

SENATE, No. 194

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Monmouth)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Limits use and supplemental compensation for certain leave.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/2/2017)

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2

1 AN ACT concerning the accumulation of sick leave and vacation
2 leave by certain public employees, and amending and
3 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. Section 3 of P.L.2010, c.3 (C.18A:30-3.6) is amended to read
9 as follows:

10 3. 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**
14 **excess of \$15,000]** for unused sick leave accumulated after the
15 effective date of P.L. , c. (pending before the Legislature as this
16 bill) or after the expiration of a collective negotiations agreement or
17 contract of employment applicable to that officer or employee in
18 effect on that date. Supplemental compensation shall be payable
19 only at the time of retirement from a State-administered or locally-
20 administered retirement system based on the leave credited on the
21 date of retirement. **[This provision shall apply only to officers and**
22 **employees who commence service with the board of education, or**
23 **the agency or instrumentality thereof, on or after the effective date**
24 **of P.L.2010, c.3. This section shall not be construed to affect the**
25 **terms in any collective negotiations agreement with a relevant**
26 **provision in force on that effective date.]**

27 An officer or employee who on the effective date of P.L. ,
28 c. (pending before the Legislature as this bill), or upon the
29 expiration of a collective negotiations agreement or contract of
30 employment with a relevant provision applicable to that officer or
31 employee in effect on that date, has accrued supplemental
32 compensation based upon accumulated unused sick leave shall be
33 eligible to receive the amount so accumulated; provided, however,
34 that any sick leave accumulated prior to the effective date of P.L. ,
35 c. (pending before the Legislature as this bill) or before the
36 expiration of a collective negotiations agreement or contract of
37 employment applicable to that officer or employee in effect on that
38 date shall be used before sick leave accrued after the effective date
39 of P.L. , c. (pending before the Legislature as this bill) or after the
40 expiration of a collective negotiations agreement or contract of
41 employment applicable to that officer or employee in effect on that
42 date.

43 b. (1) Payment of supplemental compensation for accumulated
44 unused sick leave shall be suspended if an officer or employee has

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 been indicted for a crime that involves or touches such office or
2 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
3 6.5).

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

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

11

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

14 5. a. Notwithstanding any law, rule or regulation to the
15 contrary, an officer or employee of a board of education, or an
16 agency or instrumentality thereof, who does not take vacation leave
17 that accrues in a given year because of business demands shall be
18 granted that accrued leave only during the next succeeding year.
19 However, vacation leave not taken in a given year because of duties
20 directly related to a state of emergency declared by the Governor
21 may accumulate at the discretion of the appointing authority until,
22 pursuant to a plan established by the officer or employee's
23 appointing authority, the leave is used or the employee or officer is
24 compensated for that leave, which shall not be subject to collective
25 negotiation or collective bargaining. **【**This provision shall apply
26 only to officers and employees who commence service with the
27 board of education, or the agency or instrumentality thereof, on or
28 after the effective date of P.L.2010, c.3. This section shall not be
29 construed to affect the terms in any collective negotiations
30 agreement with a relevant provision in force on that effective date.**】**

31 A person who on the effective date of P.L. , c. (pending
32 before the Legislature as this bill), or upon the expiration of a
33 collective negotiations agreement or contract of employment with a
34 relevant provision applicable to that officer or employee in effect on
35 that date, has accrued vacation leave shall be eligible and shall be
36 permitted to retain and use that accrued vacation leave; provided,
37 however, that any vacation leave accumulated prior to the effective
38 date of P.L , c. (pending before the Legislature as this bill) or
39 before the expiration of a collective negotiations agreement or
40 contract of employment applicable to that officer or employee in
41 effect on that date shall be used before vacation leave accrued after
42 the effective date of P.L , c. (pending before the Legislature as
43 this bill) or after the expiration of a collective negotiations
44 agreement or contract of employment applicable to that officer or
45 employee in effect on that date.

