

#2219-14

**AN ORDINANCE OF THE CITY OF WOODBURY  
AMENDING THE PERSONNEL POLICY MANUAL  
TO INCLUDE AN EMPLOYEE LEAVE DONATION PROVISION**

**WHEREAS**, the Mayor and Council of the City of Woodbury wish to amend Section Four of the City Personnel Policy Manual "Compensation and Employee Benefits Policy"; specifically adding a provision to the Workers Compensation Policy to add an Employee Leave Donation provision, as set forth in the attached Exhibit A; and

**WHEREAS**, the revisions have been reviewed and recommended by the Finance and Administrators Committee of the City Council; and

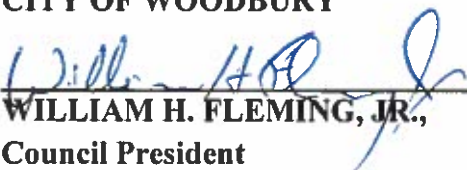
**WHEREAS**, the Mayor and Council have determined that the amendment creating an Employee Leave Donation Policy is in the best interest of the City of Woodbury and will protect City employees that are permanently disabled as a result of injuries suffered in the service of the City; and

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Woodbury, Gloucester County and State of New Jersey, that Section Four: Compensation and Employee Benefits Policy; Workers Compensation of the City Personnel Policy Manual is amended and shall henceforth read in its entirety as set forth in attached Exhibit A.

**THE FOREGOING** was introduced by the City Council of the City of Woodbury at a regular meeting held on November 10, 2014. This Ordinance will be considered for adoption at final reading and public hearing to be held on December 2, 2014 at 7:30 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

**CITY OF WOODBURY**

By:

  
\_\_\_\_\_  
**WILLIAM H. FLEMING, JR.,**  
Council President

**ATTEST:**

  
\_\_\_\_\_  
**ROY A. DUFFIELD, Clerk**

**Approved:**

  
\_\_\_\_\_  
**WILLIAM J. VOLK, Mayor**

**Workers Compensation Policy:**

Employees who suffer job related injuries and illnesses may be entitled to medical treatment, lost income and other compensation under the New Jersey Workers Compensation Act. The City covers workers compensation benefits through its membership in a joint insurance fund. Any occupational injury or illness must be immediately reported to the supervisor or department head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the joint insurance fund or the City, and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the City will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits.

For employees reaching maximum medical improvement due to a permanent disability caused by a job related injury or illness and has exhausted all accumulated leave time, the City will permit the one-time donation of other paid leave time by other City employees up to a maximum of twenty (20) work weeks under the following conditions.

1. The employee requesting the donated time has reached maximum medical improvement pursuant to N.J.S.A. 34:15-98 and has been determined permanently disabled by the Worker's Compensation physician appointed by the City;
2. As a result of the disability, the employee is not fit to perform the essential functions of the employee's job with the City;
3. That there is not a reasonable accommodation available to enable the employee to perform the essential functions of the employee's job with the City;
4. The employee, if eligible, has applied for disability retirement with the New Jersey Division of Pensions and Benefits effective on the date permanent disability is determined;
5. The employee has exhausted all paid leave time available; and
6. The employee does not have any disciplinary charges pending against him/her at the time of the request.

An employee meeting the conditions above wishing to apply for donated leave under this policy must do so in writing to the City Administrator or his/her designee before the exhaustion of paid leave time. Upon approval by the City Administrator or his/her designee, City employees will have ten (10) working days to donate their own accumulated leave to the applicant. Employees donating time must agree in writing that they are donating the time voluntarily and agree that they are waiving any right to receive the donated time in the future.

Upon the expiration of the donation period, no further days may be received. Furthermore, an employee receiving days under this policy shall not be permitted to seek any extension of paid leave beyond the period of donated days.

Employees seeking the donation of days must agree to the following terms in order for their request to be granted by executing a waiver in writing to the City.

1. That the paid leave received under this program will run concurrently to any qualifying leave granted under the Family Medical Leave Act or the New Jersey Family Leave Act;
2. That the employee using donated leave will not be eligible to accumulate any more paid leave time even if the donated leave extends into the next calendar year; and
3. That the employee acknowledges that in exchange for the valuable consideration offered by the City through this program that he/she agrees not to file or participate in a grievance, an administrative action, or a judicial action against the City for any cause of action related to the conditions of donated leave program or a termination due to the employee being unfit for duty at the conclusion of the donated leave period. In the event the employee fails to adhere to this condition, he/she agrees that the City shall be paid back the cost of the donated leave time and employee benefits paid during the period of extended leave.

The donated leave and continued employee benefits under this policy shall be terminated upon an approval of any disability pension benefits by the New Jersey Division of Pensions and Benefits.