

ORDINANCE 2019-3

**AN ORDINANCE TO AMEND CHAPTER 78 OF
THE CODE OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

WHEREAS, the Borough of Bradley Beach (“Borough”) has adopted Chapter 78, “Personnel Policies,” to govern the terms and conditions of employment with the Borough; and

WHEREAS, the Borough is party to certain collective bargaining agreements entered into with bargaining units representing Borough employees; and

WHEREAS, those collective bargaining agreements also provide terms and condition of employment with the Borough for the bargaining unit’s membership; and

WHEREAS, the Borough has adopted a Personnel Policies and Procedures Manual and an Employee Handbook which set forth the Borough’s policies and procedures as an employer; and

WHEREAS, that Manual was recently updated to include changes mandated by the Monmouth County Joint Insurance Fund’s (JIF) personnel policy committee in order to continue the Borough’s eligibility for deductible and co-payment incentives; and

WHEREAS, it is in the interests of the Borough and its employees that these sources of information regarding the terms and conditions of employment with the Borough be clear and consistent;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, Monmouth County, State of New Jersey, that Chapter 78 of the Borough Code shall be amended and shall read as follows:

Chapter 78. Personnel Policies

§ 78-1 Application for employment.

Applicants for employment shall apply on forms provided by the Clerk, which have been designed to obtain pertinent information concerning the applicant's education, training, experience, character and other factors necessary to determine his or her fitness and qualification for service to the Borough. All applications shall be filed with the department in which the applicant seeks employment. Where it appears that an applicant is otherwise qualified for employment, the department may require that the applicant furnish evidence that he or she is physically fit for the position for which he or she seeks employment.

§ 78-2 Personnel record card; probationary period; full-time, part-time and temporary employees.

A. Every permanent employee must file a personnel record card, as provided by the Borough Clerk. The personnel record card file shall be a confidential record, in charge of the Borough Clerk.

B. No regular appointment nor employment shall be made unless the office or position already exists, or shall be created by a resolution of the Borough Council, stating the title, term and compensation thereof, and unless there is an appropriation for such compensation.

C. Unless otherwise provided herein or by collective bargaining agreement currently in effect in the Borough Clerk's office, any regular appointment or employment shall be probationary for a period of one year, and may be canceled within that time by written notice of the department concerned, to the Borough Clerk and to the employee. The supervisor of the department shall not be required to give any reason for such action.

D. Temporary employees may be hired by the supervisor with the approval of the Mayor and Council as needed.

E. A regular full-time employee shall be such employee who works on a regular continuing basis for a full workday on a regular and continuing basis; a regular part-time employee shall be an employee who works on a regular and continuing basis but does not work full workdays but only works portions of days of employment on a continuing basis. A full workday shall be deemed a normal day of work from the beginning of the workday to the end of the workday in any department or departments.

§ 78-3 Pay periods; overtime.

A. Pay periods for regular and part-time employees shall be the 15th and 30th of each month, except when the 15th or 30th falls on a Saturday, Sunday or holiday, the pay day shall be the Friday before. Temporary or special employees shall be paid by the hour.

B. Regular full-time employees shall work a forty (40) hour week, unless otherwise provided in a collective bargaining agreement currently in effect on file in the Borough Clerk's office. Hours of work may be determined by each supervisor for the sub-departmental agencies under his or her direction.

C. Regular full-time employees shall be entitled to overtime in accordance with law and with the collective bargaining agreements currently in effect on file in the Borough Clerk's office. .

§ 78-4 Holidays.

A. Holidays for members of the Police Department shall be in accordance with the PBA collective bargaining agreements currently in effect on file in the Borough Clerk's office.

B. Permanent full-time employees other than members of the Police Department shall be entitled to paid holidays in accordance with the collective bargaining agreement currently in effect on file in the Borough Clerk's office.

C. A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

§ 78-5 Vacations.

Permanent full-time employees shall receive vacation credits in accordance with the collective bargaining agreements currently in effect on file in the Borough Clerk's office. Part-time and temporary employees shall not receive vacation credits. Unless otherwise provided herein or in a collective bargaining agreement, all vacations shall be taken during the current year, and vacation time shall not be accumulated. Vacation schedules shall be approved in advance by the supervisor in charge. **Vacation time that has accrued prior to the effective date of this ordinance is exempted from the requirement that vacation time be taken during the current year, and said accrued vacation time shall not be subject to forfeiture.**

§ 78-6 Sick leave.

