

SENATE, No. 681

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Prohibits payment to public employees at retirement for certain unused sick leave, provides for forfeiture of payment for unused sick leave for certain criminal convictions, and requires documentation for use of sick leave.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the use of sick leave by public employees and
2 amending and supplementing various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 44 of P.L.2007, c.92 (C.18A:30-3.5) is amended to
8 read as follows:

9 44. a. Notwithstanding any law, rule or regulation to the
10 contrary, a board of education, or an agency or instrumentality
11 thereof, shall not pay supplemental compensation to any officer or
12 employee for accumulated unused sick leave in an amount in excess
13 of \$15,000 except that an officer or employee who:

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

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

27 Supplemental compensation shall be payable only at the time of
28 retirement from a State-administered or locally-administered
29 retirement system based on the leave credited on the date of
30 retirement.

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

 Matter underlined thus is new matter.

1 followed by the political subdivision, or the agency or
2 instrumentality thereof.

3 b. A board of education, or an agency or instrumentality
4 thereof, shall not pay supplemental compensation to any officer or
5 employee for accumulated unused sick leave earned after the
6 effective date of P.L. , c. (pending before the Legislature as this
7 bill) or after the expiration of collective negotiations agreement or
8 an individual contract of employment with a relevant provision
9 applicable to that officer or employee in effect on that date, except
10 that an officer or employee who on the effective date of P.L. ,
11 c. (pending before the Legislature as this bill), or upon the
12 expiration of collective negotiations agreement or an individual
13 contract of employment with a relevant provision applicable to that
14 officer or employee in effect on that date, has accrued supplemental
15 compensation based upon accumulated unused sick leave earned
16 prior to the effective date shall continue to be eligible to receive the
17 amount so accrued based on that sick leave that remains credited on
18 the date of retirement. 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.

22 c. (1) Payment of supplemental compensation for accumulated
23 unused sick leave shall be suspended if an officer or employee has
24 been indicted for any crime set forth in subsection b. of section 2 of
25 P.L.2007, c.49 (C.43:1-3.1), or a substantially similar offense under
26 the laws of another state or the United States which would have
27 been a crime under the laws of this State, which crime or offense
28 involves or touches such office or employment.

29 (2) Supplemental compensation for accumulated unused sick
30 leave shall be forfeited if an officer or employee is convicted of any
31 crime set forth in subsection b. of section 2 of P.L.2007, c.49
32 (C.43:1-3.1), or a substantially similar offense under the laws of
33 another state or the United States which would have been a crime
34 under the laws of this State, which crime or offense involves or
35 touches such office or employment.

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

37
38 2. Section 3 of P.L.2010, c.3 (C.18A:30-3.6) is amended to
39 read as follows:

40 3. a. Notwithstanding any law, rule or regulation to the
41 contrary, a board of education, or an agency or instrumentality
42 thereof, shall not pay supplemental compensation to any officer or
43 employee for accumulated unused sick leave in an amount in excess
44 of \$15,000. Supplemental compensation shall be payable only at
45 the time of retirement from a State-administered or locally-
46 administered retirement system based on the leave credited on the
47 date of retirement. This provision shall apply only to officers and
48 employees who commence service with the board of education, or

1 the agency or instrumentality thereof, on or after the effective date
2 of P.L.2010, c.3. This section shall not be construed to affect the
3 terms in any collective negotiations agreement with a relevant
4 provision in force on that effective date.

5 b. A board of education, or an agency or instrumentality
6 thereof, shall not pay supplemental compensation to any officer or
7 employee who was in service with the employer prior to the
8 effective date of P.L.2010, c.3 and continuously thereafter or who
9 commenced service on or after that effective date for accumulated
10 unused sick leave earned after the effective date of P.L. ,

11 c. (pending before the Legislature as this bill) or after the
12 expiration of collective negotiations agreement or an individual
13 contract of employment with a relevant provision applicable to that
14 officer or employee in effect on that date, except that an officer or
15 employee who on the effective date of P.L. , c. (pending before
16 the Legislature as this bill), or upon the expiration of a collective
17 negotiations agreement or an individual contract of employment
18 with a relevant provision applicable to that officer or employee in
19 effect on that date, has accrued supplemental compensation based
20 upon accumulated unused sick leave earned prior to the effective
21 date shall continue to be eligible to receive the amount so accrued
22 based on that sick leave that remains credited on the date of
23 retirement. Supplemental compensation shall be payable only at the
24 time of retirement from a State-administered or locally-
25 administered retirement system based on the leave credited on the
26 date of retirement.

