  
6 and 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. (C. ) (pending before  
21 the Legislature as this bill) a public employee is on an unpaid or  
22 paid leave of absence that is not provided for, through specific  
23 language or a general reference, in a collective negotiations  
24 agreement or an addendum to such an agreement, the leave of  
25 absence for that public employee shall be terminated on the 120th  
26 day following that effective date unless the requirements for such  
27 an unpaid or paid leave of absence specified in subsections a., b.,  
28 and c. of this section 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.



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

47  
48 4. (New section) a. A public employer that is an independent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 For public employees who are on unpaid or paid leaves of  
38 absence on the effective date of P.L. , c. (C. ) (pending before  
39 the Legislature as this bill), the file shall contain: the name, title,  
40 and position of each such public employee; whether the leave is in  
41 accordance with the provisions of a collective negotiations  
42 agreement or an addendum to such an agreement; the  
43 commencement date and termination date of the leave of absence;  
44 copies of the provisions of each collective negotiations agreement  
45 or addendum to such an agreement providing for such leave of  
46 absence for each employee named; proofs of the payments of any  
47 reimbursement required; and proofs of the notifications that may  
48 have been made. If there is no collective negotiations agreement or

1 an addendum to such an agreement that provides for, through  
2 specific language or general reference, an unpaid or paid leave of  
3 absence for an employee, a record in the file shall describe the  
4 circumstances and conditions under which the leave of absence was  
5 granted and whether it is an unpaid or paid leave of absence.

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

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

25

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

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

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

35

36 6. This act shall take effect immediately.

37

38

39

#### STATEMENT

40

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