46 b. (1) Payment of supplemental compensation to any officer or
47 employee for accumulated unused vacation leave shall be
48 suspended if an officer or employee has been indicted for a crime

1 that involves or touches such office or employment as defined in
2 section 6 of P.L.2007, c.49 (C.2C:43-6.5).

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

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

10

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

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

32 An officer or employee who on the effective date of P.L. ,
33 c. (pending before the Legislature as this bill), or upon the
34 expiration of a collective negotiations agreement or contract of
35 employment with a relevant provision applicable to that officer or
36 employee in effect on that date, has accrued supplemental
37 compensation based upon accumulated unused sick leave shall be
38 eligible to receive the amount so accumulated; provided, however
39 that any sick leave accumulated prior to the effective date of
40 P.L. , c. (pending before the Legislature as this bill) or before the
41 expiration of a collective negotiations agreement or contract of
42 employment applicable to that officer or employee in effect on that
43 date shall be used before sick leave accrued after the effective date
44 of P.L. , c. (pending before the Legislature as this bill) or after
45 the expiration of a collective negotiations agreement or contract of
46 employment applicable to that officer or employee in effect on that
47 date.

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

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

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

13

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

16 4. a. Notwithstanding any law, rule or regulation to the
17 contrary, an officer or employee of a political subdivision of the
18 State, or an agency, authority, or instrumentality thereof, that has
19 not adopted the provisions of Title 11A of the New Jersey Statutes,
20 who does not take vacation leave that accrues in a given year
21 because of business demands shall be granted that accrued leave
22 only during the next succeeding year. However, vacation leave not
23 taken in a given year because of duties directly related to a state of
24 emergency declared by the Governor may accumulate at the
25 discretion of the appointing authority until, pursuant to a plan
26 established by the officer or employee's appointing authority, the
27 leave is used or the employee or officer is compensated for that
28 leave, which shall not be subject to collective negotiation or
29 collective bargaining. **【This provision shall apply only to officers**
30 **and employees who commence service with the political**
31 **subdivision of the State, or the agency, authority or instrumentality**
32 **thereof, on or after the effective date of P.L.2010, c.3. This section**
33 **shall not be construed to affect the terms in any collective**
34 **negotiations agreement with a relevant provision in force on that**
35 **effective date.】**

36 A person who on the effective date of P.L. , c. (pending
37 before the Legislature as this bill) or upon the expiration of a
38 collective negotiations agreement or contract of employment with a
39 relevant provision applicable to that officer or employee in effect on
40 that date, has accrued vacation shall be eligible and shall be
41 permitted to retain and use that accrued vacation leave; provided,
42 however, that any vacation leave accumulated prior to the effective
43 date of P.L , c. (pending before the Legislature as this bill) or
44 before the expiration of a collective negotiations agreement or
45 contract of employment applicable to that officer or employee in
46 effect on that date shall be used before vacation leave accrued after
47 the effective date of P.L , c. (pending before the Legislature as
48 this bill) or after the expiration of a collective negotiations

1 agreement or contract of employment applicable to that officer or
2 employee in effect on that date.

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

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

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

15

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

18 42. a. Notwithstanding any law, rule or regulation to the
19 contrary, a political subdivision of the State, or an agency, authority
20 or instrumentality thereof, that has adopted the provisions of Title
21 11A of the New Jersey Statutes, shall not pay supplemental
22 compensation to any officer or employee for **【accumulated unused**
23 **sick leave in an amount in excess of \$15,000】** unused sick leave
24 accumulated after the effective date of P.L. , c. (pending before
25 the Legislature as this bill) or after the expiration of a collective
26 negotiations agreement or contract of employment applicable to that
27 officer or employee in effect on that date, except that an officer or
28 employee who:

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

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

42 Supplemental compensation shall be payable only at the time of
43 retirement from a State-administered or locally-administered
44 retirement system based on the leave credited on the date of
45 retirement ; provided, however, that any sick leave accumulated
46 prior to the effective date of P.L. , c. (pending before the
47 Legislature as this bill) or before the expiration of a collective
48 negotiations agreement or contract of employment applicable to that

1 officer or employee in effect on that date shall be used before sick
2 leave accrued after the effective date of P.L. , c. (pending before
3 the Legislature as this bill) or after the expiration of a collective
4 negotiations agreement or contract of employment applicable to that
5 officer or employee in effect on that date.

