

Kunz, Joseph

From: Kunz, Joseph
Sent: Tuesday, November 20, 2018 10:44 AM
To: David Niland; Centurione, Mark
Cc: Johnson, Douglas
Subject: Military Absence Time

Dave,

I need to get a break down of police officers who were out from Military Time in 2017 and YTD 2018. We will also need there military paycheck as to know how much to reduce their pay as necessary.

Going forward, Finance will need to know each payroll who is out, as we need to make sure the (Military Leave) Settlement Agreement is adhered to.

Thank you,

Joseph D. Kunz
Chief Financial Officer
City of Clifton, Passaic County
973 - 470 - 5787

Kunz, Joseph

From: Johnson, Douglas
Sent: Tuesday, October 30, 2018 2:39 PM
To: Kunz, Joseph; Henry, Stefanie
Subject: Military Leave - PBA
Attachments: 2014-2016 Military Leave POSS.pdf; millleave1arimore (1).xlsx (2011-2014).xlsx; Military Leave - PBA 2011 Settlement.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

See attached

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" – Tom Peters

From: Centurione, Mark
Sent: Wednesday, September 26, 2018 8:43 AM
To: Kunz, Joseph <jkunz@cliftonnj.org>
Cc: Johnson, Douglas <djohnson@cliftonnj.org>; Henry, Stefanie <shenry@cliftonnj.org>; Villano, Dominick <dvillano@cliftonnj.org>; Priore, Matthew <Mpriore@cliftonnj.org>
Subject: Re: Settlement agreement PBA - Military Leave

Previous years as requested.

Mark Centurione
Chief of Police
City of Clifton NJ

On Mon, Sep 24, 2018 at 3:58 PM, Kunz, Joseph <jkunz@cliftonnj.org> wrote:
Mark,

Why would Finance have anything? We don't even know there out. Forms or approvals are turned into who?

Joe

From: Centurione, Mark
Sent: Monday, September 24, 2018 3:56 PM
To: Johnson, Douglas <djohnson@cliftonnj.org>
Cc: Henry, Stefanie <shenry@cliftonnj.org>; Kunz, Joseph <jkunz@cliftonnj.org>; Villano, Dominick <dvillano@cliftonnj.org>; Priore, Matthew <Mpriore@cliftonnj.org>
Subject: Re: Settlement agreement PBA - Military Leave

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Mark Centurione
Chief of Police
City of Clifton NJ

On Mon, Sep 24, 2018 at 3:51 PM, Johnson, Douglas <djohnson@cliftonnj.org> wrote:
Do we have any update on the information requested below? I need all military pay stubs submitted by the individuals listed below since May 11, 2011.

From: Johnson, Douglas
Sent: Thursday, September 06, 2018 3:30 PM
To: Henry, Stefanie <shenry@cliftonnj.org>; Kunz, Joseph <jkunz@cliftonnj.org>
Cc: Villano, Dominick <dvillano@cliftonnj.org>; Priore, Matthew <Mpriore@cliftonnj.org>
Subject: Settlement agreement PBA - Military Leave

The following employees of the Clifton Police Department are listed as having taken Military leave in 2017 and 2018. Can you please list the dates that these members produced pay stubs from their military duties and how much each paystub was?

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Doug Johnson
Personnel Officer
City of Clifton
Phone: 973-470-5756
Cell: [REDACTED]
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Email:

djohnson@cliftonnj.org<mailto:djohnson@cliftonnj.org>
lj@cliftonnj.org<mailto:lj@cliftonnj.org>
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[city seal mini]

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[REDACTED]

Doug Johnson
Personnel Officer
City of Clifton
Phone: 973-470-5756
Cell: [REDACTED]
Fax: 973-470-5260
Email:

johnson@cliftonnj.org<mailto:johnson@cliftonnj.org>
johnson@cliftonnj.org<mailto:johnson@cliftonnj.org>
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[REDACTED]
[REDACTED]
[REDACTED]

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

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Email: djohnson@cliftonnj.org <<mailto:djohnson@cliftonnj.org>>
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Kunz, Joseph

From: Centurione, Mark
Sent: Monday, March 18, 2019 2:29 PM
To: Johnson, Douglas
Kunz, Joseph; David Niland
Subject: Re: Military Deployment Officer Zigarelli

Mr. Johnson, The person in the CPD responsible for providing the pay stub is the employee. If Finance or Personnel requires these you must issue a directive to the employee.

The military member is required to provide me orders and I am required to excuse them for duty and track that in the scheduling system.

Mark Centurione
Chief of Police
City of Clifton NJ

On Mon, Mar 18, 2019 at 2:21 PM Johnson, Douglas <djohnson@cliftonnj.org> wrote:

Chief,

Thanks for sending these military orders from Police personnel. Please let us know who in the CPD will be seeing to it that these employees provide their pay stubs as needed per the agreement between the PBA and the City.

