

O-08-17

**AN ORDINANCE AMENDING CHAPTER 40, SECTION 7 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF WHARTON, COUNTY OF
MORRIS, STATE OF NEW JERSEY**

BE IT ORDAINED by the Governing Body of the Borough of Wharton that Chapter 40: Personnel, Section 7 Vacation of the revised general ordinances of the Borough of Wharton is hereby amended as follows:

§ 40-7. Vacation.

A. The Borough provides vacations with pay to all full-time and permanent part-time employees. All eligible employees shall take their vacation at such times as can be conveniently arranged with the department head and Personnel Administrator. It is the responsibility of the department head and Personnel Administrator to ensure that vacations are spread out so that the Borough can still function during the periods of time when employees are on vacation. Each year there will be certain dates, as decided by the Borough Administrator and Personnel Administrator where employees will not be permitted to take vacation time without extenuating circumstances. These dates will be communicated in January of each year.

B. If there is a conflict in terms of requested vacation dates, pre-planning and seniority will be considered by the Borough Administrator and Personnel Administrator when making a determination of who will prevail. The Borough Administrator may in his/her sole and absolute discretion grant an employee one full week's vacation pay and benefits prior to his/her being employed by the Borough for one full year, provided the following criteria is used in the request:

(1) The employee requests the full week's pay and benefits at least 30 days prior to the taking of the week vacation.

(2) The Borough Administrator finds that the performance of the employee in his/her job capacity is satisfactory.

(3) The Borough Administrator finds that the purpose of the request is legitimate.

(4) That the employee agrees that the prepayment may be deducted from the final paycheck in the event the employee does not stay in the employment of the Borough for a full year.

C. Vacation periods are based on length of continuous service with the Borough. As seniority with the Borough increases, employees will be entitled to the following number of vacation days/hours based upon a thirty-five hour work week:

(1) First completed year through fifth completed year: 10 working days per year or 70 hours per year. Vacation accrual will be prorated on a 1/12 basis for each month worked during an incomplete accrual period.

(2) Sixth year through 10th year: 15 working days per year or 105 hours per year.

(3) Eleventh year through 20th year: 20 working days per year or 140 hours per year.

(4) Twenty years and over: 25 working days per year or 175 hours per year.

D. Full-time employees and permanent part-time employees who work less than the 35 hours per week shall receive vacation, sick, and personal time on a prorated basis using their average work week hours as the numerator and the 35 hours as the denominator. In the event that the prorating will result in time measurements less than 30 minutes, the prorating will be rounded up to the next thirty-minute time measurement. Note: For example, an employee who has worked for the Borough for three years who works seven hours a day and four days per week will be eligible to receive 80% of the full allotment of vacation time. This is based upon the employee working 28 hours in a week. Twenty-eight hours divided by 35 hours equals 80%. The 80% multiplied by the thirty-five full-time work week would entitle the employee to a vacation benefit of 28 hours of vacation time in a year.

E. Employees with more than one week's vacation must take one week in five consecutive days. Any additional vacation may be taken on a day-to-day basis with supervisory approval. ~~*Unless special arrangements are requested, it is understood vacations will normally commence on Sundays.*~~ An employee is not permitted to continue at work in order to obtain pay in lieu of vacation. *As of December 31 of each year, any remaining vacation time, up to a maximum of 10 days will be allowed to carry over to the following year.* When an individual's employment with the Borough is terminated, the employee shall be paid for any unused annual vacation leave subject to the following:

(1) Vacation is accrued on a January 1 through December 31 basis.

(2) Vacation accrual will be prorated on a 1/12 basis for each month worked during an incomplete accrual period.

(3) To receive this benefit, an employee voluntarily resigning or retiring must give two weeks' notice. Nothing in this section shall supersede another department's rules and regulations, policies and procedures and union contracts.

First Reading: May 22, 2017

Second Reading: June 12, 2017

ATTEST:

BOROUGH OF WHARTON

WILLIAM J. CHEGWIDDEN,
MAYOR

Gabrielle Evangelista,
Borough Clerk