

**AN ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK  
REPEALING AND REPLACING  
PART I, "ADMINISTRATIVE LEGISLATION"  
CHAPTER 61 "PERSONNEL"  
OF THE CODE OF THE TOWNSHIP OF NORTH BRUNSWICK**

**PREAMBLE**, whereas it is necessary to update personnel policies from time to time to reflect changes in the workplace to comply with state and federal legislation, as well as new benefit standards addressed in collective bargaining agreements. In the absence of a position or personnel matter being covered by a collective bargaining agreement, Personnel Chapter 61 of the municipal code provides the framework for uniform and consistent administration for both the employer and employee to follow regarding municipal policies, procedures, and benefits. The Governing Body has the right and discretion to repeal, replace, amend and substitute personnel policies as it deems in the best interest of the Township.

**BE IT ORDAINED** by the Township Council of the Township of North Brunswick, County of Middlesex County and State of New Jersey, that the following Chapter and Articles are hereby repealed, replaced, amended or substituted with language as revised herein, and shall be codified and consolidated into chapters of the Code of the Township of North Brunswick:

**Item 1: Repealed in its entirety - Chapter 61 "Personnel"**

**Item 2: Chapter 61 "Personnel" is replaced with the following:**

**Chapter 61 Personnel.**

**Article I Definitions / Provisions regarding Labor Laws enforced under this Chapter.**

**§ 61-1 Definitions as used in this Chapter.**

**§ 61-2 Provisions regarding Labor Laws enforced under this Chapter.**

**Article II Employment.**

**§ 61-3 Application for Employment.**

**§ 61-4 Merit System.**

**§ 61-5 Background Check.**

**§ 61-6 Fit for duty exam.**

**§ 61-7 Residency.**

**§ 61-8 Job requirement verification.**

**§ 61-9 Acceptance of terms of employment.**

**§ 61-10 Types of employment with the Township.**

**§ 61-11 Personnel policy and procedures.**

**§ 61-12 Duties.**

**§ 61-13 Compensation.**

**Article III Personnel Benefits – Leave and granted time off.**

**§ 61-14 Holidays.**

**§ 61-15 Vacation leave.**

**§ 61-16 Sick leave.**

**§ 61-17 Personal leave.**

**§ 61-18 Bereavement Leave.**

**§ 61-19 Jury Duty.**

**§ 61-20 Compensatory Time.**

**§ 61-21 Absence due to injury or disease received in the line of duty.**

**§ 61-22 Absence due to military purposes.**

**§ 61-23 Approved Leave of Absence.**

**Article IV Personnel Benefits - Medical.**

**§ 61-24 Health, prescription, and dental benefits.**

**§ 61-25 Internal Revenue Code – Medical/Dependent Care Spending Accounts.**

**Article V Personnel Benefits –Pension.**

**§ 61-26 Pension.**

**Article VII Indemnification of Employees.**

**§ 61-27 Indemnification of employees, appointees and officials.**

**§ 61-28 Applicability of provisions.**

**§ 61-29 Non-applicability of article provisions.**

**§ 61-30 Provisions to apply to excess of insurance against losses.**

**§ 61-31 Scope of defense.**

**Article I Definitions / Provisions regarding Labor Laws enforced under this Chapter.**

**§ 61-1 Definitions as used in this Chapter.**

**As used herein, the following words have been defined, unless the context otherwise indicates.**

**Active Employee** – Shall mean a current employee, paid or unpaid, that has not separated from the Township by a formal action that may include: resignation, termination, retirement or death.

**Administrative Employee** – Shall mean an employee whose primary duty involves non-manual office work directly related to management policies or general business operations, and requires the exercise of discretion and independent judgment.

**Administrative Time** – For irregular or occasional excess hours worked; as an alternative to overtime or compensatory time when an employee, that is not eligible to receive overtime, accumulates time, on an hour-for-hour basis, for hours worked over 40 hours in a workweek, to be used at a later date as time off. Examples where administrative time may be accrued include; working at a public event, during inclement weather, or responding to an emergency event.

**Appointed Position** - Job title that is permitted or required by state law or local ordinance to be filled and govern the requirements of the job. An appointed employee serves for a fixed term of employment, or at the pleasure of officials identified to serve as the appointing authority.

**Base Salary** – Employee's rate of pay that will be within the salary range of the current published ordinance. For full-time salaried employees that are enrolled in the PERS, this shall be the “pensionable salary”. The base salary may include the following: payments made for occasional periods when no work is performed due to vacation, holiday or other similar cause; reimbursements, contributions made by the employer to a third person pursuant to a bona fide plan providing for retirement, life, accident, health or similar benefits; additional premium compensation for hours worked in excess of eight hour per day or for work on Saturdays, Sundays, or holidays; or overtime compensation. Under DCRP, for employees hired after July of 2007, for whom pensionable salary is limited to the salary on which social security contributions are based, the employee’s total, pension plus DCRP eligible base salary would be used. It would also be equal to the annualized amount on which an hourly rate-based salary is structured.

**Chapter 78** – Shall refer generally to Chapter 78 of the Laws of 2011, the pension and health benefits reforms law.

**Collective negotiation agreement of collective bargaining unit** – A contract between the Township as the employer and a union, negotiated pursuant to the Public Employment Relations Act. Individual management agreements are excluded from this term.

**Compensation** – The total value of everything the employer provides, or offers, an employee in exchange for working.

**Compensatory Time** – For irregular or occasional overtime work; as an alternative to additional compensation, when the employee is exempt from receiving overtime, such as a “manager” or “administrative” employee. They shall accumulate time, on an hour-for-hour basis, for time worked over 40 hours in a work week, to be used at a later date as time off.

**Confidential Employee** – An employee whose functional responsibility or knowledge in connection with the issues involved in the collective negotiation process would make his or her membership in any negotiating unit incompatible with his or her official duties.

**Days** – Calendar days unless specifically identified in this chapter otherwise.

**Defined Contribution Retirement Program (DCRP)** – Pursuant to N.J.S.A 43:15C-1 et seq., provides eligible members with a tax-sheltered, defined contribution retirement benefit.

**Donated Sick Leave** – A leave program which allows employees to donate accumulated time to coworkers that are experiencing a catastrophic illness and their own time has been exhausted. As required, the Township's current plan to participate in this program has been approved by the Civil Service Commission.

**Elected Official** – Persons holding the position of Mayor and Council for the Township.

**Exempt and Non-Exempt Position** – Federal legislation which, among other things, requires an employer to pay certain of its employee premium overtime for hours worked in excess of 40 hours in a week. Employees may either be classified as Covered (non-exempt) or Exempt if they meet certain criteria and standards. Exempt includes executive, management, administrative, confidential and elected officials, which are excluded from the provisions of overtime under the Fair Labor Standards Act based on responsibilities of the job.

**Full-Time Employee** – An employee whose regular hours of work are more than 30 hours per normal or routine workweek for the Township.

**Fringe Benefits** – The *New Jersey Wage Payment Law* and *Selected Labor Laws* enforce separate benefit packages, which the Township has agreed to provide certain employees; including compensation for holiday, vacation and personal days, and reimbursement of the certain expenses.

