

18A:30-11

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 223

NJSA: 18A:30-11 (Permits the establishment of sick leave banks for school employees)

BILL NO: S548 (Substituted for A2532)

SPONSOR(S) Smith and Others

DATE INTRODUCED: January 10, 2006

COMMITTEE: **ASSEMBLY:** Education

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2007

SENATE: December 17, 2007

DATE OF APPROVAL: January 3, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Second reprint enacted)

S548

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

A2532

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: Yes

NEWSPAPER ARTICLES: No

974.90 C582, 2006

Public hearing before Senate State Government Committee: discussion on the state's sick leave injury program for state employees; and the increase in State Health Benefits Program (SHBP) expenditures during recent years. June 12, 2006. Trenton, New Jersey.

LAW/RWH 6/20/08

P.L. 2007, CHAPTER 223, *approved January 3, 2008*
Senate, No. 548 (*Second Reprint*)

1 AN ACT permitting the establishment of sick leave banks for school
2 board employees and supplementing chapter 30 of Title 18A of
3 the New Jersey Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Notwithstanding any other provision of law to the contrary, a
9 sick leave bank may be established for employees of a board of
10 education if both the board and the majority representative or
11 majority representatives of the employees¹**[,.]**¹ who would be
12 eligible to participate¹**[,.]**¹ consent to the establishment of the sick
13 leave bank. The purpose of the sick leave bank shall be to enable
14 employees of the board who are entitled to sick leave under chapter
15 30 of Title 18A of the New Jersey Statutes to draw needed days of
16 sick leave in addition to any days to which they are otherwise
17 entitled. The sick leave days available ¹to a board employee¹ from
18 the sick leave bank shall be leave days previously donated to the
19 bank by ¹board¹ employees ²**[of ¹the board] the same bargaining**
20 **unit**². Employees may donate sick leave days or any other leave
21 time as agreed upon by the board and the majority representative.
22 Sick leave drawn from the bank shall be treated for all purposes as
23 if it were accrued sick leave time of the employee who receives it.
24 No employee shall be required to participate in the bank.

25

26 2. The sick leave bank shall be administered by a committee
27 which shall be comprised of three members selected by the board of
28 education and three members selected by the majority
29 representative or majority representatives of those employees of the
30 board who are eligible to participate in the sick leave bank. The
31 committee may establish standards or procedures that it deems
32 appropriate for the operation of the sick leave bank, which may
33 include a requirement that employees donate leave time to be
34 eligible to draw leave time from the sick leave bank and limitations
35 on the amount of sick leave time which may be drawn or the
36 conditions under which the sick leave time may be drawn. No day
37 of leave which is donated to a sick leave bank by an employee shall
38 be drawn by that employee or any other employee from the sick
39 leave bank unless authorized by the committee in order to provide
40 sick leave.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted January 26, 2006.

²Assembly AED committee amendments adopted December 6, 2007.

1 3. No provision of this act, or regulation promulgated to
2 implement or enforce this act, shall be deemed to justify a board of
3 education in reducing or making less favorable to employees any
4 sick leave, disability pay or other benefits provided by the board or
5 required by a collective bargaining agreement which are more
6 favorable to the employees than those required by this act, nor shall
7 any provision of this act, or any regulation promulgated to
8 implement or enforce this act, be construed to prohibit the
9 negotiation and provision through collective bargaining agreements
10 of sick leave, disability pay or other benefits which are more
11 favorable to the employee than those required by this act,
12 irrespective of the date that a collective bargaining agreement takes
13 effect.

14
15 4. No provision of this act shall be construed as limiting the
16 authority of a board of education to provide an employee with
17 additional days of salary pursuant to N.J.S.18A:30-6 after all sick
18 leave available to the employee¹, including days provided under
19 this act,¹ has been used.

20
21 5. This act shall take effect immediately.

22
23
24
25

26 Permits the establishment of sick leave banks for school
27 employees.

SENATE, No. 548

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Co-Sponsored by:

Senator Allen

SYNOPSIS

Permits the establishment of sick leave banks for school employees.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT permitting the establishment of sick leave banks for school
2 board employees and supplementing chapter 30 of Title 18A of
3 the New Jersey Statutes.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Notwithstanding any other provision of law to the contrary, a
9 sick leave bank may be established for employees of a board of
10 education if both the board and the majority representative or
11 majority representatives of the employees, who would be eligible to
12 participate, consent to the establishment of the sick leave bank. The
13 purpose of the sick leave bank shall be to enable employees of the
14 board who are entitled to sick leave under chapter 30 of Title 18A
15 of the New Jersey Statutes to draw needed days of sick leave in
16 addition to any days to which they are otherwise entitled. The sick
17 leave days available from the sick leave bank shall be leave days
18 previously donated to the bank by employees of the board.
19 Employees may donate sick leave days or any other leave time as
20 agreed upon by the board and the majority representative. Sick
21 leave drawn from the bank shall be treated for all purposes as if it
22 were accrued sick leave time of the employee who receives it. No
23 employee shall be required to participate in the bank.
24

