

# Township of West Milford

Passaic County, New Jersey

## ~ Ordinance 2024 – 033 ~

### ORDINANCE ESTABLISHING A “DONATED LEAVE PROGRAM”

**WHEREAS**, the Mayor and Township Administrator have recommended that a Donated Leave Program be established for employees; and

**WHEREAS**, Township Council has determined that establishing a Donated Leave Program would be in the best interest of the Township; and

**WHEREAS**, the Township Council wishes to establish the perimeters of the Program to ensure it is administered fairly and consistently.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of West Milford that the following shall be the perimeters of the Donated Leave Program.

#### ELIGIBILITY

An employee shall be eligible to receive donated sick or vacation leave if the employee:

- A. Has completed at least one year of continuous service to the Township;
- B. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
- C. 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
  - 1) Suffers from a catastrophic health condition or injury; or
  - 2) 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
  - 3) Requires absence from work due to the donation of an organ.

#### Catastrophic health condition or injury:

- A. A catastrophic health condition or injury for an employee shall be defined as follows:
  - 1) A life-threatening condition or combination of conditions; or
  - 2) 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 shall provide a medical verification of the need for the employee’s absence from work for 60 or more workdays.
- B. With respect to an employee’s immediate family member a catastrophic health condition or injury shall be defined as follows:
  - 1) A life-threatening condition or combination of conditions; or
  - 2) A period of disability required by his or her mental or physical health which requires the care of a physician who shall provide a medical verification of the need for the family member’s care by the employee for 60 or more workdays.

#### APPROVAL

- A. An employee may request that the Township 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.
- B. The employee or supervisor requesting the employee’s acceptance as a leave recipient shall submit to the appointing authority medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability.
- C. When the Township 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 representatives in that appointing authority. If the employee is unable to consent to this posting or circulation, the employee’s family may consent on his or her behalf.

**PROGRAM PARAMETERS**

- A. 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 30 such days to any one recipient.
- B. A leave recipient shall receive no more than 260 sick days or vacation days and shall not receive any such days on a retroactive basis.
- C. 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.
- D. A leave donor may 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.
- F. 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.
- G. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for the unused sick days which he or she had received through the leave donation program.
- H. The use of contributed time shall run concurrently with the approved FMLA and NJFLA benefits, if applicable.

**BE IT FURTHER RESOLVED** that if any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**BE IT FURTHER RESOLVED** that this Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: July 17, 2024  
Adopted: August 14, 2024  
Effective Date: September 3, 2024

ATTEST:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

\_\_\_\_\_  
William Senande, Township Clerk

By: \_\_\_\_\_  
Michele Dale, Mayor