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

29 b. (1) Payment of supplemental compensation for accumulated
30 unused sick leave shall be suspended if an officer or employee has
31 been indicted for a crime that involves or touches such office or
32 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
33 6.5).

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

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

41

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

44 43. 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
48 compensation to any officer or employee [for accumulated unused

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1 sick leave in an amount in excess of \$15,000] for unused sick leave
2 accumulated after the effective date of P.L. , c. (pending before
3 the Legislature as this bill) or after the expiration of a collective
4 negotiations agreement or contract of employment applicable to that
5 officer or employee in effect on that date, except that an officer or
6 employee who:

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

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

20 Supplemental compensation shall be payable only at the time of
21 retirement from a State-administered or locally-administered
22 retirement system based on the leave credited on the date of
23 retirement ; provided, however, that any sick leave accumulated
24 prior to the effective date of P.L. , c. (pending before the
25 Legislature as this bill) or before the expiration of a collective
26 negotiations agreement or contract of employment applicable to that
27 officer or employee in effect on that date shall be used before sick
28 leave accrued after the effective date of P.L. , c. (pending before
29 the Legislature as this bill) or after the expiration of a collective
30 negotiations agreement or contract of employment applicable to that
31 officer or employee in effect on that date.

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 a political subdivision of the State, with the specific
38 consent or approval of the elected governing body of the political
39 subdivision that is substantially similar in nature to the advice and
40 consent of the Senate for appointments by the Governor of the State
41 as that similarity is determined by the elected governing body and
42 set forth in an adopted ordinance or resolution, pursuant to
43 guidelines or policy that shall be established by the Local Finance
44 Board in the Department of Community Affairs, but not including a
45 person who is employed or appointed in the regular or normal
46 course of employment or appointment procedures and consented to
47 or approved in a general or routine manner appropriate for and
48 followed by the political subdivision, or the agency, authority or

1 instrumentality of a subdivision, or a person who holds a
2 professional license or certificate to perform and is performing as a
3 certified health officer, tax assessor, tax collector, municipal
4 planner, chief financial officer, registered municipal clerk,
5 construction code official, licensed uniform subcode inspector,
6 qualified purchasing agent, or certified public works manager.

7 b. (1) Payment of supplemental compensation for accumulated
8 unused sick leave shall be suspended if an officer or employee has
9 been indicted for a crime that involves or touches such office or
10 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
11 6.5).

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

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

19

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

22 44. a. Notwithstanding any law, rule or regulation to the
23 contrary, a board of education, or an agency or instrumentality
24 thereof, shall not pay supplemental compensation to any officer or
25 employee for **【accumulated unused sick leave in an amount in**
26 **excess of \$15,000】** unused sick leave accumulated after the
27 effective date of P.L. , c. (pending before the Legislature as this
28 bill) or after the expiration of a collective negotiations agreement or
29 contract of employment applicable to that officer or employee in
30 effect on that date, except that an officer or employee who:

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

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

44 Supplemental compensation shall be payable only at the time of
45 retirement from a State-administered or locally-administered
46 retirement system based on the leave credited on the date of
47 retirement ; provided, however, that any sick leave accumulated
48 prior to the effective date of P.L. , c. (pending before the

1 Legislature as this bill) or before the expiration of a collective
2 negotiations agreement or contract of employment applicable to that
3 officer or employee in effect on that date shall be used before sick
4 leave accrued after the effective date of P.L. , c. (pending before
5 the Legislature as this bill) or after the expiration of a collective
6 negotiations agreement or contract of employment applicable to that
7 officer or employee in effect on that date.

