Sponsored by:
Senator JOSEPH M. KYRILLOS, JR.
District 13 (Monmouth)

SYNOPSIS
Limits use and supplemental compensation for certain leave.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
AN ACT concerning the accumulation of sick leave and vacation leave by certain public employees, and amending and supplementing various parts of the statutory law.

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

1. Section 3 of P.L.2010, c.3 (C.18A:30-3.6) is amended to read as follows:

   3. a. Notwithstanding any law, rule or regulation to the contrary, a board of education, or an agency or instrumentality thereof, shall not pay supplemental compensation to any officer or employee [for accumulated unused sick leave in an amount in excess of $15,000] for unused sick leave accumulated after the effective date of P.L. , c. (pending before the Legislature as this bill) or after the expiration of a collective negotiations agreement or contract of employment applicable to that officer or employee in effect on that date. Supplemental compensation shall be payable only at the time of retirement from a State-administered or locally-administered retirement system based on the leave credited on the date of retirement. [This provision shall apply only to officers and employees who commence service with the board of education, or the agency or instrumentality thereof, on or after the effective date of P.L.2010, c.3. This section shall not be construed to affect the terms in any collective negotiations agreement with a relevant provision in force on that effective date.]

   An officer or employee who on the effective date of P.L. , c. (pending before the Legislature as this bill), or upon the expiration of a collective negotiations agreement or contract of employment with a relevant provision applicable to that officer or employee in effect on that date, has accrued supplemental compensation based upon accumulated unused sick leave shall be eligible to receive the amount so accumulated; provided, however, that any sick leave accumulated prior to the effective date of P.L. , c. (pending before the Legislature as this bill) or before the expiration of a collective negotiations agreement or contract of employment applicable to that officer or employee in effect on that date shall be used before sick leave accrued after the effective date of P.L. , c. (pending before the Legislature as this bill) or after the expiration of a collective negotiations agreement or contract of employment applicable to that officer or employee in effect on that date.

   b. (1) Payment of supplemental compensation for accumulated unused sick leave shall be suspended if an officer or employee has been indicted for a crime that involves or touches such office or

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.
employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-6.5).

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

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

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

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

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

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

(2) Supplemental compensation for accumulated unused
vacation leave shall be forfeited if an officer or employee is
convicted of a crime that subjects the officer or employee to the
provisions of section 6 of P.L.2007, c.49, or for a substantially
similar offense under the laws of another state or the United States
which would have been such a crime under the laws of this State.
(cf: P.L.2010, c.3, s.5)

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

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

An officer or employee who on the effective date of P.L. , c.
(pending before the Legislature as this bill), or upon the expiration
of a collective negotiations agreement or contract of employment
with a relevant provision applicable to that officer or employee in
effect on that date, has accrued supplemental compensation based
upon accumulated unused sick leave shall be eligible to receive the
amount so accumulated; provided, however that any sick leave
accumulated prior to the effective date of P.L. c. (pending before
the Legislature as this bill) or before the expiration of a collective
negotiations agreement or contract of employment applicable to that
officer or employee in effect on that date shall be used before sick
leave accrued after the effective date of P.L. c. (pending before
the Legislature as this bill) or after the expiration of a collective
negotiations agreement or contract of employment applicable to that
officer or employee in effect on that date.
b. (1) Payment of supplemental compensation for accumulated unused sick leave shall be suspended if an officer or employee has been indicted for a crime that involves or touches such office or employment as defined in section 6 of P.L.2007, c.49 (C.2C:43-6.5).

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

cf: P.L.2010, c.3, s.2

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

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

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

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

(2) Supplemental compensation for accumulated unused vacation leave shall be forfeited if an officer or employee is convicted of a crime that subjects the officer or employee to the provisions of section 6 of P.L.2007, c.49, or for a substantially similar offense under the laws of another state or the United States which would have been such a crime under the laws of this State.
(cf: P.L.2010, c.3, s.4)

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

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

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

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

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

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

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

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

cf: P.L.2007, c.92, s.42

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

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

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

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

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

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

(2) Supplemental compensation for accumulated unused sick
leave shall be forfeited if an officer or employee is convicted of a
crime that subjects the officer or employee to the provisions of
section 6 of P.L.2007, c.49, or for a substantially similar offense
under the laws of another state or the United States which would
have been such a crime under the laws of this State.
(cf: P.L.2007, c.92, s.43)

