

SENATE, No. 572

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

Senators Singer, Beck and Bateman

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

S572 DOHERTY

1 AN ACT concerning the use of accumulated sick leave prior to
2 retirement and amending and supplementing various parts of
3 statutory law.
4

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

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

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

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

33 (cf: N.J.S.11A:6-5)
34

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

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

12

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

33

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

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42 5. This act shall take effect immediately.

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STATEMENT

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47 This bill prohibits the use of six or more consecutive days of
48 accumulated sick leave by a public officer or employee in the

S572 DOHERTY

1 twelve months prior to retirement without a medical necessity
2 verified in writing by a physician. This bill seeks to end a practice
3 known as “terminal leave” when a public employee, in anticipation
4 of retirement, is permitted to use up accumulated days of sick leave.
5 The bill requires the State, political subdivisions of the State, and
6 boards of education to promulgate rules and procedures to ensure
7 that verification of medical necessity is provided. Under the rules,
8 the employer could require the officer or employee to submit to an
9 examination by a physician selected by the employer to verify the
10 medical necessity. For a violation of this prohibition, the employer
11 would (1) impose a fine and issue a reprimand against the officer or
12 employee, with the fine to be an amount equivalent to three days
13 compensation for each day of violation, or (2) for a second violation
14 of the prohibition deduct all sick leave found to have been used in
15 violation of this prohibition from the number of unused
16 accumulated sick leave credited on the effective date of retirement
17 upon which supplemental compensation, if any, for the officer or
18 employee at the time of retirement is calculated, or (3) both.