

City Clerk File No. Ord. 10-078

Agenda No. 3.H 1st Reading

Agenda No. 4.G. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 10-078

TITLE:

ORDINANCE AMENDING CHAPTER 53 (PERSONNEL) ESTABLISHING VACATION AND BENEFITS AND WORKPLACE REGULATIONS FOR EMPLOYEES WHOSE SALARY AND COMPENSATION ARE REQUIRED BY LAW TO BE FIXED BY ORDINANCE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, N.J.S.A. 40:69A-43(a) requires that the Mayor, subject to pertinent civil service regulations and contractual obligations and within the limits of the municipal budget, by Executive Order fix the salaries and other compensation of employees assigned to all administrative departments; and

WHEREAS, the Mayor by executive order (2008-09) establishes benefits for unclassified and managerial executives within his authority in compliance with N.J.S.A. 40:69A-43(a); and

WHEREAS, union members receive their salaries and benefits by contract, which the Mayor negotiates and by resolution, the Council approves pursuant to N.J.S.A. 40:69A-43(a); and

WHEREAS, N.J.S.A. 40:69A-43(a) requires that the Council by ordinance fix the salaries and other compensation of certain employees, such as the Mayor, Council Members, Council Aides, Department Directors, Municipal Clerk and his deputy, the Tax Assessor and his deputy, the Tax Collector, the Chief Financial Officer and Municipal Court Judges; and

WHEREAS, the Council by ordinance has fixed the salaries of those employees within its statutory authority; and

WHEREAS, Council employees have received "other compensation" as provided under the Mayor's Executive Order 2008-2009 and its predecessors, instead of Chapter 53, a section of the City Code that is now obsolete and has not been updated in more than 15 years; and

WHEREAS, the Council employees have also generally adhered to the Mayor's Policy and Procedures Manual establishing administrative workplace regulations for all employees, including members of collective bargaining units; and

WHEREAS, the Council by ordinance needs to fix "other compensation" and establish workplace regulations so they will be in accord with the Mayor's Executive Order and his Policies and Procedures Manual, and, to the extent it wishes to deviate therefrom, adopt an ordinance so providing.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

- A. The following amendments to Chapter 53 (Personnel) of the Jersey City Code are hereby adopted:

Sec. 53- Application of Chapter 53

Under this Chapter "Employee" shall mean one whose salary and other compensation are required by law to be fixed by ordinance. Such Employees include, but are not limited to, the Mayor, Council Members, Council Aides, Department Directors, Municipal Clerk and his deputy, the Tax Assessor and his deputy, the Tax Collector, the Chief Financial Officer and Municipal Court Judges¹

Sec. 53- Domicile as condition of employment

- A. All Employees, as a condition of their employment, shall maintain a bona fide domicile in the City of Jersey City during the period of their employment. Domicile means the permanent place of abode within the meaning, intent and scope of the New Jersey Statutes and court decisions governing and defining "domicile." It shall also mean the permanent abode which the Employee occupies with his or her spouse and minor children.
- ~~B. Within six (6) months after the effective date of this Article, all Employees who are domiciled outside the City shall move their spouses and minor children into this City and establish a bona fide domicile in this City. Thereafter they shall continue to maintain such domicile in this City so long as they shall be an Employee of this City.]~~
- B. [Within thirty (30) days after the effective date of this Article,] All Employees shall file with the Division of Personnel an affidavit setting forth the following:
- (1) the address and telephone number of the Employees' bona fide domicile; and
 - (2) the address and telephone number of the Employees' spouse and minor children.
- ~~(3) if the Employee is domiciled outside this City, then such Employee shall state whether or not he or she intends to comply with the provisions of Subsection B of this section and establish a domicile in this City.]~~
- ~~D. The provisions of this section and section 53-12 of this Article shall not apply to employees occupying the offices and positions enumerated in N.J.S.A. 40A:9-1 et seq. and any other statute of New Jersey which excepts certain officers and employees from such residency requirements, nor shall said provisions apply to those employees occupying offices and positions located at the water and sewerage facilities of this City located outside this City.]~~

Sec. 53- Exceptions

A majority of the full membership of the Municipal Council, at its discretion, for good cause shown, may authorize and permit an Employee to be domiciled outside the City of Jersey City.

Sec. 53- Investigations; hearings; termination of employment

- A. The Municipal Council or the appointing authority or their duly authorized representatives are hereby authorized to investigate the bona fides of an Employees' domicile or failure to comply with the provisions of this Article and to conduct hearings thereon. Such hearings shall be conducted upon no less than ten (10) days' notice to the Employee. The notice shall

¹ Mayor, N.J.S.A. 40A:9-165.1.
Members of the Governing Body/City Council, N.J.S.A. 40A:9-165.1.
Council Aides, N.J.S.A. 40A:69A-60.5
Department Directors, N.J.S.A. 40:69A
Municipal Clerk, N.J.S.A. 40A:9-133
Deputy Municipal Clerk, N.J.S.A. 40A:9-135.
Tax Assessor, N.J.S.A. 40A:9-146.
Deputy Tax Assessor, N.J.S.A. 40A:9-146.
Tax Collector, N.J.S.A. 40A:9-141
Chief Financial Officer/Municipal Finance Officer, N.J.S.A. 40A:9-140.10
Municipal Court Judges, N.J.S.A. 2B:12-7.

be served upon the Employee by mail or personal service and shall set forth the following:

- (1) the date, time and place of the hearing.
- (2) a detailed specification of the charges against the Employee.
- (3) a statement warning the Employee that the hearing may result in the termination of the employment of the Employee.

