

ORDINANCE NO. 2014:17

AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED ADMINISTRATIVE PROCEDURES AND POLICIES TO ADD SECTION 2-42 AUTHORIZING PAYMENT OF COMPENSATORY TIME TO NEW MILFORD POLICE OFFICERS

WHEREAS, the New Milford Police Benevolent Association, Local No. 83 (“PBA”) is the exclusive bargaining representative of New Milford Police Officers (“Officers”); and

WHEREAS, the Borough of New Milford and the PBA are parties to the Agreement Between the Borough of New Milford and the New Milford Police Benevolent Association (“CBA”), covering the time period between January 1, 2012 and December 31, 2014; and

WHEREAS, said CBA provides, at Art. 9(D), that covered Officers are permitted to accumulate a maximum of four hundred eighty (480) hours of compensatory time and to receive monetary compensation, upon retirement, for up to fifty (50) hours of compensatory time; and

WHEREAS, said CBA provides, at Art. 20(B), that covered Officers are entitled to extra compensation for unused sick days, up to one-half of their annual allotment, provided they have maintained a “sick bank” of at least fifty (50) days, subject to other limitations set forth therein; and

WHEREAS, said CBA provides, at Art. 50, that Officers are entitled to terminal leave for seventy-five percent (75%) of their accumulated sick days, all accumulated holidays earned prior to January 1, 2011, all unused vacation days, and all unused personal days earned prior to December 31, 2009, subject to the limitations and conditions contained therein; and

WHEREAS, said CBA provides, at Art. 50(I), that monetary compensation for accumulated sick days upon the retirement of an Officer be capped at \$20,000, or, for Officers with accumulated sick days valued in excess of \$20,000 as of December 31, 2012, their value as of that date.

WHEREAS, said CBA was duly authorized by resolution of the Borough of New Milford; and

WHEREAS, on or about April 9, 2014, the Acting Comptroller of the State of New Jersey issued a report addressing the payment of compensatory time without the existence of an ordinance permitting same, and it appearing that the Borough of New Milford has abided by a practice, followed by many other municipalities in the State of New Jersey, wherein

compensatory time and other employment benefits have been awarded by way of resolution and collective bargaining agreement, but not by way of Ordinance; and

WHEREAS, it appears that the Officers covered under said CBA have potential legal claims against the Borough of New Milford if such compensation and employment benefits are not paid pursuant to the terms of the CBA; and

WHEREAS, it is the position of the Borough of New Milford that, the failure to pay such compensation after previously agreeing to pay it, and after service was provided in anticipation of such payment, would be wholly unfair and inequitable;

The Governing Body of the Borough of New Milford determines the following:

1. The Officers covered under said CBA are permitted to accumulate compensatory time, and receive monetary compensation for such compensatory time, as provided by Art. 9(D) of the CBA.

2. The Officers covered under said CBA are permitted to receive compensation for unused sick days, as provided by Art. 20(B) of the CBA.

3. The Officers covered under said CBA, upon retirement, are entitled to terminal leave for unused accumulated sick days, holidays, personal days, and vacation days, as provided by Art. 50 of the CBA.

4. The compensatory time and compensation for unused sick days, holidays, personal days, and vacation days provided by this Ordinance shall be paid in accordance with the terms of the CBA, including but not limited to Art. 10 of the CBA.

5. Nothing in this Ordinance shall be deemed to create a right to the above-described benefits for future Officers.

6. The employment compensation and benefits of future Officers shall be set through negotiations between the Borough of New Milford and the PBA, as memorialized in subsequent collective bargaining agreements.

7. Nothing in this Ordinance should be interpreted as the Borough of New Milford's agreement that the above-described benefits be paid to any other employee.

8. The sole purpose of this Ordinance is to ratify the resolutions and actions of prior governing bodies and resolutions approved by such governing bodies authorizing the execution of the aforementioned CBA with the PBA and the payment of compensation in accordance with the provisions of the CBA in exchange for services rendered, pursuant to the direction provided in the report of the Acting Comptroller of the State of New Jersey.