

ASSEMBLY, No. 720

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman R. SMITH

1 AN ACT permitting the establishment of sick leave banks for school  
2 board employees and supplementing chapter 30 of Title 18A of the  
3 New Jersey Statutes.

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

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8 1. Notwithstanding any other provision of law, a sick leave bank  
9 may be established for employees of a board of education if both the  
10 board and the majority representative or majority representatives of  
11 the employees, who would be eligible to participate, consent to the  
12 establishment of the sick leave bank. The purpose of the sick leave  
13 bank shall be to enable employees of the board who are entitled to sick  
14 leave under chapter 30 of Title 18A of the New Jersey Statutes to  
15 draw needed days of sick leave in addition to any days to which they  
16 are otherwise entitled. The sick leave days available from the sick  
17 leave bank shall be accrued sick leave days previously donated to the  
18 bank by employees of the board. Sick leave drawn from the bank shall  
19 be treated for all purposes as if it were accrued sick leave time of the  
20 employee who receives it. No employee shall be required to donate  
21 sick leave to the bank. A sick leave bank may be established for any  
22 employees of the board represented by any consenting majority  
23 representative of employees of the board, even if one or more other  
24 majority representatives of employees of the board do not consent.

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26 2. The sick leave bank shall be administered by a committee which  
27 shall be comprised of three members selected by the board of  
28 education and three members selected by the majority representative  
29 or majority representatives of those employees of the board who are  
30 eligible to participate in the sick leave bank. A single sick leave bank  
31 may be used by employees represented by two or more majority  
32 representatives, if those majority representatives reach an agreement  
33 on how to select the three committee members not selected by the  
34 board, using rotation or such other means for selection as they deem  
35 appropriate. The committee may establish standards or procedures

1 that it deems appropriate for the operation of the sick leave bank,  
2 which may include a requirement that employees donate leave time to  
3 be eligible to draw leave time from the sick leave bank and limitations  
4 on the amount of sick leave time which may be drawn or the  
5 conditions under which the sick leave time may be drawn. No day of  
6 sick leave which is donated to a sick leave bank by an employee shall  
7 be drawn by that employee or any other employee from the sick leave  
8 bank unless authorized by the committee in order to provide sick  
9 leave.

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11 3. No provision of this act, or regulation promulgated to implement  
12 or enforce this act, shall be deemed to justify a board of education in  
13 reducing or making less favorable to employees any sick leave,  
14 disability pay or other benefits provided by the board or required by a  
15 collective bargaining agreement which are more favorable to the  
16 employees than those required by this act, nor shall any provision of  
17 this act, or any regulation promulgated to implement or enforce this  
18 act, be construed to prohibit the negotiation and provision through  
19 collective bargaining agreements of sick leave, disability pay or other  
20 benefits which are more favorable to the employee than those required  
21 by this act, irrespective of the date that a collective bargaining  
22 agreement takes effect.

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24 4. No provision of this act shall be construed as limiting the  
25 authority of a board of education to provide an employee with  
26 additional days of salary pursuant to N.J.S.18A:30-6 after all sick  
27 leave available to the employee has been used.

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29 5. This act shall take effect immediately.

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### STATEMENT

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34 This bill permits the establishment of a sick leave bank for  
35 employees of a board of education upon the consent of the board and  
36 the majority representative or majority representatives of the collective  
37 bargaining unit or units of the employees of the board. The purpose  
38 of the bank is to enable an employee to draw, as needed, accrued sick  
39 leave days previously donated voluntarily by the employee or other  
40 employees of the board. The bill prohibits any requirement that an  
41 employee donate sick leave.

42 The sick leave bank would be administered by a committee  
43 comprised of three members selected by the board of education and  
44 three members selected by the consenting majority representative or  
45 majority representatives of the employees of the board. The bill  
46 authorizes the committee to establish procedures for the operation of

1 the sick leave bank, such as requirements that employees donate leave  
2 time to be eligible to draw leave time from the sick leave bank and  
3 limitations on the amount of time which may be drawn. Sick leave  
4 which is donated by an employee may not be withdrawn by that  
5 employee or any other employee unless authorized by the committee  
6 in order to provide sick leave. Also, the provisions of the bill do not  
7 limit the authority of a board of education to provide an employee with  
8 additional days of salary pursuant to N.J.S.18A:30-6 after all available  
9 sick leave has been used.

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Permits the establishment of sick leave banks for school employees.