



Legislation Text

File #: 23-1411, Version: 1

AN ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 24, PERSONNEL PRACTICES AND POLICIES, SECTION 10, LONGEVITY PAY PROGRAM, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, 2022, AS AMENDED AND SUPPLEMENTED, TO REINSTATE INCREASES IN LONGEVITY PAYMENT FOR CERTAIN EMPLOYEES AND APPOINTED AND ELECTED OFFICIALS.

No Action Taken 6PSF-a 111323

WHEREAS, the City of Newark has heretofore previously provided for longevity payments on a prorated basis for long and faithful service; and

WHEREAS, the State of New Jersey, Department of Community Affairs, by way of a Memorandum of Understanding, required that the City of Newark to amend and repeal the program for certain employees, for reasons of economy and to cease the practice of increasing longevity beyond the amount that certain employees are receiving or entitled to as of the effective date of the Memorandum of Understanding between the State of New Jersey and the City of Newark ("MOU"); and

WHEREAS, in accordance with the terms of the MOU setting forth minimum conditions on the receipt of a loan by the municipality of transitional aid, the Municipal Council of the City of Newark amended Title II, Chapter 2:24, Article 9, Longevity Pay Program; and

WHEREAS, the term of the MOU expired in 2018 and at that time the City of Newark adopted a budget that was free of structural imbalance thereby fulfilling the requirements of the MOU; and

WHEREAS, the City of Newark now wishes to reinstate the Longevity Pay Program for long and faithful service and is able to do so within the financial parameters of the City's Budget.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, STATE OF NEW JERSEY, THAT:

[Deletions are indicated by ~~strikethrough~~, additions are indicated by **bold and underline**.]

SECTION 1. Title II, Administration, Chapter 24, Personnel Practices and Policies, Section 10, Longevity Pay Program, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented, to read as follows:

2:24-10.1. Steps of Longevity Program

b. ~~To the extent that pursuant to this section, an employee is entitled to or receiving such benefits as the effective date of the MOU (Memorandum of Understanding),~~ for the sole purpose of the

determination of longevity benefits, the term employee, shall apply to all position titles in the unclassified service that are unrepresented by a bargaining unit, the position of Intergovernmental Liaison in the Municipal Council and the titles of elected officials. These employees shall be construed to be permanent in nature and they shall be entitled to receive longevity payments in accordance with the schedule established in paragraph d. ~~However, such employees (all position titles in the unclassified service that are unrepresented by a bargaining unit, the position of Intergovernmental Liaison in the Municipal Council and the titles of elected officials) shall not be entitled to any longevity payment greater than that which the employee is entitled to or receiving as the effective date of the MOU. No such employees (all position titles in the unclassified service that are unrepresented by a bargaining unit, the position of Intergovernmental Liaison in the Municipal Council and the titles of elected officials) hired, appointed or elected after the effective date of the MOU, shall be entitled to longevity and payments.~~

c. ~~To the extent that pursuant to this section, an employee is entitled to or receiving such benefits as of the effective date of the MOU, Employees and full-time appointed officials in unclassified titles that are unrepresented by a bargaining unit and elected officials shall be entitled to have longevity benefits computed on the basis of the title in which each serves only during the period that he/she actually holds such positions, and not thereafter. However, such employees (employees and full-time appointed officials in unclassified titles that are unrepresented by a bargaining unit and elected officials) shall not be entitled to any longevity payment greater than that which the employee is entitled to or receiving as of the effective date of the MOU. No such employees (employees and full-time appointed officials in unclassified titles that are unrepresented by a bargaining unit and elected officials), hired, appointed or elected after the effective date of the MOU, shall be entitled to longevity payments.~~

d. ~~To the extent that pursuant to this section, an employee is entitled to or receiving such benefits as of the effective date of the MOU, employees and full-time appointed officials in unclassified and classified titles who are legally excluded from representation by a labor union and elected officials, for long and faithful service, shall be paid longevity payments on a prorated basis with each earned salary check during the calendar year at a percentage of their permanent salary at the time of each such payment, to be computed as follows:~~

First Step	On the Beginning January 1st following the completion of the 4 th year of service	4%
Second Step	On the Beginning January 1-st following the completion of the 9 th year of service	6%
Third Step	On the Beginning January 1-st following the completion of the 14 th year of service	8%
Fourth Step	On the Beginning January 1-st following the completion of the 19 th year of service	10%
Fifth Step	On the Beginning January 1-st following the completion of the 24 th year of service	12%
Sixth Step	On the Beginning January 1-st following the completion of the 29 th year of service	14%

