

**BOROUGH OF WOODLAND PARK  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION R14-189**

**A RESOLUTION TO ADOPT A DONATED SICK LEAVE PROGRAM FOR  
EMPLOYEES OF THE WOODLAND PARK POLICE DEPARTMENT.**

**WHEREAS**, the Police Department for the Borough of Woodland Park has requested the adoption of a Donated Leave Program for employees of the Police Department;

**WHEREAS**, the Donated Leave Program will be adopted pursuant to the provisions of the New Jersey Administrative Code (N.J.A.C.) 4A:6-1.22 in order to provide that employees of the Woodland Park Police Department are eligible to donate and receive donated sick leave under certain conditions as set forth in the Code at N.J.A.C. 4A:6-1.22 a through g;

**WHEREAS**, the effective date of the program shall be retroactively set for **June 9, 2014** as per the authorization of State of New Jersey Civil Service Commission, which is enclosed herewith;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, as follows:

1. Permission and authority are hereby granted to the Woodland Park Police Department to adopt a Donated Leave Program, which will be retroactively effective on the date of **June 9, 2014**, as follows:

A. The Borough of Woodland Park does hereby adopt pursuant to the provisions of N.J.A.C. 4A:6-1.22(g) a donated leave program which is only applicable to employees of the Police Department and has received approval from the Commissioner of the State of New Jersey Department of Personnel,

B. The donated leave program shall be administered in accordance with the provisions of N.J.A.C. 4A:6-1.22 (a) through (f) which provisions shall be strictly complied with and enforced by the donated leave program administrator of the Borough of Woodland Park Police Department as follows:

The following definitions are used in this section.

1. An employee of the Borough of Woodland Park Police Department shall be eligible to receive donated sick or vacation leave if the employee:

(a) Has completed at least one year of continuous service for the Borough of Woodland Park Police department;

- (b) Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
- (a) 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
- (c) Either:
  - i. Suffers from a catastrophic health condition or injury;
  - ii. 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
  - iii. Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).

2. For purposes of this section, a "catastrophic health condition or injury" shall be defined as follows:

- (a) With respect to an employee, a "catastrophic health condition or injury" shall be defined as follows:
  - i. A life-threatening condition or combination of conditions; or
  - ii. A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires 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.
- (b) With respect to an employee's immediate family member, a "catastrophic health condition or injury" is either:
  - i. A life-threatening condition or combination of conditions; or
  - ii. A period of disability required by his or her mental or physical health which requires 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.

3. An employee of the Borough of Woodland Park Police Department may request that the donated leave program administrator 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.

- (a) The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the donated leave program administrator for the Borough of Woodland Park Police Department 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.
- (b) When the donated leave program administrator for the Borough of Woodland Park Police Department has approved an employee as a leave recipient, the appointing authority 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, and shall provide notice to all negotiations representatives in the Police Department.
  - i. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

4. 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.

- (a) 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.

- (b) 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.
- (c) A leave donor shall not revoke the leave donation.
- (a) If a leave donor is not in the same department as the leave recipient, appropriate arrangements shall be made by the donated leave program administrator for the Borough of Woodland Park to verify donor eligibility and adjust leave records. However, the posting requirement set forth in 3(b) above is limited to the recipient's appointing authority.

5. While using donated leave time in municipal service, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.

- (a) 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 leave time shall not be returned.
- (a) 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.

6. An employee of the Borough of Woodland Park Police Department 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 be 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.

C. There is hereby created a donated leave program administrator for the Borough of Woodland Park Police Department whose responsibilities shall be:

- 1. The administration of the Borough of Woodland Park Police Department's donated leave program.

2. The maintenance and retention of all records concerning the implementation of the Borough of Woodland Park Police Department Donated Leave Program which records shall at all times be available for audit by the State of New Jersey Department of Personnel.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Spinelli					Kallert				
DeCesare					Pascrell				
Gatti					Mayor Kazmark				
Holloway									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 18<sup>th</sup> day of June, 2014. Signed and sealed before me.

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 Kevin Galland, Municipal Clerk

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 June 18, 2014

Dated