25 2. The sick leave bank shall be administered by a committee
26 which shall be comprised of three members selected by the board of
27 education and three members selected by the majority
28 representative or majority representatives of those employees of the
29 board who are eligible to participate in the sick leave bank. The
30 committee may establish standards or procedures that it deems
31 appropriate for the operation of the sick leave bank, which may
32 include a requirement that employees donate leave time to be
33 eligible to draw leave time from the sick leave bank and limitations
34 on the amount of sick leave time which may be drawn or the
35 conditions under which the sick leave time may be drawn. No day
36 of leave which is donated to a sick leave bank by an employee shall
37 be drawn by that employee or any other employee from the sick
38 leave bank unless authorized by the committee in order to provide
39 sick leave.
40

41 3. No provision of this act, or regulation promulgated to
42 implement or enforce this act, shall be deemed to justify a board of
43 education in reducing or making less favorable to employees any
44 sick leave, disability pay or other benefits provided by the board or
45 required by a collective bargaining agreement which are more
46 favorable to the employees than those required by this act, nor shall
47 any provision of this act, or any regulation promulgated to
48 implement or enforce this act, be construed to prohibit the

1 negotiation and provision through collective bargaining agreements
2 of sick leave, disability pay or other benefits which are more
3 favorable to the employee than those required by this act,
4 irrespective of the date that a collective bargaining agreement takes
5 effect.

6
7 4. No provision of this act shall be construed as limiting the
8 authority of a board of education to provide an employee with
9 additional days of salary pursuant to N.J.S.18A:30-6 after all sick
10 leave available to the employee has been used.

11
12 5. This act shall take effect immediately.

13
14
15 STATEMENT

16
17 This bill permits the establishment of a sick leave bank for
18 employees of a board of education upon the consent of the board
19 and the majority representative or majority representatives of the
20 collective bargaining unit or units of the employees of the board.
21 The purpose of the bank is to enable an employee to draw, as
22 needed, accrued sick leave days previously donated voluntarily by
23 the employees of the board. The bill prohibits any requirement that
24 an employee participate in the bank, and allows the donation of any
25 type of leave time by a school board employee, if agreed upon by
26 the board and the majority representative.

27 The sick leave bank would be administered by a committee
28 comprised of three members selected by the board of education and
29 three members selected by the consenting majority representative or
30 majority representatives of the employees of the board. The bill
31 authorizes the committee to establish procedures for the operation
32 of the sick leave bank, such as requirements that employees donate
33 leave time to be eligible to draw leave time from the sick leave
34 bank and limitations on the amount of time which may be drawn.
35 Sick leave which is donated by an employee may not be withdrawn
36 by that employee or any other employee unless authorized by the
37 committee in order to provide sick leave. Also, the provisions of
38 the bill do not limit the authority of a board of education to provide
39 an employee with additional days of salary pursuant to
40 N.J.S.18A:30-6 after all available sick leave has been used.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 548

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2007

The Assembly Education Committee reports favorably Senate Bill No. 548 (1R) with committee amendments.

As amended, this bill permits the establishment of a sick leave bank for employees of a board of education upon the consent of the board and the majority representative or majority representatives of the collective bargaining unit or units of the employees of the board. The purpose of the bank is to enable an employee to draw, as needed, accrued sick leave days previously donated voluntarily by employees of the board. The bill prohibits any requirement that an employee participate in the bank, and allows the donation of any type of leave time by a school board employee, if agreed upon by the board and the majority representative.

The sick leave bank would be administered by a committee comprised of three members selected by the board of education and three members selected by the consenting majority representative or majority representatives of the employees of the board. The bill authorizes the committee to establish procedures for the operation of the sick leave bank, such as requirements that employees donate leave time to be eligible to draw leave time from the sick leave bank and limitations on the amount of time which may be drawn. Sick leave which is donated by an employee may not be withdrawn by that employee or any other employee unless authorized by the committee in order to provide sick leave. Also, the provisions of the bill do not limit the authority of a board of education to provide an employee with additional days of salary pursuant to N.J.S.18A:30-6 after all available sick leave, including days provided under the bill's provisions, has been used.

The committee amended the bill to eliminate the requirement that the sick leave days available to a board employee from the bank must be days donated by an employee from the same bargaining unit. Under the amended bill they may be sick leave days donated voluntarily by any employee of the board.

As reported by committee, this bill is identical to Assembly Bill No. 2532 with committee amendments.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 548

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

As amended, this bill permits the establishment of a sick leave bank for employees of a board of education upon the consent of the board and the majority representative or majority representatives of the collective bargaining unit or units of the employees of the board. The purpose of the bank is to enable an employee to draw, as needed, accrued sick leave days previously donated voluntarily by the employees of the bargaining unit of which the employee is a member. The bill prohibits any requirement that an employee participate in the bank, and allows the donation of any type of leave time by a school board employee, if agreed upon by the board and the majority representative.