B. The following shall be sufficient cause to terminate the employment of an Employee:

- (1) failure to file the affidavit within thirty (30) days.
- (2) filing a false or incomplete affidavit.

~~[(3) failure to establish a bona fide domicile within six (6) months.]~~

Sec. 53- Affidavit required

No person shall hereafter be appointed to any office or position unless such person shall have first filed an affidavit setting forth the address and telephone number of his or her bona fide domicile.

Sec. 53- Vacation and other compensation

A. All compensation and benefits of Employees, as applicable, shall be in accordance with the compensation and benefits established by Executive Order 2008-09 and any amendments thereto, except as herein provided.

B. All Employees, except the Mayor and Council Members, shall be granted paid vacation days which shall be the greater of:

(a) the vacation days earned through years of service as provided by the Mayor's Executive Order; or

(b) 20 working days.

C. Compensation shall include the incidental personal use of motor vehicles assigned by the Mayor to Employees.

~~[(1) Members of the City Council~~

~~(2) Department Directors~~

~~(3) Officers whose salaries are required by law to be fixed by ordinance.]~~

D. All Employees, except Council Members, ~~[and]~~ Council Aides and Municipal Court Judges, shall receive an annual increase in base salary equal to the annual percentage increase in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services promulgated annually by the Director of Local Government Services, pursuant to N.J.S.A. 40A:4-45, provided that:

(1) No such annual increase shall exceed three and five-tenths percent (3.5%); and

(2) The first such increase shall take effect on July 1, 1995. Subsequent increases shall take effect on January 1, 1996, and annually thereafter for Employees then on the payroll based upon the rate promulgated in the prior year.

Sec. 53- Workplace regulations

A. The workplace regulations established in the Mayor's Policies and Procedures Manual as applicable, and any amendments thereto, are hereby adopted for Employees, except as herein provided

B. The [normal] service day of an Employee, (except the Mayor, Council Members and Council Aides) shall consist of a minimum of eight (8) hours of service, inclusive of the lunch period.

The hours of employment shall be continuous, except for such lunch period.

~~C. The hours of employment shall be designated by the department head according to that schedule which best meets the efficiency of the public service, provided that these limitations regarding lunch periods shall not apply to shift employees, and provided also that in departments where the nature of the work is such that it is impossible to operate in accordance with the normal service day employees may be required to work in excess thereof.~~

C. The service day of Council Aides shall be determined by the respective Municipal Council Member.

~~D. Where an employee is called back to work within twenty-four (24) hours of the starting time of his or her normal service day or where the employee continues to work beyond the normal service day, all work in excess thereof and within such twenty-four hour period shall be considered overtime to be compensated as provided by the Council~~

~~E. No employee shall be required to work in excess of sixteen (16) hours within such twenty-four hour period, except under unusual circumstances where it would be impractical or impossible to provide relief employees. No regular change, however, in shifts or daily schedule shall be construed to provide overtime for the employee affected.]~~

The following sections of Chapter 53 are hereby repealed:

Article I - Conditions of Municipal Employment
§ 53-1 thru §53-2 & § 53-6 through 53-8

Article III - Employee Regulations
§53-14 thru §53-26

Article IV - Leaves of Absence
§53-27 thru 53-30

Article V - Vacation Leave Generally
§53-31 thru §53-40

Article VI - Vacation Leave and other Benefits for Nonunion, Unclassified personnel and Nonunion Managerial Personnel
§53-38 thru- §53-40

Article VII - Sick Leave
§53-41 thru- §53-49

Article VIII - Employees' Retirement system
§53-50 thru §53-71.1

Article IX - Employee Classifications and Salary Ranges
§53-82 thru §53.77

Article X - Police Department Classifications and Salaries
§53-78 thru §53-79

Article XI - Department of Fire and Emergency Service Classifications and Salaries
§53-80 thru §53-81

Article XII - Compensation Schedule Amendments
§53-82

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be part of the Jersey City Code as though codified and fully set forth

therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: New matter is underlined; deleted matter in [brackets] For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED:  _____
Business Administrator

Certification Required

Not Required

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 10-078
 TITLE: 3.H. MAY 26 2010 4.G. JUN 09 2010



Ordinance amending Chapter 53 (Personnel) establishing vacation and benefits and workplace regulations for employees whose salary and compensation are required by law to be fixed by ordinance.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
MAY 26 2010 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JUN 09 2010 8-0											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	<u>ABSENT</u>			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote YVONNE BALCER N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				VEGA			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
JUN 09 2010 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	<u>ABSENT</u>			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 26 2010
 Adopted on second and final reading after hearing on JUN 09 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 09 2010

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:
Peter M. Brennan
 Peter M. Brennan, Council President

*Amendment(s):

Date: JUN 09 2010
 APPROVED:
Jerramiah T. Mealy
 Jerramiah T. Mealy, Mayor

Date: JUN 10 2010

Date to Mayor: JUN 10 2010