**Holiday** – Shall mean a legal holiday or special holiday authorized by law or executive order.

**Interim Appointment** – A non-permanent appointment to the same title as that of a permanent employee who is on leave of absence, indefinite suspension, has been demoted or removed from the position or is pending the results of an appeal.

**Municipal Department Head "Director"** – Appointed position under the direct executive authority of the Mayor that oversees an administrative department. This includes, Department of Finance, Department of Public Safety, Department of Public Works, Department of Community Development, and the Department of Parks, Recreation and Community Services.

**New Jersey Division of Pensions and Benefits "NJDPB"** – State approved division with certain legislative power to promulgate rules and regulations, under the State of New Jersey, Department of Treasury.

**Overtime** – In accordance with the federal Fair Labor Standards Act, the Township shall pay overtime compensation to non-exempt employees when they “work” in excess of 40 hours per week, at an hourly rate of not less than one and one-half times their regular rate of pay. The term work shall mean “actually worked”; rather than time spent in a pay cycle when no work is performed, i.e. sick/vacation.

**Part Time Employee** – Shall mean an employee whose regular hours of work are less than 30 hours per normal or routine work week.

**Permanent Employee** – Shall mean an employee who has received notification of appointment in accordance with the Civil Service Commission and has successfully completed the working test period, if required for the position. A Permanent Employee may be part time or full time.

**Position** – A collection of duties and responsibilities assigned to a job.

**Provisional Employee** – Shall mean an employee receiving salary and certain benefits in the same manner that a permanent employee receives, but has no status or rights to continued employment.

**Public Employment Retirement System (PERS)** – Pension fund under State administered Retirement System, with administrative authority assigned to the New Jersey Department of Pensions and Benefits.

**Police and Firemen’s Retirement System (PFRS)** – Pension fund under State administered Retirement System, with administrative authority assigned to the New Jersey Department of Pensions and Benefits.

**Public Employment Relations Commission (PERC)** – State authorized agency that hears cases from employees or unions on unfair labor practices in State and local government jurisdictions.

**Record of Hours Worked** – An employee shall be required to submit a true and accurate record of the hours worked and shall furnish to their direct supervisor, or their authorized representative, a sworn statement of the same in the manner prescribed by the Township as the employer. Such records shall be open to inspection by Township officials and may be subject to the laws governing the Open Public Records Act.

**Requirements for Position** – The minimum qualifications that are required for successful performance of the job duties.

**Salary Range** – In accordance with the most recent municipal ordinance, the range of salary paid for a position or title.

**Sick Day or Sick Leave** – A type of paid leave in which an employee may use time off due to personal illness or injury, because of exposure to contagious disease, to care for a sick member of the immediate family, or due to the death of a member of the immediate family.

**Temporary “Seasonal”** – Positions that exists for a term of six months or less and are hired to perform a job that is needed on short term basis.

**Training** – Pre-planned instruction with specific outcomes designed to develop or improve employee performance through the acquisition or enhancement of knowledge, skills, and attitudes.

**Work** – As used herein shall mean work actually performed by the employee for the benefit of the Township, and does not include time the employee spent in pay status when no work was performed (i.e. used sick time, vacation time, compensation time, leave of absence or other accrued time).

**Workweek** – The designation assigned to a title to reflect the number of hours worked in a normal week and the title's status. Full time employees shall have either a 37.5-hour or 40-hour workweek as determined by the department and position they are assigned under. The workweek of part time employees shall be subject to the discretion of the Director they are assigned under.

**Civil Service Commission (CSC)** – An independent agency created by State legislation that establishes employment rules and regulations to be administered by appointing authorities; administers examinations for employment and promotions; classifies jobs; identifies potential candidates for employment; and resolves appeals and disputes filed by State, county and municipal civil service employees.

CSC - **Competitive Title** – Permanent titles that are subject to an examination process and successful completion of a working test period.

CSC - **Non-competitive Title** – Permanent titles in the career service where competitive testing is not required due to the nature of the knowledge, skills, and abilities associated with the job or difficulties associated with recruiting.

CSC - **Classified Position** – Para-professional position as determined by the CSC.

CSC - **Unclassified Position** – Includes job titles that are permitted or required by State Law or local ordinance to be unclassified and these laws or ordinances govern these job titles. An individual who has an unclassified appointment serves for a fixed term of employment or at the pleasure of the Township as the employer/appointing authority, and may not accrue seniority or permanency in the unclassified job title. Titles include confidential and managerial positions as determined by the CSC.

CSC – **Appointing Authority** – Any State government department or local agency person (Business Administrator) having power of appointment and/or removal of an employee. Ensures employment actions are administered in a manner consistent with CSC rules and regulations.

**§ 61-2 Provisions regarding Labor Laws enforced under this Chapter.**

**New Jersey Administrative Code (N.J.A.C. 4A-1 et seq.)** – Regulates the activities relating to employment, tenure and discharge of certain State employees and certain employees of local government and political subdivisions under the authority of the Civil Service Commission.

**New Jersey Statutes Annotated, Municipalities and Counties Civil Service Act (N.J.S.A. 11A-1 et seq.)** – State legislation which governs the ways in which local governments must operate. Includes, New Jersey law governing the employment, tenure and discharge of certain employees; and establishes the Civil Service Commission as a principal department under the Executive Branch of New Jersey State government.

**New Jersey Wage and Hour Law (N.J.S.A.34:11-56a et seq.)** – Under the New Jersey Department of Labor and Workforce, establishes a minimum wage level for workers in order to safeguard their health, efficiency, and general well-being and to protect them, as well as their employers, from the effects of serious and unfair competition resulting from wage levels detrimental to their health, efficiency and well-being.

**New Jersey Security and Financial Empowerment Act “NJ SAFE ACT” N.J.S.A.34:11B-3, et seq. (P.L. 2019, c.37)** – Provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense.

**New Jersey Family Leave Act “NJFLA” (N.J.S.A. 34:11B-1 et seq.)** – Provides for family leave for employees in certain cases and prohibits certain employer practices by establishing interpretations of the provisions of the statute.

**Family Medical Leave Act “FMLA” (Federal Code Title 29 Labor, Subtitle B, Chapter 5, Subchapter C, Part 825)** – A federal law that guarantees that certain employees are eligible to receive up to 12 workweeks of unpaid leave in a year with no threat of job loss.

**New Jersey Earned Sick Leave (N.J.S.A. 34:11D-1 et seq.)** – Provides for minimum employer requirements related to an employee’s sick leave benefit.

**Federal Fair Labor Standards Act “FSLA” (Federal Code Title 29, Chapter 8)** – Federal legislation which, among other things, requires an employer to pay certain covered (non-exempt) employees premium overtime for hours worked in excess of 40 hours in a workweek.

**New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.; L. 1972, c.45)** empowers all local public entities to indemnify local public employees consistent with the provisions of said Act.

**Open Public Records Act “OPRA” (N.J.S.A. 47:1A-1 et seq.)** – A State law enacted to give the public greater access to government records maintained by public agencies in New Jersey.