The sick leave bank would be administered by a committee comprised of three members selected by the board of education and three members selected by the consenting majority representative or majority representatives of the employees of the board. The bill authorizes the committee to establish procedures for the operation of the sick leave bank, such as requirements that employees donate leave time to be eligible to draw leave time from the sick leave bank and limitations on the amount of time which may be drawn. Sick leave which is donated by an employee may not be withdrawn by that employee or any other employee unless authorized by the committee in order to provide sick leave. Also, the provisions of the bill do not limit the authority of a board of education to provide an employee with additional days of salary pursuant to N.J.S.18A:30-6 after all available sick leave, including days provided under the bill's provisions, has been used.

The committee amended the bill to provide that the sick leave days available from the sick leave bank are to be leave days previously donated to the bank by board employees of the same bargaining unit. Additionally, the committee amendments clarify that the sick leave which must be used before the district may provide additional salary pursuant to N.J.S.18A:30-6 includes the days provided through the sick leave bank. The committee also made a technical amendment to section 1 of the bill.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 2532

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

Sponsored by:

Assemblyman SEAN T. KEAN

District 11 (Monmouth)

Assemblyman STEVE CORODEMUS

District 11 (Monmouth)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman ROBERT M. GORDON

District 38 (Bergen)

Co-Sponsored by:

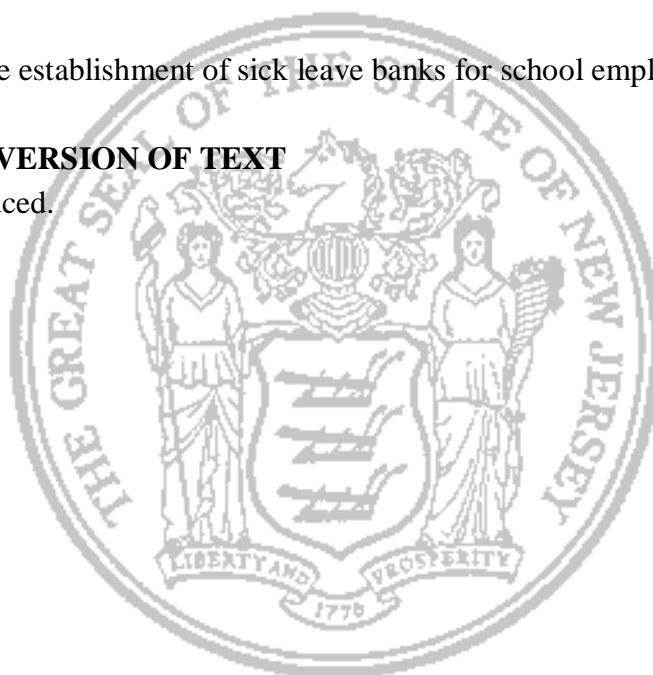
**Assemblyman Diegnan, Assemblywoman McHose, Assemblymen Steele
and Vas**

SYNOPSIS

Permits the establishment of sick leave banks for school employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2007)

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2 board employees and supplementing chapter 30 of Title 18A of
3 the New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
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35 conditions under which the sick leave time may be drawn. No day
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37 be drawn by that employee or any other employee from the sick
38 leave bank unless authorized by the committee in order to provide
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41 3. No provision of this act, or regulation promulgated to
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43 education in reducing or making less favorable to employees any
44 sick leave, disability pay or other benefits provided by the board or
45 required by a collective bargaining agreement which are more
46 favorable to the employees than those required by this act, nor shall
47 any provision of this act, or any regulation promulgated to
48 implement or enforce this act, be construed to prohibit the

1 negotiation and provision through collective bargaining agreements
2 of sick leave, disability pay or other benefits which are more
3 favorable to the employee than those required by this act,
4 irrespective of the date that a collective bargaining agreement takes
5 effect.

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7 4. No provision of this act shall be construed as limiting the
8 authority of a board of education to provide an employee with
9 additional days of salary pursuant to N.J.S.18A:30-6 after all sick
10 leave available to the employee has been used.

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12 5. This act shall take effect immediately.

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STATEMENT

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17 This bill permits the establishment of a sick leave bank for
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19 and the majority representative or majority representatives of the
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23 the employees of the board. The bill prohibits any requirement that
24 an employee participate in the bank, and allows the donation of any
25 type of leave time by a school board employee, if agreed upon by
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28 comprised of three members selected by the board of education and
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38 the bill do not limit the authority of a board of education to provide
39 an employee with additional days of salary pursuant to
40 N.J.S.18A:30-6 after all available sick leave has been used.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2532

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2007

The Assembly Education Committee reports favorably Assembly Bill No. 2532 with committee amendments.

As amended, this bill permits the establishment of a sick leave bank for employees of a board of education upon the consent of the board and the majority representative or majority representatives of the collective bargaining unit or units of the employees of the board. The purpose of the bank is to enable an employee to draw, as needed, accrued sick leave days previously donated voluntarily by board employees. The bill prohibits any requirement that an employee participate in the bank, and allows the donation of any type of leave time by a school board employee, if agreed upon by the board and the majority representative.

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The committee amended the bill to clarify that the sick leave which must be used before the district may provide additional salary pursuant to N.J.S.18A:30-6 includes the days provided through the sick leave bank. The committee also made a technical amendment to section 1 of the bill.

As reported by committee, this bill is identical to Senate Bill No. 548 (1R) with Assembly committee amendments.