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

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

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

(2) becomes an officer or employee after the effective date of
P.L.2007, c.92 (C.43:15C-1 et al.) and has previously accrued
supplemental compensation based upon accumulated unused sick
leave shall, upon retirement, be eligible to receive for any unused
leave not more than the amount so previously accumulated or not
more than $15,000, whichever is greater.
Supplemental compensation shall be payable only at the time of retirement from a State-administered or locally-administered retirement system based on the leave credited on the date of retirement; provided, however, that any sick leave accumulated prior to the effective date of P.L. c. (pending before the Legislature as this bill) or before the expiration of a collective negotiations agreement or contract of employment applicable to that officer or employee in effect on that date shall be used before sick leave accrued after the effective date of P.L. c. (pending before the Legislature as this bill) or after the expiration of a collective negotiations agreement or contract of employment applicable to that officer or employee in effect on that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An officer or employee who on the effective date of P.L. , c. (pending before the Legislature as this bill), or upon the expiration of a collective negotiations agreement or contract of employment with a relevant provision applicable to that officer or employee in effect on that date, has accrued supplemental compensation based upon accumulated unused sick leave shall be eligible to receive the amount so accumulated; provided, however, that any sick leave accumulated prior to the effective date of P.L. c. (pending before the Legislature as this bill) or before the expiration of a collective negotiations agreement or contract of employment applicable to that officer or employee in effect on that date shall be used before sick leave accrued after the effective date of P.L. c. (pending before the Legislature as this bill) or after the expiration of a collective negotiations agreement or contract of employment applicable to that officer or employee in effect on that date.

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

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

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

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


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

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

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

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

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

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

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

(1) Paragraph (4) of subsection a. of N.J.S.2C:13-5, criminal coercion;
(2) N.J.S.2C:20-4, theft by deception, if the amount involved exceeds $10,000;
(3) Subsection d. of N.J.S.2C:20-5, theft by extortion;
(4) N.J.S.2C:20-9, theft by failure to make required disposition of property received, if the amount involved exceeds $10,000;
(5) N.J.S.2C:21-10, commercial bribery;
(6) Section 3 of P.L.1994, c.121 (C.2C:21-25), money laundering;
(7) Section 97 of P.L.1999, c.440 (C.2C:21-34), false contract payment claims;
(8) N.J.S.2C:27-2, bribery in official matters;
(9) N.J.S.2C:27-3, threats and other improper influence in official and political matters;
(10) Section 100 of P.L.1999, c.440 (C.2C:27-9), unlawful official business transaction where interest is involved;
(11) Section 5 of P.L.2003, c.255 (C.2C:27-10), acceptance or receipt of unlawful benefit by public servant for official behavior;
(12) Section 6 of P.L.2003, c.255 (C.2C:27-11), offer of unlawful benefit to public servant for official behavior;
(13) N.J.S.2C:28-1, perjury;
(14) N.J.S.2C:28-5, tampering with witnesses;
(15) N.J.S.2C:28-7, tampering with public records or information;
(16) N.J.S.2C:29-4, compounding;
(17) N.J.S.2C:30-2, official misconduct;
(18) N.J.S.2C:30-3, speculating or wagering on official action or information; or
(19) Section 3 of P.L.2003, c.31 (C.2C:30-7), pattern of official misconduct.

c. (1) On motion by the prosecutor stating that the defendant has provided substantial assistance in a criminal investigation or prosecution of another person, the court may waive or reduce the mandatory minimum term of imprisonment required by subsection a. of this section. The appropriate waiver or reduction shall be determined by the court for reasons stated that may include, but are not limited to, consideration of the following:

(i) the court's evaluation of the significance and usefulness of the defendant's assistance, giving substantial weight to the prosecutor's evaluation of the assistance rendered;
(ii) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant;
(iii) the nature and extent of the defendant's assistance;
(iv) any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance;

(v) the timeliness of the defendant's assistance.

In making such a determination, the court shall give substantial weight to the prosecutor's evaluation of the extent of the defendant's assistance, particularly where the extent and value of the assistance are difficult to ascertain.

(2) If the court finds by clear and convincing evidence that extraordinary circumstances exist such that imposition of a mandatory minimum term would be a serious injustice which overrides the need to deter such conduct in others, the court may waive or reduce the mandatory minimum term of imprisonment required by subsection a. of this section. In making any such finding, the court must state with specificity its reasons for waiving or reducing the mandatory minimum sentence that would otherwise apply.

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

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

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

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

f. The Attorney General shall develop guidelines or establish a procedure designed to provide a State agency as defined in section 2 of P.L.1971, c.182 (C.52:13D-13), a local government agency as defined in section 3 of P.L.1991, c.29 (C.40A:9-22.3), a local school district as defined in section 3 P.L.1991, c.393 (C.18A:12-23) or other public employer, as appropriate, with notice of any indictment or conviction of any active or former officer or
employee of such entity for a crime that involves or touches such
office or employment as set forth in subsection b. of this section
that will subject the officer or employee to sentencing under the
provisions of this section.
(cf: P.L.2007, c.49, s.6)

13. (New section) a. The provisions of sections 1 through 11,
inclusive of P.L. , c. (pending before the Legislature as this bill)
as amending various sections of statutory law regarding the
accumulated unused sick or vacation leave to an officer or
employee who has been indicted for a crime that involves or
touches such office or employment as defined in section 6 of
P.L.2007, c.49 (C.2C:43-6.5), shall be prospective in application for
any crime or offense committed after the effective date of P.L. , c.
(pending before the Legislature as this bill).