Doug Johnson
Personnel Officer
City of Clifton
Phone: 973-470-5756
Cell: [REDACTED]
Fax: 973-470-5260

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Website: <http://www.cliftonnj.org/> <<http://www.cliftonnj.org/>>
[city seal mini]

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From: Centurione, Mark
Sent: Friday, March 15, 2019 3:14 PM
To: Kunz, Joseph <kunz@cliftonnj.org>; Johnson, Douglas <djohnson@cliftonnj.org>; David Niland <dniland@cliftonpolice.org>
Subject: Fwd: Military Deployment Officer Zigarelli

Mark Centurione
Chief of Police
City of Clifton NJ

----- Forwarded message -----
From: Michael Zigarelli <mzigarelli@cliftonpolice.org>
Date: Tue, Mar 12, 2019 at 6:54 AM
Subject: Re: Military Deployment Officer Zigarelli
To: MARK CENTURIONE <mcenturione@cliftonpolice.org>

On Tue, Mar 5, 2019 at 2:46 PM MARK CENTURIONE
<mcenturione@cliftonpolice.org> wrote:
Ptl. Zigarelli, Please advise your rank and years of service.

Mark Centurione
Chief of Police
City of Clifton NJ

On Tue, Mar 5, 2019 at 11:59 AM Christopher Stabile
<estabile@cliftonpolice.org> wrote:
Chief,

Please see the attached Military Order for Officer Zigarelli.

Respectfully,

Captain Christopher R. Stabile
City of Clifton Police Department
Commander Field Operations Bureau

----- Forwarded message -----
From: EDWARD Holster <eholster@cliftonpolice.org>
Date: Tue, Mar 5, 2019 at 10:48 AM
Subject: Military Deployment Officer Zigarelli
To: Christopher Stabile <estabile@cliftonpolice.org>

Captain,

Attached to this email please find orders for Officer Zigarelli's upcoming deployment. Of note: the deployment is for [REDACTED] days and runs from [REDACTED] to [REDACTED]. A hard copy will be placed in the [REDACTED] for military orders.

Respectfully Submitted
Sgt E. F. Holster Jr. #249

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From: Johnson, Douglas
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To: Centurione, Mark
Cc: Kunz, Joseph; David Niland
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Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

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To: MARK CENTURIONE <mcenturione@cliftonpolice.org>

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Chief of Police
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To: Priore, Matthew; Villano, Dominick; Kunz, Joseph
Subject: FW: Clifton Military Training/Pay issues.

The email below was sent to me by Leo McGuire, NJ-ESGR Vice-Chair in response to an email I sent to hem last year.

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" – Tom Peters

From: Leo McGuire, ESGR [mailto:bergenesgr@gmail.com]
Sent: Thursday, March 14, 2019 10:41 PM

To: G.B.Septier <gbseptier@aol.com>

Cc: Johnson, Douglas <djohnson@cliftonnj.org>
Subject: Re: Clifton Military Training/Pay issues.

Thank you Greg for your expert information.

Mr. Johnson, National ESGR asked me to reach out to the City when they received several requests for assistance for mediation from members of the Reserve Component.

I sent an email last January, early February to the Chief and City Manager that was not responded to offering to conduct a USERRA briefing and education on the NJ laws for pay by COL. (Ret) Langston of DMAVA.

That offer stands.

I have met previously with the chief and manager in my capacity with a charter school, so I am known to your fair city.

I look forward to hearing from you about next steps.

Best regards,

Leo McGuire

NJ-ESGR Vice-Chair

On Thu, Mar 14, 2019, 18:49 G.B.Septier <gbseptier@aol.com> wrote:
Mr. Johnson,

Thank you for reaching out to me concerning an issue you have with members of your Police Department and Military Pay.

I have included Leo McGuire in this email as he is closer to you and the NJ ESGR Vice Chairman.

I have included some information that may assist you in developing an overall picture of how USERRA is implemented for agencies. More information for employers can be found at the following website: <https://esgr.mil/Employers/How-ESGR-Can-Help>

The attached information in Executive order #50 signed by Governor McGreevy states that differential pay for NJ National Guard members after 90 military days/30 military days for any other state national guard or reserve service-member. Is to be paid as a differential of the Township rate of pay at the deduction of military base pay. This information can be found in the attached EO 50 document. The current applicable laws state that this is at a day(Military Leave) for a day(Township Work).

I have included the briefing that the DOL has provided us concerning USERRA, along with the NJDMAVA briefing that has been provided to us in the past.