A. Unless otherwise provided herein or in a collective bargaining agreement currently in effect on file in the Borough Clerk's office, , "sick leave" shall mean paid leave that may be granted to an employee who, through sickness or injury, becomes incapacitated to a degree that makes it impossible for him or her to perform the duties of his or her position, or who is quarantined by a physician because he or she has been exposed to a contagious disease.

B. Part-time and temporary employees shall be eligible for sick leave on a pro-rated basis.

C. Regular full-time employees shall receive sick leave credits of 1.1667 working days for each month of service for a total of 14 days per year of service, which may be accumulated in

accordance with the collective bargaining agreements currently in effect on file in the Borough Clerk's office.

(1) All employees who have taken less than two (2) sick days' leave in any calendar year shall receive additional vacation days in the ensuing year in accordance with the following schedule:

(a) Zero sick days taken: two (2) additional vacation days.

(b) One sick day taken: one (1) additional vacation day.

(2) Employees shall receive three (3) extra vacation days for the second year, and three (3) extra vacation days for each consecutive, continuous year thereafter if no sick leave is taken in any such year.

D. In order to avoid interruption of necessary public services, any absence for which sick leave is claimed shall be reported to the employee's supervisor or to the Borough Clerk in advance of the employee's tour of duty. Failure to do so without good cause may be recorded as absence without leave with consequent loss of pay.

E. Sick leave claims shall be approved by the employee's supervisor, who shall satisfy himself or herself they are justified before certifying them to the Borough Clerk.

F. After three days of sick leave, the supervisor may require a report from the attending physician or examination by the Borough physician to determine justification of sick leave claims. Refusal of an employee to comply with the instructions of his or her physician or to cooperate with the Borough physician may cause rejection of sick leave claims.

§ 78-7 Death in immediate family.

A. In case of death in the immediate family of an employee, the employee shall be granted up to three days' leave, with pay.

B. The "immediate family" shall include spouse, father, mother, brother, sister, son, daughter, stepchild, father-in-law, mother-in-law, step-parent, step-parent in law, grandmother, grandfather, domestic partner, or relative living with the employee.

C. The Borough may require reasonable verification of the event.

D. Such bereavement leave may be taken in addition to any holiday, day off, vacation leave or compensatory time off falling within the time of bereavement.

E. An employee may make a request to the Department Head or his or her designated representative for time off without pay to attend a funeral of persons not covered by this section, which shall be separate and distinct from bereavement leave, which approval shall not be unreasonably withheld.

§ 78-8 Benefits for regular full-time employees only.

No holiday, vacation, or personal day benefits shall be given or granted to any employee of the municipality unless said employee is a regular full-time employee.

§ 78-9 Personal day off with pay.

Personal days off for all regular full-time employees are in accordance with the collective bargaining agreements currently in effect on file in the Borough Clerk's office.

Personal Days that has accrued prior to the effective date of this ordinance is exempted from the requirement that personal days be taken during the current year, and said accrued personal days shall not be subject to forfeiture.

§ 78-10 Disability in performance of duty.

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers' Compensation Act. The Borough covers workers compensation benefits through its membership in a joint insurance fund. Any occupational injury or illness must be immediately reported to a supervisor or Department Head. All required medical treatment must be performed by a Workers' Compensation Physician appointed by the joint insurance fund.

§ 78-11 Outside employment.

Employees shall not engage in outside employment that conflicts with their responsibilities to the Borough. Employees may engage in outside employment in accordance with the collective bargaining agreements currently in effect on file in the Clerk's office.

§ 78-12 Disciplinary action.

A. An employee may be disciplined by his or her immediate supervisor when just cause exists, by any of the following actions, which are stated in order of severity:

- (1) Informal, verbal reproof.
- (2) Written reproof.
- (3) Suspension from duty.
- (4) Dismissal.

B. Employees shall be entitled to contest disciplinary actions in accordance with the collective bargaining agreements currently in effect on file in the Borough Clerk's office.

§ 78-13 Meritorious actions.

It is hereby declared to be the policy of the Borough to recognize and encourage meritorious actions on the part of its officers and employees. To this end, letters of commendation concerning Borough employees from their superiors and from members of the public with whom

they deal shall be directed to the attention of the Borough Council, and then so recorded in the employee's personnel file. In addition, the Borough Council may, on its own motion, commend the work of particular officers and employees and cause such commendation to be inserted in their personnel files. If any meritorious action or suggestion results in substantial financial saving to the Borough, the Borough Council may reward the employee by granting extra vacation leave.