27 c. (1) Payment of supplemental compensation for accumulated
28 unused sick leave shall be suspended if an officer or employee has
29 been indicted for any crime set forth in subsection b. of section 2 of
30 P.L.2007, c.49 (C.43:1-3.1), or a substantially similar offense under
31 the laws of another state or the United States which would have
32 been a crime under the laws of this State, which crime or offense
33 involves or touches such office or employment.

34 (2) Supplemental compensation for accumulated unused sick
35 leave shall be forfeited if an officer or employee is convicted of any
36 crime set forth in subsection b. of section 2 of P.L.2007, c.49
37 (C.43:1-3.1), or a substantially similar offense under the laws of
38 another state or the United States which would have been a crime
39 under the laws of this State, which crime or offense involves or
40 touches such office or employment.

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

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

45 43. a. Notwithstanding any law, rule or regulation to the
46 contrary, a political subdivision of the State, or an agency, authority
47 or instrumentality thereof, that has not adopted the provisions of
48 Title 11A of the New Jersey Statutes, shall not pay supplemental

1 compensation to any officer or employee for accumulated unused
2 sick leave in an amount in excess of \$15,000 except that an officer
3 or employee who:

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

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

17 Supplemental compensation shall be payable only at the time of
18 retirement from a State-administered or locally-administered
19 retirement system based on the leave credited on the date of
20 retirement.

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

44 b. A political subdivision of the State, or an agency, authority
45 or instrumentality thereof, that has not adopted the provisions of
46 Title 11A of the New Jersey Statutes, shall not pay supplemental
47 compensation to any officer or employee for accumulated unused
48 sick leave earned after the effective date of P.L. , c. (pending

1 before the Legislature as this bill) or after the expiration of
2 collective negotiations agreement or an individual contract of
3 employment with a relevant provision applicable to that officer or
4 employee in effect on that date, except that an officer or employee
5 who on the effective date of P.L. , c. (pending before the
6 Legislature as this bill), or upon the expiration of collective
7 negotiations agreement or an individual contract of employment
8 with a relevant provision applicable to that officer or employee in
9 effect on that date, has accrued supplemental compensation based
10 upon accumulated unused sick leave earned prior to the effective
11 date shall continue to be eligible to receive the amount so accrued
12 based on that sick leave that remains credited on the date of
13 retirement. Supplemental compensation shall be payable only at the
14 time of retirement from a State-administered or locally-
15 administered retirement system based on the leave credited on the
16 date of retirement.

17 c. (1) Payment of supplemental compensation for accumulated
18 unused sick leave shall be suspended if an officer or employee has
19 been indicted for any crime set forth in subsection b. of section 2 of
20 P.L.2007, c.49 (C.43:1-3.1), or a substantially similar offense under
21 the laws of another state or the United States which would have
22 been a crime under the laws of this State, which crime or offense
23 involves or touches such office or employment.

24 (2) Supplemental compensation for accumulated unused sick
25 leave shall be forfeited if an officer or employee is convicted of any
26 crime set forth in subsection b. of section 2 of P.L.2007, c.49
27 (C.43:1-3.1), or a substantially similar offense under the laws of
28 another state or the United States which would have been a crime
29 under the laws of this State, which crime or offense involves or
30 touches such office or employment.

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

32
33 4. Section 2 of P.L.2010, c.3 (C.40A:9-10.4) is amended to
34 read as follows:

35 2. a. Notwithstanding any law, rule or regulation to the
36 contrary, a political subdivision of the State, or an agency, authority
37 or instrumentality thereof, that has not adopted the provisions of
38 Title 11A of the New Jersey Statutes, shall not pay supplemental
39 compensation to any officer or employee for accumulated unused
40 sick leave in an amount in excess of \$15,000. Supplemental
41 compensation shall be payable only at the time of retirement from a
42 State-administered or locally-administered retirement system based
43 on the leave credited on the date of retirement. This provision shall
44 apply only to officers and employees who commence service with
45 the political subdivision of the State, or the agency, authority or
46 instrumentality thereof, on or after the effective date of P.L.2010,
47 c.3. This section shall not be construed to affect the terms in any

1 collective negotiations agreement with a relevant provision in force
2 on that effective date.