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

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

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

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

37

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

40 45. a. Notwithstanding any law or any rule or regulation to the
41 contrary, an officer or employee of a political subdivision of the
42 State, or an agency, authority, or instrumentality of a subdivision,
43 that has not adopted the provisions of Title 11A, Civil Service, of
44 the New Jersey Statutes, who does not take vacation leave that
45 accrues on or after the effective date of P.L.2007, c.92 (C.43:15C-1
46 et al.), or on or after the date on which the person becomes an
47 officer or employee, in a given year because of business demands

1 shall be granted that accrued leave only during the next succeeding
2 year.

3 However, vacation leave not taken in a given year because of
4 duties directly related to a state of emergency declared by the
5 Governor may accumulate at the discretion of the appointing
6 authority until, pursuant to a plan established by the officer or
7 employee's appointing authority, the leave is used or the employee
8 or officer is compensated for that leave, which shall not be subject
9 to collective negotiation or collective bargaining.

10 A person who (1) is an officer or employee on the effective date
11 of P.L.2007, c.92 (C.43:15C-1 et al.), or (2) becomes an officer or
12 employee after that effective date, and has previously accrued
13 vacation leave shall be eligible and shall be permitted to retain and
14 use that accrued vacation leave ; provided, however that any
15 vacation leave accumulated prior to the effective date of P.L. _____,
16 c. _____ (pending before the Legislature as this bill) or before the
17 expiration of a collective negotiations agreement or contract of
18 employment applicable to that officer or employee in effect on that
19 date shall be used before vacation leave accrued after the effective
20 date of P.L. _____, c. _____ (pending before the Legislature as this bill) or
21 after the expiration of a collective negotiations agreement or
22 contract of employment applicable to that officer or employee in
23 effect on that date.

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

47 b. (1) Payment of supplemental compensation to any officer or
48 employee for accumulated unused vacation leave shall be

1 suspended if an officer or employee has been indicted for a crime
2 that involves or touches such office or employment as defined in
3 section 6 of P.L.2007, c.49 (C.2C:43-6.5).

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

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

11

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

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

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

29 A person who (1) is an officer or employee on the effective date
30 of P.L.2007, c.92 (C.43:15C-1 et al.), or (2) becomes an officer or
31 employee after that effective date, and has previously accrued
32 vacation leave shall be eligible and shall be permitted to retain and
33 use that accrued vacation leave ; provided, however, that any
34 vacation leave accumulated prior to the effective date of P.L. ,
35 c. (pending before the Legislature as this bill) or before the
36 expiration of a collective negotiations agreement or contract of
37 employment applicable to that officer or employee in effect on that
38 date shall be used before vacation leave accrued after the effective
39 date of P.L. , c. (pending before the Legislature as this bill) or
40 after the expiration of a collective negotiations agreement or
41 contract of employment applicable to that officer or employee in
42 effect on that date.

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
48 body of the political subdivision, with the specific consent or

1 approval of the elected governing body of the political subdivision
2 that is substantially similar in nature to the advice and consent of
3 the Senate for appointments by the Governor of the State as that
4 similarity is determined by the elected governing body and set forth
5 in an adopted resolution, pursuant to guidelines or policy that shall
6 be established by the Department of Education, but not including a
7 person who is employed or appointed in the regular or normal
8 course of employment or appointment procedures and consented to
9 or approved in a general or routine manner appropriate for and
10 followed by the political subdivision, or the agency or
11 instrumentality thereof.

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

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

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

24

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

27 1. a. Notwithstanding any law, rule or regulation to the
28 contrary, 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 in an amount in excess of \$15,000】** sick leave
33 accumulated after the effective date of P.L. , c. (pending before
34 the Legislature as this bill) or after the expiration of a collective
35 negotiations agreement or contract of employment applicable to that
36 officer or employee in effect on that date. Supplemental
37 compensation shall be payable only at the time of retirement from a
38 State-administered or locally-administered retirement system based
39 on the leave credited on the date of retirement. **【This provision**
40 **shall apply only to officers and employees who commence service**
41 **with the political subdivision of the State, or the agency, authority**
42 **or instrumentality thereof, on or after the effective date of P.L.2010,**
43 **c.3. This section shall not be construed to affect the terms in any**
44 **collective negotiations agreement with a relevant provision in force**
45 **on that effective date.】**

46 An officer or employee who on the effective date of P.L. , c.
47 (pending before the Legislature as this bill), or upon the expiration
48 of a collective negotiations agreement or contract of employment

1 with a relevant provision applicable to that officer or employee in
2 effect on that date, has accrued supplemental compensation based
3 upon accumulated unused sick leave shall be eligible to receive the
4 amount so accumulated; provided, however, that any sick leave
5 accumulated prior to the effective date of P.L. , c. (pending
6 before the Legislature as this bill) or before the expiration of a
7 collective negotiations agreement or contract of employment
8 applicable to that officer or employee in effect on that date shall be
9 used before sick leave accrued after the effective date of P.L. ,
10 c. (pending before the Legislature as this bill) or after the
11 expiration of a collective negotiations agreement or contract of
12 employment applicable to that officer or employee in effect on that
13 date.

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

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

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

26

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

28 11A:6-16. Supplemental compensation upon retirement in State
29 employment.

30 a. No supplemental compensation upon retirement shall be paid
31 to any officer or employee for unused sick days accumulated after
32 the effective date of P.L. , c. (pending before the Legislature as
33 this bill) or after the expiration of a collective negotiations
34 agreement or contract of employment applicable to that officer or
35 employee in effect on that date.

36 b. State employees in the career service, and those in the senior
37 executive and unclassified services who have been granted sick
38 leave under terms and conditions similar to career service
39 employees, shall be entitled upon retirement from a State-
40 administered retirement system to receive a lump sum payment as
41 supplemental compensation, as calculated and limited pursuant to
42 N.J.S. 11A:6-19, for each full day of [accumulated sick leave which
43 is credited on the effective date of retirement] unused accumulated
44 sick leave credited on the effective date of P.L.2010, c. (pending
45 before the Legislature as this bill); provided, however, that any sick
46 leave accumulated prior to the effective date of P.L. , c. (pending
47 before the Legislature as this bill) or before the expiration of a
48 collective negotiations agreement or contract of employment

1 applicable to that officer or employee in effect on that date shall be
2 used before sick leave accrued after the effective date of P.L. _____,
3 c. _____ (pending before the Legislature as this bill) or after the
4 expiration of a collective negotiations agreement or contract of
5 employment applicable to that officer or employee in effect on that
6 date.

7 c. (1) Payment of supplemental compensation for accumulated
8 unused sick leave shall be suspended if an officer or employee has
9 been indicted for a crime that involves or touches such office or
10 employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-
11 6.5).

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

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

19

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

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

39 b. Subsection a. of this section applies to a conviction of any of
40 the following crimes:

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

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

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

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

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

- 1 (6) Section 3 of P.L.1994, c.121 (C.2C:21-25), money
- 2 laundering;
- 3 (7) Section 97 of P.L.1999, c.440 (C.2C:21-34), false contract
- 4 payment claims;
- 5 (8) N.J.S.2C:27-2, bribery in official matters;
- 6 (9) N.J.S.2C:27-3, threats and other improper influence in
- 7 official and political matters;
- 8 (10) Section 100 of P.L.1999, c.440 (C.2C:27-9), unlawful
- 9 official business transaction where interest is involved;
- 10 (11) Section 5 of P.L.2003, c.255 (C.2C:27-10), acceptance or
- 11 receipt of unlawful benefit by public servant for official behavior;
- 12 (12) Section 6 of P.L.2003, c.255 (C.2C:27-11), offer of
- 13 unlawful benefit to public servant for official behavior;
- 14 (13) N.J.S.2C:28-1, perjury;
- 15 (14) N.J.S.2C:28-5, tampering with witnesses;
- 16 (15) N.J.S.2C:28-7, tampering with public records or
- 17 information;
- 18 (16) N.J.S.2C:29-4, compounding;
- 19 (17) N.J.S.2C:30-2, official misconduct;
- 20 (18) N.J.S.2C:30-3, speculating or wagering on official action or
- 21 information; or
- 22 (19) Section 3 of P.L.2003, c.31 (C.2C:30-7), pattern of official
- 23 misconduct.
- 24 c. (1) On motion by the prosecutor stating that the defendant has
- 25 provided substantial assistance in a criminal investigation or
- 26 prosecution of another person, the court may waive or reduce the
- 27 mandatory minimum term of imprisonment required by subsection
- 28 a. of this section. The appropriate waiver or reduction shall be
- 29 determined by the court for reasons stated that may include, but are
- 30 not limited to, consideration of the following:
- 31 (i) the court's evaluation of the significance and usefulness of
- 32 the defendant's assistance, giving substantial weight to the
- 33 prosecutor's evaluation of the assistance rendered;
- 34 (ii) the truthfulness, completeness, and reliability of any
- 35 information or testimony provided by the defendant;
- 36 (iii) the nature and extent of the defendant's assistance;
- 37 (iv) any injury suffered, or any danger or risk of injury to the
- 38 defendant or his family resulting from his assistance;
- 39 (v) the timeliness of the defendant's assistance.
- 40 In making such a determination, the court shall give substantial
- 41 weight to the prosecutor's evaluation of the extent of the defendant's
- 42 assistance, particularly where the extent and value of the assistance
- 43 are difficult to ascertain.
- 44 (2) If the court finds by clear and convincing evidence that
- 45 extraordinary circumstances exist such that imposition of a
- 46 mandatory minimum term would be a serious injustice which
- 47 overrides the need to deter such conduct in others, the court may
- 48 waive or reduce the mandatory minimum term of imprisonment

1 required by subsection a. of this section. In making any such
2 finding, the court must state with specificity its reasons for waiving
3 or reducing the mandatory minimum sentence that would otherwise
4 apply.

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

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

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

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

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

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

41

42 13. (New section) a. The provisions of sections 1 through 11,
43 inclusive of P.L. , c. (pending before the Legislature as this bill)
44 as amending various sections of statutory law regarding the
45 suspension of payment of supplemental compensation for
46 accumulated unused sick or vacation leave to an officer or
47 employee who has been indicted for a crime that involves or
48 touches such office or employment as defined in section 6 of

1 P.L.2007, c.49 (C.2C:43-6.5), shall be prospective in application for
2 any crime or offense committed after the effective date of P.L. ,
3 c. (pending before the Legislature as this bill).

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

13

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

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

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

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

1 15. (New section) Notwithstanding any law, rule or regulation
2 to the contrary, for officers or employees of a political subdivision
3 of the State, or any agency, authority or instrumentality thereof, that
4 has not adopted the provisions of Title 11A, Civil Service, of the
5 New Jersey Statutes, the use of six or more consecutive days of
6 accumulated sick leave in the twelve months prior to retirement by
7 an officer or employee who commences employment with the
8 political subdivision of the State, or agency, authority or
9 instrumentality thereof, on or after the effective date of P.L. ,
10 c. (pending before the Legislature as this bill) in anticipation of
11 that retirement and without a medical necessity verified in writing
12 by a physician shall be prohibited. The governing body of a
13 political subdivision shall promulgate rules and procedures to
14 ensure that verification of medical necessity is provided. The rules
15 shall provide that the employer may require the officer or employee
16 to submit to an examination by a physician selected by the
17 employer to verify the medical necessity.