I also was a NJ State Trooper(retired) and was instrumental in the development and implementation of SOP C47-Military Leave that has been reviewed and approved by the NJSP and the Attorney General. A copy of that is attached. This can be a great document to replicate for the township.

There are various other documents that are attached that can assist in the understanding of the implementation of the federal law USERRA. The implementation of NJ State Law that was provided to me from NJDMAVA.

If you need any other assistance, please give me a call or email so I can be of assistance.

Thank you.

Greg Sepier

(W)

From: "Johnson, Douglas" <djohnson@cliftonnj.org>
Date: Thursday, July 27, 2017 at 3:24 PM
To: Gregory Sepier <gbsepiet@aol.com>
Subject: FW: Military Training



Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" – Tom Peters

From: Johnson, Douglas
Sent: Thursday, July 27, 2017 3:22 PM

To: 'gbseptor@aol.com'
Subject: Military Training

Good afternoon Greg,

to us when we asked for proof that he was ordered to training:

[REDACTED]

Does the above statement make sense as far as military training for a firefighter (in this instance) employed full time by a NJ Municipality?

Don't Johnson

Personnel Officer

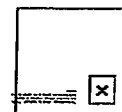
City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonj.org



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Kunz, Joseph

From: Johnson, Douglas
Sent: Wednesday, March 13, 2019 10:50 AM
To: Kunz, Joseph
Subject: FW: ESGR INFORMATION and Police Departments
SP ML policy.pdf; NJSA 38 23 4 - Leave of absence to employees of State, county, municipality entering military or naval service.docx; NJSA 38A4 4 NJNG MLDOCX; NJSA 38 23 1.docx; NJSA 38 23 3. Compensation of public officers or employees while in military or naval service.docx

Follow Up Flag: Follow up
Flag Status: Completed

Here is my last contact with the military personnel regarding the pay issue.

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" -- Tom Peters

From: G.B.Septer [mailto:gbssept@aol.com]
Sent: Wednesday, August 15, 2018 4:45 PM
To: Johnson, Douglas <djohnson@cliftonnj.org>
Cc: Leo McGuire <bergenesgr@gmail.com>
Subject: ESGR INFORMATION and Police Departments

Gregory B. Septer
[REDACTED] (W)

Mr. Johnson,

Please find the NJ- Department of Military and Veterans Affairs email below.

Attached are the documents that may help you.

The Title 4A and 5A are located at this webpage:

<https://advance.lexis.com/container?config=00JAA50TY5MTdIZ!1IMZYXLTOXNTEIOWFKN!0xMmU5ZTV!ODQ2M2MKAFBVZENhdGFsb2coFSYEAfv22IKqMT9DIHf&crld=642fd680-1b63-45b8-a368-503be18c3d5d&prld=25ede930-7f7b-4d65-bdec-d563833bacca>

If you need anything else, please contact me.

I have included Leo McGuire who out Vice-Chair for the ESGR..

Greg Septer
Ombudsman
Employer Support of the Guard and Reserve

Office Phone: [REDACTED]
FAX: 609-562-5496
www.esgr.mil/

From: "Langston, John" <John.Langston@dmava.nj.gov>
Date: Tuesday, March 27, 2018 at 1:07 PM

Attached is the State Police SOP. Maybe your delegate can pass on to your department can replicate. Additionally, the could pass on the attached NJ statues to your HR department.

Feel free to call me.

Best Regards

John E. Langston
Colonel, USA Retired
Ethics Liaison Officer
New Jersey Department of Military & Veterans Affairs
101 Eggert Crossing Road
Lawrenceville, NJ 08648
Officer: 609-530-7107
Cell: [REDACTED]
Fax 609-530-7066
DSN 445-7107

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Thank you for your response. I will wait to hear from you in regards to Mr. Johnson. You too have a great evening.

V/r,

Tracey

-----Original Message-----

From: G.B. Septer [mailto:gbsept@aol.com]
Sent: Tuesday, August 14, 2018 3:53 PM
To: OSD MC-ALEX OUSD P-R Mailbox ESGR USERRA <osd.mc-alex.ousd-p-r.mbx.esgr-user@mail.mil>
Subject: Re: [Non-DOD Source] RE: Military Training

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Tracey,

Just to keep you in loop, sent email and also left VM with Mr. Johnson to call me back.

Thank you and have a great evening.

Gregory B. Septer
(W)

-----Original Message-----

From: OSD MC-ALEX OUSD P-R Mailbox ESGR USERRA <osd.mc-alex.ousd-p-r.mbx.esgr-user@mail.mil>
Date: Tuesday, August 14, 2018 at 12:14 PM
To: Gregory Septer <gbsept@aol.com>
Subject: RE: [Non-DOD Source] RE: Military Training

Thank you Mr. Septer for your response. Please let me know if a case will be opened so I can keep a look out for it and ensure the case is assigned to you.