**Article II Employment.****§ 61-3 Application for Employment.**

Township job opportunities shall be posted to the municipal website at [www.northbrunswicknj.gov](http://www.northbrunswicknj.gov). Candidates can submit an employment application in response to an official job posting, as issued by the Township. Applications can be submitted online or in person to the Office of the Business Administrator / Human Resources. General Resumes via email or delivery without an application for employment are not considered a formal response to a job posting.

**§ 61-4 Merit System.**

All permanent employees, appointments and promotions made by the Township shall be hired and/or authorized in accordance with the Civil Service Commission (CSC), as created and defined by State legislation, which is based on merit and ability in accordance with the requirements of the Constitution, statutes and applicable regulations of the State of New Jersey. Under the CSC, applications may be weighted by criteria including residency, knowledge, skills and veteran status.

**§ 61-5 Background Check.**

- A. As a condition of employment, a prospective candidate, including but not limited to, police officer, police dispatcher, special law enforcement officer, court attendant, fire prevention officer, code enforcement officer, informational technology staff, recreation staff, park ranger, custodian, drivers, operators, and persons in positions requiring individual involvement with children or elderly care, may be subject to a criminal background check. In order to facilitate such background checks, such persons may be subject to fingerprinting by the police department and shall execute the appropriate consent form.
- B. The results of a background check shall not be considered public information and shall be released only to the Business Administrator, Director of Public Safety, Deputy Chief of Police or their designee, or the municipal attorney.
- C. If the Business Administrator, Director of Public Safety, Deputy Chief of Police or their designee makes a determination to reject a prospective employee as a result of the information obtained from the background investigation, the prospective employee shall be advised and the portions of the report upon which the recommendation is based shall be shared with the individual.

- D. The costs of the background checks shall be borne by the applicant for the position.
- E. The positions for which background checks shall be conducted, as set forth in subsection (a) of this section, may be amended and supplemented at any time as deemed necessary based on the job responsibilities.

**§ 61-6 Fit for duty exam.**

- A. As a condition of employment, a prospective candidate may be required to take a medical examination to determine their fitness for duty.
- B. Fit-For-Duty examinations are used to determine the candidate's ability to perform their job duties, as specified by the job title outlined by the Civil Service Commission.
- C. Drug testing is included in a Fit-For-Duty examination.
- D. Information on a candidate's medical report issued will be kept on file in the Business Administrator's office in a secured location and maintained confidential.

**§ 61-7 Residency.**

- A. State Residency - In accordance with the New Jersey First Act P.L. 2011 c70, effective September 1, 2011, public employees are required to obtain New Jersey residency within one (1) year of employment, unless granted an exemption from a State appointed committee. No distinction is made between "types" of appointments, that is, temporary, part-time, full-time, classified or unclassified.
- B. Municipal Residency - Whenever the appointing authority for the Township shall determine that there are certain specific positions of employment requiring special talents or skills which are necessary for the operation of the Township, and which are not likely to be found among the residents of the Township, such positions of employment so determined may be filled without a requirement as to residency within the Township. The criteria for such positions of employment shall be determined as follows:

- 1) Any position the services of which are specialized and qualitative in nature.
- 2) Any position which requires expertise and extensive training.
- 3) Any position, the services of which will be required to be performed by an individual who has a proven reputation in the particular field or endeavor.
- 4) Any position where the talents, skills, services or other important characteristics of which cannot be reasonably described by written specifications.
- 5) Any position, the services of which will be performed by a person authorized by law to practice a recognized profession or a person whose practice is regulated by law.
- 6) Any position whose performance requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

C. Employment Residency - A non-resident employee appointed pursuant to this article shall not be required to become a resident of the Township as a condition of continued employment.

**§ 61-8 Job requirement verification.**

The Civil Service Commission outlines under each job title, specifications including but not limited to; experience, license(s), education, certification, degree, other knowledge and abilities required when performing necessary functions of the position. When being considered for employment, the candidate must submit necessary documentation for Township officials to verify the accuracy of the candidate's records.

**§ 61-9 Acceptance of terms of employment.**

All candidates that have been selected for a position with the Township are encouraged to request and review the Employee Handbook, the Municipal Code, and information about the municipal benefits offered. Accepting a position with the Township is an employee's acknowledgment and agreement as to the Township's conditions of employment.

**§ 61-10 Types of employment with the Township.**

A candidate who has been hired by the Township shall be assigned under the following categories, in accordance with the Civil Service Commission. Eligibility and/or membership in a collective bargaining unit shall be based on employment status and the Civil Service Commission Job Title "Position". Employees not covered by the provisions of collective bargaining agreement or employment contract shall fall under the requirements and benefits outlined within this Chapter.

*Example: (Status) Permanent, (Position Class) Classified, (Job Title) Account Clerk,  
(Position) Non-exempt, (Hired under) Merit.*

Status	CSC Position Class	CSC Job Title	Position Description	Hired Under
Temporary	Career Competitive	Specification Code	Exempt	Merit
Provisional	Career Non Competitive		Non-exempt	Elected
Permanent Part Time	Classified			Appointed
Permanent Full Time	Unclassified			Member
Term				

**§ 61-11 Personnel policy and procedures.**

A. The Mayor, working with the Business Administrator, is empowered to establish and maintain a system of personnel policy and procedures, collectively known as the "Employee Handbook". As updates are announced under federal, State or municipal legislation regulating labor law, they will be reviewed, and amendments may be made from time to time, as enacted under executive order of the Mayor and/or Business Administrator or by Council action. A current copy of the Employee Handbook along with amended sections shall be maintained in the Office of the Clerk, Administration, published online under the payroll software for employee access, and provided electronically to any unpaid member of a board, commission, agency, authority, advisory committee or other body under the Township Code who is appointed by the Mayor and or/with Council consent.

- B. The Code of Ethics shall be incorporated into the personnel policy and procedures manual "Employee Handbook". The Code of Ethics applies to any Township elected official, appointee or employee, whether paid or unpaid, including members of any board, commission, agency, authority or other body that's members are appointed by the Mayor and/or Township Council, as listed in the municipal code. Amendments to the Code of Ethics policy shall be recommended by the Board of Ethics or a Mayor appointed Ad Hoc Committee, designated to review the code, and shall be effective only when adopted by resolution of the Township Council. If any article, section, subsection, clause or phrase of the Code of Ethics is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions or provisions of the Code of Ethics.
- C. The following "personnel matters" are addressed within the handbook:
- 1) The classification of all Township positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances, including organizational charts with positions for each municipal department and office;
  - 2) A pay plan for all Township positions;
  - 3) Employee rights;
  - 4) Code of Ethics;
  - 5) Financial Disclosure;
  - 6) Policies and procedures regarding Affirmative Action;
  - 7) Policies and procedures regarding education and training (required and requests);
  - 8) Policies and procedures regarding outside employment;
  - 9) Policies and procedures regarding performance evaluations;
  - 10) Policies and procedures regarding the treatment and use of municipal property;
  - 11) Policies and procedures regarding standby, on-call and overtime;
  - 12) Policies and procedures governing relationships within the organization;
  - 13) Policies and procedures regarding membership with a volunteer organization;
  - 14) The hours of work, attendance regulations and provisions for time off;

- 15) Policies and procedures for a Leave of Absence  
(Donated Leave / FMLA / Military / Paid / Unpaid);
- 16) Policies and procedures for Fit-for-Duty exams;
- 17) Policies and procedures for drug testing;
- 18) Policies and procedures for incidents, accidents, and injury;
- 19) Policies and procedures regarding employer records and the dissemination of information (Manuals/Notifications/Updates/Job announcements/Promotional announcements/OSHA);
- 20) Policies and procedures regarding political campaigning;
- 21) Policies and procedures regarding an employees work under a grant, or a state or federal reimbursement program.
- 22) Policies and procedures regarding an employee's separation from employment;
- 23) Policies and procedures regarding an employee's response and / or interaction under the Open Public Records Act "OPRA";
- 24) Policies and procedures regarding use of personal social media;
- 25) Rules and procedures regarding an employee filing a complaint;
- 26) Employee rights to collective bargaining;
- 27) Policies and procedures regulating a reduction in force, furlough, and elimination of position;
- 28) The policies and procedures governing persons holding appointments (Seasonal /Provisional / Permanent / Tenured);
- 29) Grievance procedures; and
- 30) Other practices and procedures necessary or desirable to the administration of a sound personnel system.

**§ 61-12 Duties.**

All job titles created under this Chapter shall be authorized by municipal ordinance. As the Township is a member of the Civil Service Commission, a complete list of respective duties and requirements for each position shall be found on file with the CSC. After an employee has been hired, it is their responsibility to meet the continued requirements of the job specification.

<https://info.csc.state.nj.us/TitleList/LocalList.aspx>

**§ 61-13 Compensation.**

- A. All Township employees, except those employees covered by the provisions of collective bargaining agreement or employment contract, shall be paid in accordance with the current salary ordinance range, in the same manner as other officers and employees.
- B. All employees and elected public officials who receive compensation from the Township are mandated to have direct deposit of their compensation, in accordance with Chapter 28, P.L. 2013, as defined under N.J.S.A. 52:14-15f et seq.
- C. Generally, salary adjustments for non-union employees will be considered and, if issued, provided for on an annual basis in the month of January.
- D. Removal of Longevity. All employees as of 12/31/2019, currently receiving longevity, shall receive a one-time increase in their base pay by the amount they would have received under a prior ordinance. Beginning 1/1/2020 longevity will be eliminated and there will be no further payouts of longevity. If an employee is within 12 months (after 12/31/19) of receiving an increase or initial longevity stipend, that amount will be considered as the current amount of longevity to be added to the base pay. Employees covered by the provisions of collective bargaining agreement are exempted for this section.
- E. Removal of On-call Pay. Beginning 7/1/2019 on-call pay will be eliminated and there will be no further payments for on-call. Employees covered by the provisions of collective bargaining agreement are exempted for this section.
- F. Removal of Overtime. Beginning 7/1/2019 executive, administrative, or information technology positions that are deemed "exempt" shall not be eligible for overtime, however, they will be eligible to accrue and use compensatory time. Employees covered by the provisions of collective bargaining agreement are exempted for this section.

**Article III Personnel Benefits – Leave and granted time off.**

**§ 61-14 Holidays.**

A. The following official holidays shall be observed by the Township unless an alternate day or holiday is authorized under a separate agreement. All full-time employees, except those employees covered by the provisions of collective bargaining agreements or employment contracts, shall receive holiday leave in accordance with the following schedule:

1. New Year's Day
2. Martin Luther King Day
3. Presidents Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. General Election Day
10. Veterans Day
11. Thanksgiving Day
12. Friday after Thanksgiving Day
13. Christmas Day

B. Typically, if a holiday falls on Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday; it shall be observed on the following Monday.

C. In the event that one of the holidays hereinabove enumerated occurs during an employee's vacation or while an employee is on sick leave, no charge therefore will be made against the accrued balance of the employee's account.

**§ 61-15 Vacation leave.**

A. Effective January 1, 2020, all provisional or permanent **full-time** employees in a paid status, except those covered by the provisions of collective bargaining agreement or employment contract, shall receive vacation leave in accordance with the following schedule:

1) Up to the first calendar year of employment or portion thereof, the employee shall receive one day of vacation leave for each complete month of service up to and including December 31<sup>st</sup> within that first calendar year. Thereafter, on January 1<sup>st</sup> of each year an employee shall be granted the following vacation days based on each completed calendar year.

<u>Years of Service</u>	<u>Vacation Leave Days</u>
1 to 5	13
5 to 10	16
10	21
11+	21, plus 1 additional day for each 2 years of service, after year 10, capped at 25 days

- 2) The following provisions shall also apply to vacation leave time:
- a) Prior service with the Township or other New Jersey government entity shall count towards years of service for vacation entitlement and shall be calculated based on time served.
  - b) Time shall be granted and taken in hours based on an employee's regular work day.
  - c) Time used must be approved in advance by the employee's direct supervisor in accordance with process outlined within the Employee Handbook.
  - d) When an employee is on an unpaid status, accrual of vacation time ceases. In the year of an approved unpaid leave of absence, time shall be prorated.
  - e) Unused vacation days carry only to the end of the next succeeding year. The Business Administrator is granted authority to permit an exception that permits accumulated time to be carried past the next succeeding year. However, there shall be no payment made upon separation for accrued time past what is authorized under Section 1 herein above.

- f) An employee may surrender and receive payment, at their current rate of pay, of up to 1/2 of his/her annual allotted vacation leave. The surrender/payment option must be requested prior to December 31<sup>st</sup> of the current year, by written notice to the Business Administrator.
- g) In the year that an employee discontinues his/her employment with the Township for any reason, the vacation time allotted on January 1<sup>st</sup> of that year, shall be prorated to the portion of the year the employee was employed. If an employee has exceeded the prorated vacation leave allotted to him/her, then the employee's final pay shall be adjusted to recoup the value of any vacation leave used in excess of the prorated vacation leave available.
- h) When an employee discontinues employment for any reason, the balance of vacation leave time shall be paid at the rate of pay the time it was earned.

*For example: If an employee retires December 31<sup>st</sup> and, based on years of service, is entitled to 16 days a year. Under a scenario where 20 days of time are to be paid out; 4 days shall be at the prior year's rate of pay and 16 days shall be at the current rate of pay.*

B. Effective January 1, 2020, employees that have been appointed permanently to a **part time** position shall accrue one hour of earned vacation time for every 30 hours worked, up to a maximum of 40 hours in a twelve month period. "Seasonal" employees are exempt from this section.

- 1) Time used must be approved in advance by the employee's direct supervisor in accordance with process outlined within the Employee Handbook.
- 2) At any given time, accrued and unused vacation days shall be capped at 80 hours.
- 3) When an employee discontinues his/her employment for any reason, the balance of vacation leave time shall be paid rate of pay the time was earned.

**§ 61-16 Sick leave.**

All active employees, except those covered by the provisions of a collective bargaining agreement or employment contract, shall receive sick leave in accordance with the following time outlined herein below:

- A. Up to the first calendar year of employment or portion thereof, all **full-time** employees shall be granted one day of sick leave for each completed calendar month of service through December 31<sup>st</sup> of that year. In each succeeding year of employment an employee shall be allotted 15 days of sick leave per year on January 1<sup>st</sup> of each year.
- 1) In a year that an employee discontinues his or her employment with the Township, the 15 sick leave days newly allotted in that year on January 1<sup>st</sup> shall be prorated to the portion of the year the employee is employed. If an employee has exceeded his or her accumulated sick leave in his or her final year of employment, then the employee's final pay shall be adjusted to recoup the value of any sick leave used in excess of the accumulated sick leave available.
  - 2) Time shall be taken in hours based on an employee's regular work day.
  - 3) Notification of time used must be provided in advance of the work day to the employee's direct supervisor or designee, in accordance with process outlined within the Employee Handbook.
  - 4) Unused sick time shall accumulate from year-to-year.
  - 5) Upon separation, due to retirement with the New Jersey Division of Pensions and Benefits; an employee may sell back accumulated sick leave time at 33% of the hourly rate of pay, at the rate of pay the time was earned, up to a maximum payment amount of \$15,000.00.

*For example: If an employee retires December 31, and based on time accumulated, is entitled to 45 days; 15 days of time shall be paid out at the preceding prior year's rate of pay, 15 days shall be at the prior year's rate of pay, and 15 days shall be at the current rate of pay.*

- 6) Annual sell back of sick leave. At the end of any given year, if an employee has over 30 days of accrued sick time, they may sell back up to a maximum of 5 days that year, at their current rate of pay as of December 31.
  - 7) Donated sick leave. If at the end of any given year an employee has contributed time under the donated sick leave policy, and has between 15 and 30 days of accrued sick time, they may sell back up to a maximum of 5 days that year at their current rate of pay as of December 31.
- B. Effective October 29, 2018, employees that have been appointed ***permanently to a part time position*** shall accrue one hour of earned sick leave for every 30 hours worked, up to a maximum of 40 hours in a twelve month period.
- 1) Notification of time used must be provided in advance of the work day to the employee's direct supervisor or designee, in accordance with process outlined within the Employee Handbook.
  - 2) Carryover. Unused sick time shall accumulate from year-to-year but shall be capped at 40 hours.
  - 3) Upon separation, due to retirement with the New Jersey Division of Pensions and Benefits; an employee may sell back accumulated sick leave time at 33% of the hourly rate of pay, at the rate of pay the time was earned, up to a maximum payment for 40 hours.
  - 4) Annual sell back of sick leave. Permanent part time positions are not eligible to sell back accrued sick time.

C. Employees that have been appointed to a *seasonal position*, or have a position that does not extend past a one year appointment, shall accrue one hour of earned sick leave for every 30 hours worked, up to 40 hours in a twelve month period.

- 1) There shall be a 120 calendar day waiting period before an employee can use accrued sick leave time.
- 2) Notification of time used must be provided in advance of the work day to the employee's direct supervisor or designee, in accordance with process outlined within the Employee Handbook.
- 3) When a seasonal employee discontinues employment with the Township, there shall be no payment made for accumulated sick leave time.
- 4) If a previous employee is reinstated by the Township within six month of his/her separation from employment with the Township, the Township shall reinstate previously accrued earned time and the employee shall receive prior credit towards the new 120-day waiting period, by the total number of calendar days worked by the employee prior to the separation.
- 5) If a previous employee is reinstated by the Township after a break in employment of more than six months, previous time shall not be reinstated and the employee will have a zero balance of accrued sick leave on the first day of reemployment and will not be eligible to use earned sick leave for 120 days after recommencing employment.

**§ 61-17 Personal leave.**

All *permanent full-time employees*, except those covered by the provisions of collective bargaining agreement or employment contract, shall receive the equivalent of three personal leave days annually; based on the employee's routine work schedule. Employees may use their personal leave without obtaining prior written approval from their supervisor, but employees are expected to give advance notice to their supervisor, whenever possible. Personal leave days must be used in the calendar year given or will be forfeited at year end.

**§ 61-18 Bereavement Leave.**

Bereavement leave refers to the time an employee takes away from work as a result of the death of a family member or loved one. In addition to personal leave that can be used for grieving the loss of a loved one, all permanent, full-time employees, except those covered by the provisions of collective bargaining contract, shall receive bereavement leave in accordance with the following schedule:

- A. Employees shall be entitled up to five (5) work days off, without loss of pay, in the event of the death of a following "immediate" family member: parent, spouse, sibling, child, grandchildren, stepchildren, foster child or resource family child, that may or may not reside in the same residence; or person, partner, or significant individual who resides permanently in the same residence.
- B. Employees shall be entitled up to three (3) work days off, without loss of pay, in the event of the death of a following "immediate" family member: grandparent, parent/ sibling/ son or daughter-in-law, or miscarriage of a child.
- C. Employees shall be granted up to one (1) day off, without loss of pay, to attend a funeral and/or any post-death bereavement ceremony for a non-immediate family relative defined as uncle, aunt, nephew, niece, or cousin.
- D. Employees shall be granted up to one (1) day off per calendar year, without loss of pay, to attend a funeral and/or any post-death bereavement ceremony of a close, non-family individual. This includes a co-worker, significant other that was residing with an "immediate" family member, religious godparent, or friend. Loss of a pet is not covered under bereavement leave.

**§ 61-19 Jury Duty.**

All *permanent full-time employees*, except those covered by the provisions of collective bargaining agreement or employment contract, shall be paid at their regular rate of pay upon presentation of proper evidence of jury service. The employee shall not be required to remit compensation received from serving jury duty to the Township. Provisional, seasonal or part-time employees are not entitled to compensation for Jury Duty.

**§ 61-20 Compensatory Time.**

Under the Federal Fair Labor Standards Act (FLSA), certain employees in managerial, supervisory, administrative, elective or professional positions are exempt from overtime. The Finance department shall maintain a list of exempt positions under the FLSA. Employees in exempt positions, not eligible to receive overtime compensation, shall be required to work the normal work week, plus any additional hours needed to fulfill their job responsibilities.

Any exempt employees working more than 40 hours per week may be eligible to accrue compensated leave time on an hour-for-hour basis in lieu of cash payments ("comp time"). Accrual and use of comp time must be approved by the employee's supervisor (including the Director's own time), and must be used in accordance with the policies outlined within the Employee Handbook. Any accrued balances of time not used in compliance with FLSA will be automatically forfeited.

**§ 61-21 Absence due to injury or disease received in the line of duty.**

Absence due to injury or occupational disease received in the line of duty shall not be chargeable to sick or other accrued leave accounts of the employee; provided, however, that such absence is covered under an active claim with the Township's insurance fund, and the employee is cooperating with the prescribed treatment plan.

**§ 61-22 Absence due to military purposes.**

An employee who is a member of the National Guard or naval militia of this state or of the military or naval forces of the United States, required to undergo field training therein, shall be entitled to a leave of absence "without pay" for the period of such field training. Accrued personal, vacation or compensation time may be utilized for the leave. Any continued insurance coverage with a State administered plan shall be in accordance with the New Jersey Division of Pensions and Benefits.

**§ 61-23 Approved Leave of Absence.**

Employees are eligible to request in writing a Leave of Absence from work for a stated period of time. Whether paid or unpaid, the employee must conform to the "type" of Leave requested under the state, federal or local legislation and approved policy (*Ex. NJFLA, NJSAFE, FMLA, and Donated Time*).

**Article IV Personnel Benefits - Medical.****§ 61-24 Health, prescription, and dental benefits.**

Employees, except those covered by the provisions of a collective bargaining agreement or management contract, shall be eligible to receive medical, prescription and dental benefits as prescribed herein below. The Township currently participates in the NJDPB State Health Benefits Plan for medical and prescription. Any determinations issued by the NJDPB regarding federal or state legislation regarding eligibility that are in conflict with this article shall supersede this chapter.

- A. Full-time. All active full-time and permanent employees that work a regular schedule of more than 30 hours a week shall be eligible to receive medical, prescription and dental benefits.
- B. Multiple positions. An employee holding multiple positions with the Township at the same time will be considered "full-time" for benefit eligibility if the employee satisfies the definitions of a full-time employee in any one of the positions held.
- C. Open Enrollment Period. The month of October is the Township's open enrollment period when changes can be made to medical and other benefits, effective January 1<sup>st</sup> of the following calendar year. Changes outside this period must be under an approved life event.
- D. Substantially similar. Medical, prescription drug coverage and dental plans offered shall be substantially similar to plans offered to other full-time employees covered under a contract.
- E. Dental Coverage. Beginning January 1, 2020, when an eligible employee enrolls in a dental plan offered by the Township, the Township shall contribute 50% annually towards the premium cost of the plan selected. There shall be no reimbursement for waiving coverage. Coverage shall be offered to eligible active employees only.
- F. Vision. The Township does not offer or participate in an Optical Coverage plan.
- G. Temporary Disability Insurance. The Township does not offer or participate in a short or long term disability insurance program, including plans offered by the New Jersey Department of Labor and Workforce Development. During Open Enrollment an employee may elect to participate in a voluntary employee funded plan (Ex. Aflac, Colonial).

H. Health and Prescription Waiver:

- 1) The Township offers a conditional opt-out, where employees may elect to waive their health and prescription benefit coverage, but only if they provide documentation of alternative health benefit coverage.
- 2) If an employee opts out of coverage, due to coverage in a plan that is **not** associated with the State Health Benefits Plan, they will be eligible to receive a waiver payment.
- 3) In such cases, an employee's waiver payment shall be 25% of the amount saved by the Township (calculated on the "base" health care plan they would have been eligible for) or \$5,000, whichever is less, after the conclusion of the waived year of coverage.
- 4) During the annual renewal period for changes in coverage, an employee must waive benefits for each calendar year.
- 5) If an employee only completes a portion of the calendar year in the year of a waiver, he or she shall only qualify for a prorated share of the waived benefit.
- 6) If an employee experiences any emergent event which discontinues his or her coverage in a plan not associated with the State Health Benefits Plan, he or she may rejoin the Township's plan, if and as provided by the plan.
- 7) It shall be the responsibility of the Employee to consult with their financial advisor as to any IRS or Affordable Care Act reporting or tax implications when selecting a plan or waiving coverage.

I. Employee Contribution.

- 1) In accordance with the previous Chapter 78, P.L.2011 regarding healthcare contributions, an employee's premium contribution shall be based on the "year 4" period contribution schedule, as cited in the legislation.
- 2) The Township will pay the employer's obligation cost of said plans, subject to the employee premium contributions, which are shown herein below.
- 3) An employee's contribution used toward their premium expense for health coverage shall not be less than 1.5% of the employee's base salary.
- 4) The contribution amount shall be made via payroll deductions, divided over a 24 pay cycle, leaving two "free" pay periods a year.

- 5) When an active employee is on an approved unpaid leave of absence; the employee may elect to extend coverage, for a maximum of nine months, by making arrangements for prepayment of contributions due, including rate changes. Continued contribution shall be based on an employee's pre-leave salary. It shall be the employee's sole responsibility to make continued payments while on leave in accordance with previous P.L. 2011 C.78 and guidelines under NJDPB Fact Sheet #30.
- 6) When an active employee is on an approved unpaid leave of absence for reasons other than illness, continued coverage and eligibility shall be based on guidelines issued by the NJDPB (*i.e.FLA, Furlough, Suspension, NJSAFE, Military*).

<u>Salary Range or Pension allowance for active employees</u>	<u>Parent/Child or</u>		
	<u>Single Coverage</u>	<u>Emp/Sp/Prtnr Coverage</u>	<u>Family Coverage</u>
<u>Less than 20,000</u>	<u>4.5%</u>	<u>3.5%</u>	<u>3.0%</u>
<u>20,000 - 24,999.99</u>	<u>5.5%</u>	<u>3.5%</u>	<u>3.0%</u>
<u>25,000 - 29,999.99</u>	<u>7.5%</u>	<u>4.5%</u>	<u>4.0%</u>
<u>30,000 - 34,999.99</u>	<u>10.0%</u>	<u>6.0%</u>	<u>5.0%</u>
<u>35,000 - 39,999.99</u>	<u>11.0%</u>	<u>7.0%</u>	<u>6.0%</u>
<u>40,000 - 44,999.99</u>	<u>12.0%</u>	<u>8.0%</u>	<u>7.0%</u>
<u>45,000 - 49,999.99</u>	<u>14.0%</u>	<u>10.0%</u>	<u>9.0%</u>
<u>50,000 - 54,999.99</u>	<u>20.0%</u>	<u>15.0%</u>	<u>12.0%</u>
<u>55,000 - 59,999.99</u>	<u>23.0%</u>	<u>17.0%</u>	<u>14.0%</u>
<u>60,000 - 64,999.99</u>	<u>27.0%</u>	<u>21.0%</u>	<u>17.0%</u>
<u>65,000 - 69,999.99</u>	<u>29.0%</u>	<u>23.0%</u>	<u>19.0%</u>
<u>70,000 - 74,999.99</u>	<u>32.0%</u>	<u>26.0%</u>	<u>22.0%</u>
<u>75,000 - 79,999.99</u>	<u>33.0%</u>	<u>27.0%</u>	<u>23.0%</u>
<u>80,000 - 84,999.99</u>	<u>34.0%</u>	<u>28.0%</u>	<u>24.0%</u>
<u>85,000 - 89,999.99</u>	<u>34.0%</u>	<u>30.0%</u>	<u>26.0%</u>
<u>90,000 - 94,999.99</u>	<u>34.0%</u>	<u>30.0%</u>	<u>28.0%</u>
<u>95,000 - 99,999.99</u>	<u>35.0%</u>	<u>30.0%</u>	<u>29.0%</u>
<u>100,000 - 109,999.99</u>	<u>35.0%</u>	<u>35.0%</u>	<u>32.0%</u>
<u>110,000 and over</u>	<u>35.0%</u>	<u>35.0%</u>	<u>35.0%</u>

- J. High Deductible Health Care Plan – When an active employee enrolls in a High Deductible Plan, currently AETNA4000 or NJDIRECT4000, in 2020 or thereafter, the Township will reduce the employee’s mandated percentage contribution specified in the chart by 50% of the amount shown, for each full-year the employee remains in the High Deductible Plan.
  