3 b. A political subdivision of the State, or an agency, authority
4 or instrumentality thereof, that has not adopted the provisions of
5 Title 11A of the New Jersey Statutes, shall not pay supplemental
6 compensation to any officer or employee who was in service with
7 the employer prior to the effective date of P.L.2010, c.3 and
8 continuously thereafter or who commenced service on or after that
9 effective date for accumulated unused sick leave earned after the
10 effective date of P.L. , c. (pending before the Legislature as this
11 bill) or after the expiration of collective negotiations agreement or
12 an individual contract of employment with a relevant provision
13 applicable to that officer or employee in effect on that date, except
14 that an officer or employee who on the effective date of P.L. ,
15 c. (pending before the Legislature as this bill), or upon the
16 expiration of a collective negotiations agreement or an individual
17 contract of employment with a relevant provision applicable to that
18 officer or employee in effect on that date, has accrued supplemental
19 compensation based upon accumulated unused sick leave earned
20 prior to the effective date shall continue to be eligible to receive the
21 amount so accrued based on that sick leave that remains credited on
22 the date of retirement. Supplemental compensation shall be payable
23 only at the time of retirement from a State-administered or locally-
24 administered retirement system based on the leave credited on the
25 date of retirement.

26 c. (1) Payment of supplemental compensation for accumulated
27 unused sick leave shall be suspended if an officer or employee has
28 been indicted for any crime set forth in subsection b. of section 2 of
29 P.L.2007, c.49 (C.43:1-3.1), or a substantially similar offense under
30 the laws of another state or the United States which would have
31 been a crime under the laws of this State, which crime or offense
32 involves or touches such office or employment.

33 (2) Supplemental compensation for accumulated unused sick
34 leave shall be forfeited if an officer or employee is convicted of any
35 crime set forth in subsection b. of section 2 of P.L.2007, c.49
36 (C.43:1-3.1), or a substantially similar offense under the laws of
37 another state or the United States which would have been a crime
38 under the laws of this State, which crime or offense involves or
39 touches such office or employment.

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

41
42 5. N.J.S.11A:6-16 is amended to read as follows:

43 11A:6-16. Supplemental compensation upon retirement in State
44 employment.

45 a. State employees in the career service, and those in the senior
46 executive and unclassified services who have been granted sick
47 leave under terms and conditions similar to career service
48 employees, shall be entitled upon retirement from a State-

1 administered retirement system to receive a lump sum payment as
2 supplemental compensation for each full day of accumulated sick
3 leave which is credited on the effective date of retirement.

4 b. The State shall not pay supplemental compensation to any
5 officer or employee who was in service with the employer prior to
6 the effective date of P.L. , c. (pending before the Legislature as
7 this bill) and continuously thereafter or who commenced service on
8 or after that effective date for accumulated unused sick leave earned
9 after the effective date of P.L. , c. (pending before the Legislature
10 as this bill) or after the expiration of collective negotiations
11 agreement or an individual contract of employment with a relevant
12 provision applicable to that officer or employee in effect on that
13 date, except that an officer or employee who on the effective date of
14 P.L. , c. (pending before the Legislature as this bill), or upon the
15 expiration of a collective negotiations agreement or an individual
16 contract of employment with a relevant provision applicable to that
17 officer or employee in effect on that date, has accrued supplemental
18 compensation based upon accumulated unused sick leave earned
19 prior to the effective date shall continue to be eligible to receive the
20 amount so accrued based on that sick leave that remains credited on
21 the date of retirement as calculated in accordance with N.J.S.11A:6-
22 19. Supplemental compensation shall be payable only at the time of
23 retirement from a State-administered or locally-administered
24 retirement system based on the leave credited on the date of
25 retirement. This subsection shall be applicable to employees
26 described in N.J.S.11A:6-17.

27 c. (1) Payment of supplemental compensation for accumulated
28 unused sick leave shall be suspended if an officer or employee has
29 been indicted for any crime set forth in subsection b. of section 2 of
30 P.L.2007, c.49 (C.43:1-3.1), or a substantially similar offense under
31 the laws of another state or the United States which would have
32 been a crime under the laws of this State, which crime or offense
33 involves or touches such office or employment.

34 (2) Supplemental compensation for accumulated unused sick
35 leave shall be forfeited if an officer or employee is convicted of any
36 crime set forth in subsection b. of section 2 of P.L.2007, c.49
37 (C.43:1-3.1), or a substantially similar offense under the laws of
38 another state or the United States which would have been a crime
39 under the laws of this State, which crime or offense involves or
40 touches such office or employment.

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

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

45 42. a. Notwithstanding any law, rule or regulation to the
46 contrary, a political subdivision of the State, or an agency, authority
47 or instrumentality thereof, that has adopted the provisions of Title
48 11A of the New Jersey Statutes, shall not pay supplemental

1 compensation to any officer or employee for accumulated unused
2 sick leave in an amount in excess of \$15,000, except that an officer
3 or employee who:

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

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

17 Supplemental compensation shall be payable only at the time of
18 retirement from a State-administered or locally-administered
19 retirement system based on the leave credited on the date of
20 retirement.

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

44 b. A political subdivision of the State, or an agency, authority
45 or instrumentality thereof, that has adopted the provisions of Title
46 11A of the New Jersey Statutes, shall not pay supplemental
47 compensation to any officer or employee for accumulated unused
48 sick leave earned after the effective date of P.L. , c. (pending

1 before the Legislature as this bill) or after the expiration of
2 collective negotiations agreement or an individual contract of
3 employment with a relevant provision applicable to that officer or
4 employee in effect on that date, except that an officer or employee
5 who on the effective date of P.L. , c. (pending before the
6 Legislature as this bill), or upon the expiration of collective
7 negotiations agreement or an individual contract of employment
8 with a relevant provision applicable to that officer or employee in
9 effect on that date, has accrued supplemental compensation based
10 upon accumulated unused sick leave earned prior to the effective
11 date shall continue to be eligible to receive the amount so accrued
12 based on that sick leave that remains credited on the date of
13 retirement. Supplemental compensation shall be payable only at the
14 time of retirement from a State-administered or locally-
15 administered retirement system based on the leave credited on the
16 date of retirement.

17 c. (1) Payment of supplemental compensation for accumulated
18 unused sick leave shall be suspended if an officer or employee has
19 been indicted for any crime set forth in subsection b. of section 2 of
20 P.L.2007, c.49 (C.43:1-3.1), or a substantially similar offense under
21 the laws of another state or the United States which would have
22 been a crime under the laws of this State, which crime or offense
23 involves or touches such office or employment.

24 (2) Supplemental compensation for accumulated unused sick
25 leave shall be forfeited if an officer or employee is convicted of any
26 crime set forth in subsection b. of section 2 of P.L.2007, c.49
27 (C.43:1-3.1), or a substantially similar offense under the laws of
28 another state or the United States which would have been a crime
29 under the laws of this State, which crime or offense involves or
30 touches such office or employment.

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

32
33 7. Section 1 of P.L.2010, c.3 (C.11A:6-19.2) is amended to
34 read as follows:

35 1. a. Notwithstanding any law, rule or regulation to the
36 contrary, a political subdivision of the State, or an agency, authority
37 or instrumentality thereof, that has adopted the provisions of Title
38 11A of the New Jersey Statutes, shall not pay supplemental
39 compensation to any officer or employee for accumulated unused
40 sick leave in an amount in excess of \$15,000. Supplemental
41 compensation shall be payable only at the time of retirement from a
42 State-administered or locally-administered retirement system based
43 on the leave credited on the date of retirement. This provision shall
44 apply only to officers and employees who commence service with
45 the political subdivision of the State, or the agency, authority or
46 instrumentality thereof, on or after the effective date of P.L.2010,
47 c.3. This section shall not be construed to affect the terms in any

1 collective negotiations agreement with a relevant provision in force
2 on that effective date.

