

**ORDINANCE NO. 2022-08
BOROUGH OF KENILWORTH**

**AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING ARTICLE V,
PAID AND UNPAID TIME OFF POLICIES, SECTION 37-38, VACATION LEAVE, OF
THE CODE OF THE BOROUGH OF KENILWORTH COUNTY OF UNION, STATE
OF NEW JERSEY**

**BE IT HEREBY ORDAINED by the Borough Council of the Borough in the County of
Union and the State of New Jersey as follows:**

Purpose:

The purpose of this Ordinance is to update Article V, Paid and Unpaid Time Off Policies, Section 37-38, Vacation Leave, establishing the vacation leave available to Borough employees whose employment is not governed by a collective negotiations agreement and to position the Borough to better compete to hire qualified individuals with prior experience working for other employers.

Repeal and replace Article 5, § 37-38 in its entirety and replace with the following:

A. Full-time employees.

(1) Vacation is an accrued benefit based on the following schedule:

One through seven years of service: two weeks;

After completion of seven years of service through 14 years: three weeks;

After the completion of 14 years of service through 19 years: four weeks; and

After the completion of 19 years: five weeks.

(2) Except as may be otherwise agreed by the department head, during the months of July and August vacations must be taken in one-week increments and with as far advance notice to the department head as is practical and must be approved by the department head. In all other events, employees must receive their department head's approval at least two weeks in advance of the first vacation day.

(3) A full-time employee appointed on or before May 4, 2022 shall be entitled to a minimum of three weeks of vacation leave regardless of their years of service.

(4) At the time of appointment, the Mayor and Council may credit a person being appointed with one or more years of service based upon that person's prior related professional experience solely for purposes of calculating his or her vacation leave accrued while employed with the Borough under this Section. No such credit shall be guaranteed to a new appointment, and any credit provided to a new employee shall be in the sole discretion of the Mayor and Council based on the hiring needs of the Borough.

B. Part-time employees.

(1) All part-time hourly employees hired prior to January 1, 2009, shall be entitled to vacation based on the same schedule as full-time employees.

(2) All part-time hourly employees hired after December 31, 2008, shall be entitled to five paid vacation days after the completion of one year of service based on their straight-time hourly rate.

(3) Employees compensated on an hourly rate basis shall be entitled to vacation pay based on their straight-time hourly rate. A vacation week for an hourly employee shall be based on the average number of hours worked by such employee during the immediately preceding 90 days.

- C. The vacation leave provided in this Section does not apply to any employee whose employment is governed by a collective negotiations agreement providing alternative vacation leave benefits.
- D. Any vacation leave accrued in the first or final year of employment shall be on a pro-rated basis calculated by the full months worked during that calendar year.
- E. All employees who qualify for vacation leave and who resign or are released by the Borough for reasons other than cause shall be entitled to receive vacation pay (pro-rated) due with the employee's final paycheck. The amount payable shall be determined pro rata based on the number of complete months worked. Employees dismissed for cause shall not be entitled to such vacation pay.
- F. Any vacation days not used at the end of a year shall be forfeited and the employee shall not be entitled to payment for any such day, except that carryover may be permitted in limited circumstances where authorized by the Mayor and Council if such leave time is not utilized in a given year due to a recognized state of emergency at that time.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Approved:

Linda Karlovitch
Linda Karlovitch, Mayor

Linda Karlovitch, Mayor