18 For the first violation of this section, the employer shall treat the
19 time taken as unpaid leave and impose a minimum disciplinary
20 penalty of a fine in an amount equivalent to one and one-half times
21 the daily rate of compensation for each day of violation. For the
22 second violation of this section, in addition to treating the time
23 taken as unpaid leave, the employer shall impose a minimum
24 disciplinary penalty of a fine in an amount equivalent to three times
25 the daily rate of compensation for each day of violation. For the
26 third violation of this section, in addition to treating the time taken
27 as unpaid leave, the employer shall have good cause for termination
28 of the employee. The minimum penalties set forth for the first and
29 second violations may be increased at the discretion of the
30 employer based upon the prior record of the employee. The time
31 converted to unpaid leave under this section shall also be deducted
32 from the number of unused accumulated sick leave days credited on
33 the effective date of retirement upon which supplemental
34 compensation, if any, for the employee at the time of retirement is
35 calculated.

36
37 16. (New section) Notwithstanding any law, rule or regulation
38 to the contrary, for officers or employees of a school board, or any
39 agency or instrumentality thereof, the use of six or more
40 consecutive days of accumulated sick leave in the twelve months
41 prior to retirement by an officer or employee who commences
42 service with the school board, or agency or instrumentality thereof,
43 on or after the effective date of P.L. , c. (pending before the
44 Legislature as this bill) in anticipation of that retirement and
45 without a medical necessity verified in writing by a physician shall
46 be prohibited. The board shall promulgate rules and procedures to
47 ensure that verification of medical necessity is provided. The rules
48 shall provide that the employer may require the officer or employee

1 to submit to an examination by a physician selected by the
2 employer to verify the medical necessity.
3 For the first violation of this section, the employer shall treat the
4 time taken as unpaid leave and impose a minimum disciplinary
5 penalty of a fine in an amount equivalent to one and one-half times
6 the daily rate of compensation for each day of violation. For the
7 second violation of this section, in addition to treating the time
8 taken as unpaid leave, the employer shall impose a minimum
9 disciplinary penalty of a fine in an amount equivalent to three times
10 the daily rate of compensation for each day of violation. For the
11 third violation of this section, in addition to treating the time taken
12 as unpaid leave, the employer shall have good cause for termination
13 of the employee. The minimum penalties set forth for the first and
14 second violations may be increased at the discretion of the
15 employer based upon the prior record of the employee. The time
16 converted to unpaid leave under this section shall also be deducted
17 from the number of unused accumulated sick leave days credited on
18 the effective date of retirement upon which supplemental
19 compensation, if any, for the employee at the time of retirement is
20 calculated. No monetary penalty imposed under this section shall be
21 construed to be a reduction in compensation under applicable
22 employee tenure laws.

23
24 17. This act shall take effect on the first day of the third month
25 following enactment.

26
27
28

STATEMENT

29
30 This bill imposes limits on the payment of supplemental
31 compensation for unused accumulated sick leave and the
32 accumulation of vacation leave to any current or future State, local
33 government, or board of education employee. Under this bill,
34 unused sick leave payments will not be permitted upon retirement in
35 an amount in excess of \$15,000 for any sick leave time accumulated
36 after the bill's effective date. Supplemental compensation for any
37 time earned prior to that date is payable as under current law. Also,
38 the bill imposes limits on the carry-forward of vacation leave that is
39 not used in a given year by any current or future employee of the
40 State, a local government, or board of education.

41 In addition, the payment of supplemental compensation for
42 accumulated unused sick leave and vacation leave will be
43 suspended if the officer or employee is indicted for certain crimes
44 that involve or touch the office or employment. The payments will
45 be forfeited if the officer or employee is convicted. The bill also
46 requires the Attorney General to develop guidelines or establish
47 procedures to provide the appropriate governmental agency or

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

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

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

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

30 The bill will take effect on the first day of the third month after
31 enactment.