3 b. A political subdivision of the State, or an agency, authority
4 or instrumentality thereof, that has adopted the provisions of Title
5 11A of the New Jersey Statutes, shall not pay supplemental
6 compensation to any officer or employee who was in service with
7 the employer prior to the effective date of P.L.2010, c.3 and
8 continuously thereafter or who commenced service on or after that
9 effective date for accumulated unused sick leave earned after the
10 effective date of P.L. , c. (pending before the Legislature as this
11 bill) or after the expiration of collective negotiations agreement or
12 an individual contract of employment with a relevant provision
13 applicable to that officer or employee in effect on that date, except
14 that an officer or employee who on the effective date of P.L. ,
15 c. (pending before the Legislature as this bill), or upon the
16 expiration of a collective negotiations agreement or an individual
17 contract of employment with a relevant provision applicable to that
18 officer or employee in effect on that date, has accrued supplemental
19 compensation based upon accumulated unused sick leave earned
20 prior to the effective date shall continue to be eligible to receive the
21 amount so accrued based on that sick leave that remains credited on
22 the date of retirement. Supplemental compensation shall be payable
23 only at the time of retirement from a State-administered or locally-
24 administered retirement system based on the leave credited on the
25 date of retirement.

26 c. (1) Payment of supplemental compensation for accumulated
27 unused sick leave shall be suspended if an officer or employee has
28 been indicted for any crime set forth in subsection b. of section 2 of
29 P.L.2007, c.49 (C.43:1-3.1), or a substantially similar offense under
30 the laws of another state or the United States which would have
31 been a crime under the laws of this State, which crime or offense
32 involves or touches such office or employment.

33 (2) Supplemental compensation for accumulated unused sick
34 leave shall be forfeited if an officer or employee is convicted of any
35 crime set forth in subsection b. of section 2 of P.L.2007, c.49
36 (C.43:1-3.1), or a substantially similar offense under the laws of
37 another state or the United States which would have been a crime
38 under the laws of this State, which crime or offense involves or
39 touches such office or employment.

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

41
42 8. N.J.S.11A:6-5 is amended to read as follows:

43 11A:6-5. Sick leave. a. Full-time State and political subdivision
44 employees shall receive a sick leave credit of no less than one
45 working day for each completed month of service during the
46 remainder of the first calendar year of service and 15 working days
47 in every year thereafter. Unused sick leave shall accumulate without
48 limit.

1 b. Notwithstanding the provisions of any other law, rule, or
2 regulation to the contrary, the use of six or more consecutive days
3 of accumulated sick leave without a medical necessity verified in
4 writing by a physician shall be prohibited. The commission shall
5 promulgate rules and procedures to ensure that verification of
6 medical necessity is provided. The rules shall provide that the
7 employer may require the officer or employee to submit to an
8 examination by a physician selected by the employer to verify the
9 medical necessity. For the first violation of this subsection, the
10 employer shall treat the time taken as unpaid leave and impose a
11 minimum disciplinary penalty of a fine equivalent to one and one-
12 half times the daily rate of compensation for each day of violation.
13 For the second violation of this subsection, in addition to treating
14 the time taken as unpaid leave, the employer shall impose a
15 minimum disciplinary penalty of a fine in an amount equivalent to
16 three times the daily rate of compensation for each day of violation.
17 For the third violation of this subsection, in addition to treating the
18 time taken as unpaid leave, the employer shall have good cause for
19 termination of the employee. The minimum penalties set forth for
20 the first and second violations may be increased at the discretion of
21 the employer based upon the prior record of the employee. The
22 time converted to unpaid leave under this section shall also be
23 deducted from the number of unused sick leave days credited on the
24 effective date of retirement upon which supplemental
25 compensation, if any, for the employee at the time of retirement is
26 calculated.