~~However, such employees (employees and full-time appointed officials in unclassified and classified~~

titles who are legally excluded from representation by a labor union and elected officials) shall not be entitled to any longevity payment greater than that which the employee is entitled to or receiving as of the effective date of the MOU. No such employees (employees and full-time appointed officials in unclassified and classified titles who are legally excluded from representation by a labor union and elected officials), hired, appointed or elected after the effective date of the MOU, shall be entitled to longevity payments.

e. To the extent that pursuant to this section, an employee is entitled to or receiving such benefits as of the effective date of the MOU, such employees (in the career service and full-time appointees in the unclassified service who are not legally excluded from representation by a collective bargaining unit and whose benefits must be conferred by ordinance), for a long and faithful service shall be paid longevity payments on a prorated basis with each earned salary check during the calendar year at a percentage of the permanent salary received by the employee as of January 1, of the preceding year. Except where the provisions of the collective bargaining agreement governing the employee's title provide otherwise, the computation schedule shall be as follows:

First Step	Beginning January 1 following the 10 th year of service	4%
Second Step	Beginning January 1 following the completion of the 15 th year of service	6%
Third Step	Beginning January 1 following the 20 th year of service	8%
Fourth Step	Beginning January 1 following the 25 th year of service	10%
Fifth Step	Beginning January following the 30 th year of service	12%

However, such employees (in the career service and full-time appointees in the unclassified service who are not legally excluded from representation by a collective bargaining unit and whose benefits must be conferred by ordinance) shall not be entitled to any longevity payment greater than that which the employee is entitled to or receiving as of the effective date of the MOU. No such employees (in the career service and full-time appointees in the unclassified service who are not legally excluded from representation by a collective bargaining unit and whose benefits must be conferred by ordinance), hired, appointed or elected after the effective date of the MOU, shall be entitled to longevity payments.

2:24-10.2 Commencement of Longevity; Automatic Credit; Leave of Absence; Computation of Pension.

a. To the extent the employee is entitled to or receiving longevity benefits pursuant to this section, longevity shall be based on service with the City of Newark from the date of the original appointment, temporary or permanent, provided there is uninterrupted service. Except as otherwise provided herein, effective June 24, 1987, **January 1, 2024**, longevity for elected and full-time appointed officials and employees in the career service who are legally excluded from representation by a collective bargaining unit and who have their benefits conferred by ordinance shall be based on service with the City from the date of the original appointment, temporary or

permanent, or Federally funded program including participants in such programs and shall be determined to include time spent in honorable active duty military service in the Armed Forces of the United States. However, such employees, after the effective date of the MOU, shall not be entitled to any increase in longevity. No such employees hired, appointed or elected after the effective date of this amendment to the ordinance, shall be entitled to longevity payments.

2:24-10.7 Elimination of Longevity; Special Re-employment (New Section).

No employee who is unrepresented by a bargaining or labor unit or excluded from representation by a collective bargaining agreement, which employee is in the career service and/or titles, unclassified service and/or titles, appointed and elected officials and/or titles or would have their benefits conferred by ordinance, hired or appointed after the effective date of the MOU, shall have entitlement to the benefits conferred pursuant to R.O. 2:24-10 or to any increase therein.

Notwithstanding anything to the contrary herein, any employee terminated prior to the effective date of the MOU, which termination was due to no fault or choice of their own, and the employee was previously receiving longevity, that employee shall be entitled to longevity, in accordance with the ordinance, as amended. For example, but not by way of limitation, an employee previously receiving longevity who was terminated by the City and who is restored to employment due to litigation, would be entitled to longevity in accordance with the ordinance, as amended.

2:24-10.8 Effective Date.

The effective date of the MOU shall be January 1, 2024. There shall be no longevity retroactive calculations or payments made prior to the effective date of adoption of this Article.

2:24-10.9 Termination of Employment Prior to Effective Date.

Nothing contained in this Article shall be constructed to apply to any person whose employment has been terminated for any reason prior to the effective date of the adoption of this Article.

2:24-10.10 - 2:24-10.17 RESERVED.

SECTION 2. If any Section, paragraph Sub-Section, clause or provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalidated section, paragraph, Sub-Section, clause or provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 3.. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

SECTION 5. Codification. This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City

of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

STATEMENT

An Ordinance amending Title II, Administration, Chapter 24, Personnel Practices and Policies, Section 10, Longevity Pay Program, Article 9, Longevity Pay Program, to reinstate increases in longevity payment for certain employees and appointed and elected officials.