

TOWNSHIP OF WALL
ORDINANCE NO. 26-2005

AN ORDINANCE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER 33, "PERSONNEL POLICIES" OF THE CODE OF THE TOWNSHIP OF WALL, PERTAINING TO MILITARY LEAVE

BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Chapter 33, "Personnel Policies", of the Code of the Township of Wall, Section 33-6, "Absences", as amended and supplemented, be and the same is hereby further amended and supplemented by the deletion therefrom of subsection 33-6K and the substitution therefor of the following:

"K. Military Leave

(1) **Policy** - It is the policy of the Township to prevent, to the extent practical, economic disruption to those employees who serve in the Reserves of any component of the military service of the United States, or in the National Guard, who are called, as a result of such service, to a period of Federal or State active duty.

(2) **"Activated Reservist or Militia Member" defined** - As used in this section, "Activated Reservist or Militia Member" means any individual currently serving in the Reserves of any branch of the United States Armed Services or in the organized State Militia consisting of the Air and Army National Guard, Naval Militia, and State Guard of New Jersey, or of any other State, who receives, pursuant to that service, orders to be engaged in a period of Federal or State active duty.

(3) **"Active Duty" definitions** -

(a) "Federal Active Duty", as used in this section, means active duty and active duty for training as defined by

State law, and, as ordered by the Federal Government but does not include weekend drills.

- (b) "State Active Duty", as used in this section, means active duty and active duty for training as defined by State law, and, as ordered by the State Government but does not include weekend drills.

(4) **Differential Pay** - Following exhaustion of any statutory entitlements to full Township pay, an activated Reservist or Militia Member shall be entitled to differential pay, as follows:

- (a) **Differential Pay Calculated.** Upon presentation of the orders to Federal Active Duty or State Active Duty of the activated Reservist or Militia Member to the Township, the Township shall calculate the amount necessary to be added to that employee's military pay over the course of his entire activation which, when added to the military pay, will equal what the activated Reservist or Militia Member would have received had he been paid at the municipal salary for that period. In determining that amount, the Township shall not include the amount of the military pay received by the employee during the period of statutory entitlement to both military and municipal pay in any and all calendar years that the entitlement arises.

(b) Differential Pay Procedure. Once the above amount is calculated, upon exhaustion of the period provided by statute for both municipal and military pay, the Township shall pay to the activated Reservist or Militia Member the differential pay amount evenly divided among the pay periods from the close of the statutory period until either the end of the calendar year or the end of the activation, whichever is earlier. If the payments end at the close of the calendar year, they shall resume again once the new entitlement to both municipal and military pay in the new calendar year under statute expires, and the activated Reservist or Militia Member would otherwise be receiving only the military pay. If the activation is for a longer or shorter period of time than anticipated, appropriate adjustment shall be made at the close of the activation to ensure the activated Reservist or Militia Member receives what he or she would have received if the activation had not occurred. Such adjustment shall be accomplished by further payments or withholdings in the case of overpayment.

(5) The Chief Financial Officer shall apply for reimbursement for any amounts of military pay the Township must expend if the Township is eligible

for same pursuant to N.J.S.A. 52:13H-2.1, or any other state or federal law or regulation."

Section 2. All ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 9. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 10. The Ordinance shall take effect upon its passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee on the Township of Wall on August 10, 2005, and further be considered for final passage and adopted at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey on September 14, 2005, at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same.

LORRAINE KUBACZ, RMC
Township Clerk