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

28
29 9. (New section) Notwithstanding the provisions of any other
30 law, rule, or regulation to the contrary, for officers or employees of
31 a political subdivision of the State, or any agency, authority or
32 instrumentality thereof, or any agency, authority or instrumentality
33 thereof, that has not adopted the provisions of Title 11A, Civil
34 Service, of the New Jersey Statutes, the use of six or more
35 consecutive days of accumulated sick leave without a medical
36 necessity verified in writing by a physician shall be prohibited. The
37 governing body of a political subdivision shall promulgate rules and
38 procedures to ensure that verification of medical necessity is
39 provided. The rules shall provide that the employer may require the
40 officer or employee to submit to an examination by a physician
41 selected by the employer to verify the medical necessity. For the
42 first violation of this subsection, the employer shall treat the time
43 taken as unpaid leave and impose a minimum disciplinary penalty
44 of a fine equivalent to one and one-half times the daily rate of
45 compensation for each day of violation. For the second violation of
46 this subsection, in addition to treating the time taken as unpaid
47 leave, the employer shall impose a minimum disciplinary penalty of
48 a fine in an amount equivalent to three times the daily rate of

1 compensation for each day of violation. For the third violation of
2 this subsection, in addition to treating the time taken as unpaid
3 leave, the employer shall have good cause for termination of the
4 employee. The minimum penalties set forth for the first and second
5 violations may be increased at the discretion of the employer based
6 upon the prior record of the employee. The time converted to
7 unpaid leave under this section shall also be deducted from the
8 number of unused sick leave days credited on the effective date of
9 retirement upon which supplemental compensation, if any, for the
10 employee at the time of retirement is calculated.

11

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

40

41 11. (New section) The Attorney General shall develop
42 guidelines or establish procedures to ensure that public employers
43 are notified when a public officer or employee is indicted for, or
44 convicted of, any crime or offense set forth in subsection b. of
45 section 2 of P.L.2007, c.49 (C.43:1-3.1) in order to effectuate the
46 suspension or forfeiture of payment for supplemental compensation
47 as provided by subsection c. of section 44 of P.L.2007, c.92
48 (C.18A:30-3.5), subsection c. of section 3 of P.L.2010, c.3

1 (C.18A:30-3.6), subsection c. of section 43 of P.L.2007, c.92
2 (C.40A:9-10.2), subsection c. of section 2 of P.L.2010, c.3
3 (C.40A:9-10.4), subsection c. of N.J.S. 11A:6-16, subsection c. of
4 section 42 of P.L.2007, c.92 (C.11A:6-19.1), and subsection c. of
5 section 1 of P.L.2010, c.3 (C.11A:6-19.2).

6
7 12. (New section) The provisions of subsection c. of section 44
8 of P.L.2007, c.92 (C.18A:30-3.5), subsection c. of section 3 of
9 P.L.2010, c.3 (C.18A:30-3.6), subsection c. of section 43 of
10 P.L.2007, c.92 (C.40A:9-10.2), subsection c. of section 2 of
11 P.L.2010, c.3 (C.40A:9-10.4), subsection c. of N.J.S. 11A:6-16,
12 subsection c. of section 42 of P.L.2007, c.92 (C.11A:6-19.1), and
13 subsection c. of section 1 of P.L.2010, c.3 (C.11A:6-19.2) providing
14 for the suspension or forfeiture of payment for supplemental
15 compensation shall apply only in the case of crimes or offenses
16 committed after the effective date of P.L. , c. (C.) (pending
17 before the Legislature as this bill).

18
19 13. This act shall take effect on the first day of the second month
20 following enactment.

21 22 23 STATEMENT

24
25 This bill prohibits the payment by the State, local governments,
26 and boards of education of supplemental compensation to any
27 current or future public officer or employee for accumulated unused
28 sick leave earned after the bill's effective date. Supplemental
29 compensation for any time earned prior to that date will be payable
30 as under current law. In addition, the bill provides that the payment
31 of supplemental compensation for unused sick leave will be
32 suspended if an officer or employee is indicted for any of the crimes
33 which under current law are grounds for pension forfeiture and that
34 supplemental compensation will be forfeited upon conviction. The
35 bill also requires all public officers and employees to provide
36 medical documentation for absences of six or more consecutive
37 days and imposes penalties for the failure to do so.

38 The bill requires the Attorney General to develop guidelines or
39 establish procedures to ensure that public employers are notified
40 when a public officer or employee is indicted for, or convicted of,
41 any crime or offense that triggers the suspension or forfeiture of
42 payment for supplemental compensation. It also provides that the
43 suspension or forfeiture of payment for supplemental compensation
44 will apply only in the case of crimes or offenses committed after the
45 bill's effective date.

46 The bill will take effect on the first day of the second month
47 following enactment.