- K. Health Savings Account (HSA). For active employees who enroll and remain in a High Deductible Plan, and have established an HSA, the Township will contribute \$1,000.00 into the employee’s HSA, to be used by the employee toward eligible medical expenses. The maximum amounts and use of the Health Savings Account will be as permitted under Federal Internal Revenue Service regulations.
  
- L. Medical Benefits in Retirement.
  - 1) Beginning July 1, 2019, for employees who 1) retire from the Township on an approved disability retirement, or 2) who had 20 or more years of service credit by June 28, 2011, or 3) have 25 or more years of service credit, have met the required number service years with the Township per the schedule herein below. Employees that were eligible for medical benefits until their retirement date, and meet the eligibility requirements under the State Health Benefits Program, will be eligible to enroll in a benefit plan under the SHBP when retiring from the Township, pursuant the current Chapter 48 municipal resolution adopted in accordance with N.J.S.A. 52:14-17.38.
  
  - 2) Eligible employees must enroll in a plan, offered to other retired employees covered by a collective bargaining agreement, with the Township’s health care provider (SHBP).
  
  - 3) An employee shall be required to pay a percentage of the premium for the plan they selected, based on their annual pension allowance per the following schedule:

<u>Annual Retirement Allowance Range</u>	<u>Parent/Child or</u>		
	<u>Single Coverage</u>	<u>Emp/Sp/Prtnr Coverage</u>	<u>Family Coverage</u>
<u>Less than 20,000</u>	<u>4.5%</u>	<u>3.5%</u>	<u>3.0%</u>
<u>20,000 - 24,999.99</u>	<u>5.5%</u>	<u>3.5%</u>	<u>3.0%</u>
<u>25,000 - 29,999.99</u>	<u>7.5%</u>	<u>4.5%</u>	<u>4.0%</u>
<u>30,000 - 34,999.99</u>	<u>10.0%</u>	<u>6.0%</u>	<u>5.0%</u>
<u>35,000 - 39,999.99</u>	<u>11.0%</u>	<u>7.0%</u>	<u>6.0%</u>
<u>40,000 - 44,999.99</u>	<u>12.0%</u>	<u>8.0%</u>	<u>7.0%</u>
<u>45,000 - 49,999.99</u>	<u>14.0%</u>	<u>10.0%</u>	<u>9.0%</u>
<u>50,000 - 54,999.99</u>	<u>20.0%</u>	<u>15.0%</u>	<u>12.0%</u>
<u>55,000 - 59,999.99</u>	<u>23.0%</u>	<u>17.0%</u>	<u>14.0%</u>
<u>60,000 - 64,999.99</u>	<u>27.0%</u>	<u>21.0%</u>	<u>17.0%</u>
<u>65,000 - 69,999.99</u>	<u>29.0%</u>	<u>23.0%</u>	<u>19.0%</u>
<u>70,000 - 74,999.99</u>	<u>32.0%</u>	<u>26.0%</u>	<u>22.0%</u>
<u>75,000 - 79,999.99</u>	<u>33.0%</u>	<u>27.0%</u>	<u>23.0%</u>
<u>80,000 - 84,999.99</u>	<u>34.0%</u>	<u>28.0%</u>	<u>24.0%</u>
<u>85,000 - 89,999.99</u>	<u>34.0%</u>	<u>30.0%</u>	<u>26.0%</u>
<u>90,000 - 94,999.99</u>	<u>34.0%</u>	<u>30.0%</u>	<u>28.0%</u>
<u>95,000 - 99,999.99</u>	<u>35.0%</u>	<u>30.0%</u>	<u>29.0%</u>
<u>100,000 - 109,999.99</u>	<u>35.0%</u>	<u>35.0%</u>	<u>32.0%</u>
<u>110,000 and over</u>	<u>35.0%</u>	<u>35.0%</u>	<u>35.0%</u>

- 4) An employee’s contribution used toward the premium expense for health coverage shall not be less than 1.5% of the employee’s pension allowance.
- 5) The Township shall contribute towards benefits to a retired employee and their eligible dependents, until the retired employee is no longer eligible to participate under the SHBP due to the employee’s Medicare eligibility, approval of a Social Security Disability, is deceased or any other scenario where coverage is terminated under SHBP guidelines, at which time Township contributions toward retirement health benefits will cease.
- 6) The Township shall not contribute towards any continued dependent coverage once the retired employee is no longer eligible to participate under the SHBP.

- 7) The Township shall not contribute towards dental benefits in retirement.
- 8) The date ranges for eligibility are provided on the chart as follows:

Non-Union Employees – Excluding administrative/appointed titles cited below. Eligibility requirements on the chart identify by age, the required number of years the employee must have been employed with the Township.

Age	Yrs w/ Twp	Age	Yrs w/ Twp
55	25	61	19
56	24	62	18
57	23	63	17
58	22	64	16
59	21	65	15
60	20		

Non-Union Administrative/Appointed Employees - Business Administrator, Chief Financial Officer, Municipal Clerk, Municipal Court Administrator, Municipal Department Head, Superintendent, Director of Public Safety, Deputy Chief of Police, Qualified Purchasing Agent, Tax Collector, Tax Assessor or position covered under a Management Agreement. Eligibility requirements on the chart identify by age, the required number of years the employee must have been employed with the Township.

Age	Yrs w/ Twp	Age	Yrs w/ Twp
55	15	61	9
56	14	62	8
57	13	63	7
58	12	64	6
59	11	65	5
60	10		

**§ 61-25 Internal Revenue Code – Medical/Dependent Care Spending Accounts.**

The following tax-advantage accounts regulated by federal IRS guidelines are available to eligible employees. If there shall be any contribution offered by the employer towards an HSA or HRA plan, it will be announced annually by the Mayor and/or Business Administrator or by Council resolution.

- A. FSA. The Township has established a flexible spending arrangement (FSA) that is available on a voluntary basis to eligible employees. An employee may participate by funding a tax advantaged account that can be used to receive reimbursement towards health care expenses including; medical, prescription, vision, and dental expenses. Enrollment into a dependent care plan is also available. When an employee participates in a FSA, the Township shall be responsible for paying any administrative fees associated with the plan.
- B. HSA. A Health Savings Account is an employee tax-advantaged account that may be funded by both the Township and the employee. Plans are available to eligible employees enrolled in a qualifying high-deductible healthcare plan. The account can be used to pay for IRS defined health care expenses, including long-term care and certain premium costs.
- C. HRA. Health Reimbursement Arrangement is an employer funded account that may be used by an employee for eligible medical, dental and vision expenses.

**Article V Personnel Benefits –Pension.****§ 61-26 Pension.**

- A. The Township participates in the following state-administered retirement systems: Public Employees Retirement System (PERS), Police and Fire Retirement System (PFRS), and the Defined Contribution Retirement Plan (DCRP). The Township's participation, and ability to offer an employee continued enrollment, is contingent upon annual State certification of funding of the retirement system. Matters such as an employee's eligibility, enrollment, benefit plan, required contribution, status, loan application, service credit time, transfers, withdrawal and "type" of retirement are all regulated by the New Jersey Department of Pensions and Benefits (NJDPB). No exceptions can be made by the Township as the employer.
- B. Employees enrolled in a pension plan will be issued a Pension Member ID by the NJDPB which will be maintained on file in the Municipal Finance Department. An employee can access their pension account online by registering through the State Member Benefits Online System (MBOS).  
Signing up for MBOS will require the Pension Member ID and the employee's social security number. <https://www.state.nj.us/treasury/pensions/documents/pdf/mbos-flier.pdf>
- C. The Member Benefits Online System (MBOS) gives registered users internet access to their pension and health benefit account information and online applications. Some options include:
- Retrieving Personal Benefits Statement
  - Designating a Beneficiary
  - Getting a Pension Loan
  - Applying for Withdrawal
  - Applying for Retirement
  - Retrieving letters and statements
- D. As the employer, the Township is responsible to make both the required employer and employee monthly contributions for active employees receiving compensation via a payroll transaction issued by the Township.

E. Leave of Absence without Pay.

- 1) Employee's that are members of the PERS and PFRS are eligible to purchase service credit for each official leave of absence without pay which service time was suspended.
- 2) The amount of service credit eligible for purchase shall depend on the type of leave that is taken.
- 3) Conditions that pertain to the purchase of service credit for eligible leaves of absence shall be in accordance with rules promulgated by the NJDPB (outlined on Fact Sheet #20 as of 2/19).
- 4) For the time an employee fails to make a contribution, the Township shall not make an employer contribution, and no service credit time will be accrued on the employee's account.
- 5) Employee's that are members of the DCRP are not eligible to purchase any portion of service credit for an official leave of absence without pay.

F. Pension Loan.

- 1) Employee's that are members of the PERS and PFRS are eligible to borrow funds against their pension account.
- 2) Eligibility and loan terms shall be in accordance with the rules promulgated by the NJDPB (outlined on Fact Sheet #81 as of 2/19).
- 3) When the employee has a pension loan; the Township shall make the employee's monthly repayments, based on the certified amount provided by the NJDPB, for active employees receiving compensation via a payroll transaction issued by the Township.
- 4) If on an approved unpaid leave of absence, the employee must make regular periodic payments to repay the outstanding loan. If there is a failure to make required loan repayments for three consecutive months, when taking a leave of absence without pay, the NJDBP will issue a letter providing options to pay the outstanding balance and the process followed for failure to pay. The Township has no authority to intervene and shall not be liable for any consequences when an employee on leave fails to make a payment.

G. Account Management. When enrolled in a pension plan it is an employee's sole responsibility (active, separated or retired) to manage their account. This includes making application for pension loans, verifying status and account accuracy, purchase of service credit, designating or changing beneficiary information, making application for a withdrawal or transfer, and making application for retirement. Information and guidance with pension matters can be found online at <https://www.state.nj.us/treasury/pensions/>

**Article VI Indemnification of Employees.**

**§ 61-27 Indemnification of employees, appointees and officials.**

Pursuant to statutory authority, and subject to and consistent with the provisions of the New Jersey Tort Claims Act, the Township hereby indemnifies its employees, appointees and officials and former employees, appointees and officials in accordance with the indemnification provisions applicable by statute to all municipal employees, except with respect to liability for any act or omission of a public employee within the scope of his or her employment in the same manner and to the same extent as a private individual under like circumstances ("injury" being defined as to mean death, injury to a person, damage to or loss of property or any other injury that a person may suffer that would be actionable if inflicted by a private person).

**§ 61-28 Applicability of provisions.**

Indemnification under this article shall apply to the following, among other things (the listing of which is not intended to limit in any way the scope of indemnification):

- A. Liability for an injury resulting from the exercise of judgment or discretion vested in an employee, appointee or official or a former employee, appointee or official.
- B. Liability for legislative or judicial action or inaction or administrative action or inaction of a legislative or judicial nature.
- C. Liability for the exercise of discretion in determining whether to seek or whether to provide the resources necessary for the purchase of equipment, the construction or maintenance of facilities, the hiring of personnel and in general, the provision of adequate governmental services.
- D. Liability for the exercise of discretion when, in the face of competing demands, an employee, appointee or official determines or a former employee, appointee or official determined whether and how to utilize or apply existing resources, including those allocated for equipment, facilities and personnel.
- E. Liability arising out of the acts or omissions of an employee, appointee or official or a former employee, appointee or official in carrying out his or her ministerial functions.

**§ 61-29 Non-applicability of article provisions.**

Indemnification under this article shall not apply, however, to any liability for an act or omission constituting a crime, actual fraud, actual malice or willful misconduct. "Willful misconduct," as used in this article, includes but is not limited to acting knowingly and clearly outside the scope of one's authority.

**§ 61-30 Provisions to apply to excess of insurance against losses.**

The indemnity provided by this article shall apply only in excess of all insurance, regardless of the ownership of such insurance policy, against any loss or losses covered by the indemnity provided by this article.

**§ 61-31 Scope of defense.**

The Township shall defend every employee, appointee and official and former employee, appointee and official indemnified under the terms of this article to the greatest extent permitted by law, provided that said employee, appointee or official or former employee, appointee or official reasonably cooperates in his or her own defense. Said employee, appointee or official or former employee, appointee or official may join in his or her own defense, provided that he or she does so at no cost or expense to the Township, and provided, further, that the joining in said defense does not materially interfere with, delay, impede or weaken the defense provided by the Township under the terms of this Article.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**BE IT FURTHER ORDAINED** while every effort has been made to provide up to date information as of May 2019, laws change, new regulations are promulgated, State and federal rules are revised and implemented. Given the ongoing movement of Labor Laws, it is hereby acknowledged that if any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**BE IT FURTHER ORDAINED** that this ordinance supersedes prior ordinances regarding employees not covered by a collective bargaining unit.

This Ordinance shall be known and may be cited as the "Ordinance repealing and replacing Chapter 61 "Personnel" of the Code of the Township of North Brunswick".


Approved  Yes  No

Rejected  Yes  No

  
 Francis "Mac" Womack, Mayor  
 Township of North Brunswick 8-7-19

Reconsidered by Council \_\_\_\_\_

Override Vote  Yes  No

  
 Clerk, Township of North Brunswick

\_\_\_\_\_  
 Council President

**ROLL CALL**

First Reading: June 3, 2019

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
LOPEZ	A			
ANDREWS	✓			
CORBIN	✓			
DAVIS (2)	✓			
SOCIO (1)	✓			
GUADAGNINO	✓			
MAYOR WOMACK				

Second Reading: June 24, 2019 (Tabled) August 5, 2019

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
LOPEZ	✓			
ANDREWS	✓			
CORBIN 1	✓			
DAVIS	✓			
SOCIO 2	✓			
GUADAGNINO	A			
MAYOR WOMACK				