

RESOLUTION NO. 2021-247

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
AMENDMENT OF THE APPOINTING AUTHORITY'S PLAN TO THE
CIVIL SERVICE COMMISSION FOR VACATION CARRYOVER OF
"USE OR LOSE" VACATION HOURS DUE TO IMPACT OF COVID-19
PANDEMIC**

WHEREAS, N.J.S.A. 11A:6-3 provides that vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only; except that vacation leave not taken in a given year because of duties directly related to a state of emergency declared by the Governor may accumulate at the discretion of the appointing authority until, pursuant to a plan established by the employee's appointing authority and approved by the Civil Service Commission (hereinafter "CSC"), the leave is used or the employee is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining; and

WHEREAS, the Township has determined that it was not operationally feasible for Township employees to utilize all 2019 vacation hours that were carried over as "use or lose" to 2020, to be used prior to the end of 2021 pursuant to Resolution 2020-174, as well as 2020 vacation hours that were carried over as "use or lose" to 2021, prior to the end of 2021; and

WHEREAS, the governing body desires to submit a plan to the CSC pursuant to N.J.S.A. 11A:6-3 to amend the plan authorized by Resolution 2020-174 adopted due to the State of Emergency and Public Health Emergency, to carryover those "use or lose" hours as indicated herein.

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NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body authorizes the rolling over of any leave that a Township employee would contractually lose by December 31, 2021 to the calendar year 2022, to be utilized by March 31, 2022.
2. That any leave that qualifies under this Resolution to be rolled over to calendar year 2022 must be the first hours exhausted by any Township employee in 2022, and if not utilized by March 31, 2022, said rolled over leave will be extinguished and the employee will irrevocably lose that “use or lose” leave, without exception.
3. That said rollover plan shall be submitted to the CSC and must contain at least the following information:
 - a. The name of the employee, the number of vacation hours anticipated to be carried over, and justification for the carryover (the justification must demonstrate that the functions and duties performed by the employee were directly related to the State of Emergency and that the employee was precluded from using that vacation time due to those duties);
 - b. Functions and duties directly related to the State of Emergency refers to work performed in connection with responding to COVID-19 and/or work that would otherwise not have been required but for COVID-19.

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- c. Information demonstrating that the employee was denied leave or prevented from taking “use or lose” 2019 or 2020 vacation hours by the Appointing Authority because they were performing functions or duties that were directly related to the COVID-19 emergency.
 - d. The reason(s) the employee will be precluded from utilizing the remainder of the enumerated vacation hours before the end of the calendar year.
 - e. A requirement that any 2019 or 2020 vacation time carried over pursuant to Resolution 2020-174 and/or N.J.S.A. 11A:6-3 be the first hours exhausted in 2022.
2. That the Township Administrator is authorized to take the necessary action to implement this rollover plan.
 3. That a certified copy of this resolution shall be forwarded by the Township Clerk to the Township Administrator and the Civil Service Commission.

CERTIFICATION

I, **KELLY LETTERA, RMC**, Township Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 8th day of **November, 2021**.



KELLY LETTERA, RMC
Township Clerk,
Township of Little Egg Harbor

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