

City of
JERSEY CITY
JERRAMIAH T. HEALY, Mayor
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Jersey City, New Jersey 07302

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E.O. 2005-003
Rescinding E.O. #1998-012

June 16, 2005

**EXECUTIVE ORDER OF THE MAYOR
OF THE
CITY OF JERSEY CITY**

**RESCINDING NON-UNION CLASSIFIED AND UNCLASSIFIED
MANAGEMENT EMPLOYEES**

In the mid nineteen nineties State legislation was proposed that would have limited or barred public employees from being paid for accrued sick time. The goal was to protect government from having to payout large, unanticipated sums of money at the retirement of employees.

As a result, Mayor Schundler signed the Executive Order 1998-012 to protect the sick time of any employees who would have accrued any sick time up to the date the new law would have been enacted. By its terms, Executive Order 1998-012 would have allowed an employee to convert 80% of their sick time to vacation time by virtue of the following:

"All permanent full time management, non-union employees of the City of Jersey City, upon completion of twenty or more years of service, shall be entitled to annually convert 80% of accumulated and unused sick leave into vacation leave to be used or banked as if the vacation leave had accrued as vacation prior to December 31, 1988."

Since the State legislation was never enacted, the employees were in no need of the Executive Order, and in view of some ambiguity of the language, the Executive Order should be rescinded accordingly.

Therefore, pursuant to the authority vested in the Mayor of the City of Jersey City by law, I hereby rescind the Executive Order 1998-012.

This Rescission shall take effect as of March 2, 1998, nunc pro tunc.

Very truly yours,



JERRAMIAH T. REALY, MAYOR

JTH/he

cc: Brian O'Reilly, Business Administrator
Larry Ross, Director, Personnel
William C. Matsikoudis, Corporation Counsel
Robert Byrne, City Clerk
Laurie Cotter, Budget Officer

Jersey City Law Department Memorandum

To: Jerramiah T. Healy, Mayor
From: Joanne Monahan, First Asst. Corporation Counsel 
Subject: Executive Order 1998-012
Date: June 16, 2005

I hope this latest version clarifies the matter.

In the mid nineteen nineties State legislation was proposed that would have limited or barred public employees from being paid for accrued sick time. The goal was to protect government from having to payout large, unanticipated sums of money at the retirement of employees.

Apparently, Mayor Schundler signed the attached Executive Order (1998-012) to protect the sick time of any employees who would have accrued any sick time up to the date the new law would have been enacted. By its terms, it allows an employee to convert 80% of their sick time to vacation time. The conversion would have obviated the argument that employees were being unilaterally deprived of a property interest in their accrued sick time.

This Executive Order was recently brought to the attention of the Law Department. The wording of the Executive Order 1998-012 is, on reflection, unfortunate. It can be easily misconstrued to allow even current employees to earn even more time than they would have otherwise been due. Such a result would be unintended, expensive to the tax payers and just plain unfair. It appears no employees ever availed themselves of the enhanced benefit. Since the State legislation was never enacted, it is our recommendation that the Executive Order be rescinded in its entirety, nunc pro tunc.

If you are in accord, kindly execute the Executive Order attached hereto.

JM/he
Encl.

cc: William C. Matsikoudis, Corporation Counsel
cc: Brian O'Reilly, Business Administrator
cc: Robert Byrne, City Clerk
cc: Carl Czaplicki, Chief of Staff