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

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

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

b. Notwithstanding the provisions of any law, rule, or
regulation to the contrary, the use of six or more consecutive days
of accumulated sick leave without a medical necessity verified in
writing by a physician shall be prohibited. The commission shall
promulgate rules and procedures to ensure that verification of
medical necessity is provided. The rules shall provide that the
employer may require the employee to submit to an examination by
a physician selected by the employer to verify the medical
necessity. For the first violation of this subsection, the employer
shall treat the time taken as unpaid leave and impose a minimum
disciplinary penalty of a fine in an amount equivalent to one and
one-half times the daily rate of compensation for each day of
violation. For the second violation of this subsection, in addition to
treating the time taken as unpaid leave, the employer shall impose a
minimum disciplinary penalty of a fine in an amount equivalent to
three times the daily rate of compensation for each day of violation.
For the third violation of this subsection, in addition to treating the
time taken as unpaid leave, the employer shall have good cause for
termination of the employee. The minimum penalties set forth for
the first and second violations may be increased at the discretion of
the employer based upon the prior record of the employee. The
time converted to unpaid leave under this subsection shall also be
deducted from the number of unused accumulated sick leave days
credited on the effective date of retirement upon which
supplemental compensation, if any, for the employee at the time of
retirement is calculated.
(cf: N.J.S.11A:6-5)

15. (New section) Notwithstanding any law, rule or regulation
to the contrary, for officers or employees of a political subdivision
of the State, or any agency, authority or instrumentality thereof, that
has not adopted the provisions of Title 11A, Civil Service, of the
New Jersey Statutes, the use of six or more consecutive days of
accumulated sick leave in the twelve months prior to retirement by
an officer or employee who commences employment with the
political subdivision of the State, or agency, authority or
instrumentality thereof, on or after the effective date of P.L. , c.
(pending before the Legislature as this bill) in anticipation of that
retirement and without a medical necessity verified in writing by a
physician shall be prohibited. The governing body of a political
subdivision shall promulgate rules and procedures to ensure that
verification of medical necessity is provided. The rules shall
provide that the employer may require the officer or employee to
submit to an examination by a physician selected by the employer
to verify the medical necessity.
For the first violation of this section, the employer shall treat the
time taken as unpaid leave and impose a minimum disciplinary
penalty of a fine in an amount equivalent to one and one-half times
the daily rate of compensation for each day of violation. For the
second violation of this section, in addition to treating the time
taken as unpaid leave, the employer shall impose a minimum
disciplinary penalty of a fine in an amount equivalent to three times
the daily rate of compensation for each day of violation. For the
third violation of this section, in addition to treating the time taken
as unpaid leave, the employer shall have good cause for termination
of the employee. The minimum penalties set forth for the first and
second violations may be increased at the discretion of the
employer based upon the prior record of the employee. The time
converted to unpaid leave under this section shall also be deducted
from the number of unused accumulated sick leave days credited on
the effective date of retirement upon which supplemental
compensation, if any, for the employee at the time of retirement is calculated.

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

For the first violation of this section, the employer shall treat the time taken as unpaid leave and impose a minimum disciplinary penalty of a fine in an amount equivalent to one and one-half times the daily rate of compensation for each day of violation. For the second violation of this section, in addition to treating the time taken as unpaid leave, the employer shall impose a minimum disciplinary penalty of a fine in an amount equivalent to three times the daily rate of compensation for each day of violation. For the third violation of this section, in addition to treating the time taken as unpaid leave, the employer shall have good cause for termination of the employee. The minimum penalties set forth for the first and second violations may be increased at the discretion of the employer based upon the prior record of the employee. The time converted to unpaid leave under this section shall also be deducted from the number of unused accumulated sick leave days credited on the effective date of retirement upon which supplemental compensation, if any, for the employee at the time of retirement is calculated. No monetary penalty imposed under this section shall be construed to be a reduction in compensation under applicable employee tenure laws.

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

STATEMENT

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

In addition, the payment of supplemental compensation for accumulated unused sick leave and vacation leave will be suspended if the officer or employee is indicted for certain crimes that involve or touch the office or employment. The payments will be forfeited if the officer or employee is convicted. The bill also requires the Attorney General to develop guidelines or establish procedures to provide the appropriate governmental agency or public employer with notice of any indictment or conviction of a current or former officer or employee.

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

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

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

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