§ 78-14 Retirement.

- A. All employees enrolled in the Public Employee's Retirement System, the Police and Fireman's Retirement System or the Consolidated Police Pension Fund, and Federal Social Security Agency are subject to payroll deductions, and Borough contributions to their credit are made in accordance with the regulations of those agencies.
- B. Retirement applications may be made in accordance with the regulation of those agencies.
- C. An employee retiring for length of service, which said length of service shall be 25 years or more shall have the option of accepting a cash separation payment for accumulated sick leave or terminal leave time equal to the employee's total accumulated sick leave, in accordance with the collective bargaining agreements currently in effect on file in the Borough Clerk's office..
- D. The maximum amount of a cash separation payment for accumulated sick leave for an employee retiring for length of service with 25 years or more years of service is \$25,000, unless otherwise stipulated in a collective bargaining agreement currently in effect on file in the Borough Clerk's office.

§ 78-15 Dismissal or resignation.

Upon the dismissal or resignation of any employee, any and all accumulated sick leave, to the date of such dismissal or resignation, shall be deemed voided, vacated and forfeited, and any such employee shall not be entitled to any accumulated sick leave credits upon such dismissal or resignation.

§ 78-16 Salaries.

Salaries and compensation for employees and officers of the Borough shall be as follows:

- A. The salaries for the various positions throughout the Borough are set by ordinance by the Mayor and Council. Current salary information is on file in the Borough Clerk's office.
- B. Regular full-time employees shall be entitled to salary increases, adjustments and longevity benefits in accordance with the collective bargaining agreements currently in effect on file in the Borough Clerk's office. C. The computation of longevity benefits shall be based upon the commencement date of employment of the employee on a calendar year basis, i.e., if the commencement of employment was a time in the year 1970, then longevity benefits shall begin as of January 1, 1974. Commencement of

employment in any year shall, for longevity computations, be deemed to have commenced as of January 1, of such year.

D. Employees hereby have the option and right to decline a salary increase if they so desire; such declination, as exercised, shall be in writing and effective upon presentation and may not be waived thereafter.

§ 78-17 Benefits for part-time employees.

A. No part-time employee shall receive health benefits and/or insurance benefits paid for by the Borough; provided, however, that where permitted by the existing plan all part-time employees may arrange for their own payment of health benefits and/or insurance benefits and receive same at any available group rate to be paid by the part-time employee.

B. For purposes of this section, part-time employees shall be deemed to be all employees not defined as regular full-time employees under § 78-2(E) of this chapter.

§ 78-18 Military leave

When a full-time employee who is a member of the reserve component of any United States armed force or the National Guard of any state, including the Naval Militia and Air National Guard, is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay, except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the Borough requires the employee to utilize all of his or her accumulated time, and then the Borough pays the difference between military pay and the employee's regular salary. The paid leave will not be counted against any available time off, including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave, but shall be granted non-paid military leave without loss of time.

Employees on military service will continue to receive paid health insurance coverage during the period of the paid leave, plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Borough's group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

§ 78-19 Leave of absence

Employees may be granted a personal leave of absence for up to six (6) months at the discretion of the governing body if the leave does not cause undue operational disruption. The leave must include the use of accrued vacation, sick and personal time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave

will be without pay or longevity credit. In exceptional circumstances, the governing body may extend a leave of absence for an additional six (6) months, if such extension is considered to be in the best interests of the Borough.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two (2) weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. A personal leave is granted with the understanding that the employee intends to return to work for the Borough. If the employee fails to return within five (5) business days after the expiration of the leave, the employee shall be considered to have resigned.

§ 78-20 Jury duty

An employee who is required to render jury service will be paid the difference between any payment received for jury service and the employee's regular salary.

§ 78-13 Personnel Policies and Procedures Manual and Employee Handbook

To the extent not inconsistent with law, Borough ordinance or collective bargaining agreements currently in effect on file in the Borough Clerk's office, the Borough of Bradley Beach Personnel Policies and Procedures Manual and the Borough of Bradley Beach Employee Handbook shall govern the terms and conditions of employment with the Borough of Bradley Beach.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO ORDAINED as aforesaid.

BE IT FURTHER ORDAINED, This ordinance shall take effect twenty (20) days after passage by the Mayor and Council and publication according to law.

SO ORDAINED as aforesaid.

KELLY BARRETT
Municipal Clerk

GARY ENGELSTAD
Mayor

Introduced:

Date of Hearing and Adoption:

