

ORDINANCE NO. 3798

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN,
COUNTY OF SOMERSET, NEW JERSEY, CHAPTER 46, PERSONNEL POLICIES,
SECTION 46-11, EMPLOYMENT BENEFITS – ADD NEW SUBSECTION O –
DONATED LEAVE PROGRAM.**

SUMMARY

An ordinance amending the Franklin Township Municipal Code Chapter 46, Personnel Policies, Section 46-11, Employment Benefits by adding a new Subsection O – Donated Leave Program that provides an employee who has exhausted their own earned leave, and either themselves, or a family member, is suffering from a catastrophic health condition or injury which is expected to require a prolonged absence from work, to be provided with additional leave time up to 180 days.

BE IT ORDAINED by the Township Council of the Township of Franklin, as follows:

SECTION I

Chapter 46, PERSONNEL POLICIES, Sections 46-11, Employment Benefits is hereby amended as follows:

§ 46-11. Employment benefits.

O. Donated Leave Program.

A. A full-time employee shall be eligible to receive donated sick or vacation leave if the employee:

1. Has completed at least one year of continuous service;
2. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
3. Has not, in the two-year period immediately preceding the employee’s need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
4. Either:
 - a) Suffers from a catastrophic health condition or injury;
 - b) Is needed to provide care to a member of the employee’s immediate family who is suffering from a catastrophic health condition or injury; or
 - c) Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).

B. For purposes of this section, a “catastrophic health condition or injury” shall be defined as follows:

1. With respect to an employee, a “catastrophic health condition or injury” is a life-threatening condition or combination of conditions or a period of disability required by his or her mental or physical health or the health of the employee’s fetus and requiring the care of a physician who provides a medical verification of the need for the employee’s absence from work for 60 or more work days.
2. With respect to an employee’s immediate family member, a “catastrophic health condition or injury” is a life-threatening condition or combination of conditions or a period of disability required by his or her mental or physical health and requiring the care

of a physician who provides a medical verification of the need for the family member's care by the employee for 60 or more work days.

- C. An employee may request that the Township Manager/Assistant Township Manager approve his or her participation in the program, as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.
 - 1. The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the Township Manager/Assistant Township Manager medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.
 - 2. When the Township Manager/Assistant Township Manager has approved an employee as a leave recipient, the Department Head or Supervisor shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time.
 - a) If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.
- D. A leave recipient must receive at least five sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than 10 such days to any one recipient.
 - 1. A leave recipient shall receive no more than 180 sick days or vacation days, and shall not receive any such days on a retroactive basis.
 - 2. A leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave and at least 12 days of accrued vacation leave if donating vacation leave.
 - 3. A leave donor shall not revoke the leave donation.
- E. While using donated leave time, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.
 - 1. Any unused, donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that the leave time shall not be returned.
 - 2. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days, which he or she had received through the leave donation program.
- F. An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.
 - 1. Those employees wishing to donate time, shall complete the Donor Transfer Form and submit to the Finance Department.
 - 2. The Finance Department will verify that the donor is eligible to donate time and will deduct appropriate time from Donor.
 - 3. An employee must donate a minimum of one (1) sick/vacation day. Donations not meeting this requirement will be denied.

4. The Finance Department will be the official record keeper of donated time as well as any time that is to be returned.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3798

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

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| Introduced: | October 28, 2008 |
| Public Hearing: | November 25, 2008 |
| Adoption: | November 25, 2008 |
| Notice of Adoption: | December 3, 2008 |
| Effective Date: | December 15, 2008 |

Ann Marie McCarthy, Township Clerk