Very respectfully,

Tracey L. Jones
National Case Manager
DPFSC Customer Service Center
Employer Support of the Guard and Reserve
4800 Mark Center Drive
Alexandria, VA 22350-1200
Toll Free: 800-336-4590 (option 1)
Direct: [REDACTED]
osd.USERRA@mail.mil

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-----Original Message-----

From: gbsepter@aol.com [Caution-malware:gbsepter@aol.com]
Sent: Tuesday, August 14, 2018 11:27 AM

To: OSD MC-ALEX OUSD P-R Mailbox [<osd.mc-alex.ousd-p-r.mbx.esgr-userrra@mail.mil>](mailto:ESGR USERRA@osd.mc-alex.ousd-p-r.mbx.esgr-userrra@mail.mil)
Subject: Re: [Non-DoD Source] RE: Military Training

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

I will call and speak to him to see the issue.

If it is the case I will ask them to go in and make an entry to make it a case and then be able to assign it to myself and address the situation properly through the Case management system.

Thanks you.

Thanks

Greg

On Tue, Aug 14, 2018 at 10:35 AM -0400, "OSD MC-ALEX OUSD P-R Mailbox [<osd.mc-alex.ousd-p-r.mbx.esgr-userrra@mail.mil>](mailto:ESGR USERRA@osd.mc-alex.ousd-p-r.mbx.esgr-userrra@mail.mil)" <alex.ousd-p-r.mbx.esgr-userrra@mail.mil> <alex.ousd-p-r.mbx.esgr-userrra@mail.mil> wrote:

Good Morning Mr. Septer,

We have received an email addressed to you from Mr. Doug Johnson, City of Clifton Personnel Officer (Police Department). Is this something that you would like to follow up on with Mr. Johnson? If this is an inquiry, please advise, as it was not submitted through the esgr.mil website. Please advise.

Please let us know if you have any additional questions or need further assistance. You may also visit our website at <http://www.esgr.mil> < Caution-Caution-ww.esgr.mil > .

Please help us improve our services by evaluating your recent interaction with the Customer Service Center at following link: https://ice.disa.mil/index.cfm?fa=card&sp=103063&s=770&dep=*DoD < Caution-Caution-https://ice.disa.mil/index.cfm?fa=card&sp=103063&s=770&dep=*DoD >

Very respectfully,

Tracey L. Jones

National Case Manager

DPFSC Customer Service Center

Employer Support of the Guard and Reserve

4800 Mark Center Drive

Alexandria, VA 22350-1200

Toll Free: 800-336-4590 (option 1)

Direct: [REDACTED]

osd.USEERRA@mail.mil

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-----Original Message-----
From: Johnson, Douglas [Caution-Mailto:djohnson@cliffonmj.org]
Sent: Friday, August 10, 2018 12:16 PM
To: Gregory Septer <njesgr.ombudsman@gmail.com>
Cc: OSD MC-ALEX OUSD P-R Mailbox ESGR USERRA <osd.mc-alex.ousd-p-r.mbx.esgr-userrra@mail.mil>
Subject: [Non-DoD Source] RE: Military Training

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Good Afternoon Mr. Septer,

You and I spoke about a year or so ago regarding Firefighters that continued to serve so I figure I would again seek your advice.

We have a unique situation here in the City of Clifton regarding our Police Officers that still take time away from work to serve, and participate in mandatory training exercises. The City of Clifton continues to pay these personnel whenever they are away from work for military purposes, but it is my understanding that the military also pays them for all training or calls for duty. Can you please enlighten me on this practice as to whether being paid by both entities for the same time frames is allowed, and if not, is there a specific rule that speaks to how they are to be paid?

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org <Caution-Caution-Caution-cliftonnj.org>

Website:Caution-Caution-Caution-www.cltflomj.org > Caution-Caution-Caution-<http://www.cltflomj.org/> >

“Leaders don’t create followers; they create more leaders” – Tom Peters

From: Gregory Septer [Caution-Caution-Caution-mailto:njesgr.ombudsman@gmail.com]

Sent: Thursday, July 27, 2017 4:42 PM

To: Johnson, Douglas

Cc: NJ ESGR OMBUDSMAN

Subject: Re: Military Training

Mr Johnson

This does sound correct but as we discussed in the phone.

Training orders for a weekend training are not done and under Federal and State law they are not a payable Military leave.

They must be actual orders that are sending them away for training like the two week annual training.

By this statement I would be suspect of any orders this firefighter is providing.

I would like to actually see what has been provided in the past.

I will respond later concerning the PowerPoint presentations.

If I can be of any assistance please do not hesitate to contact me.

For security reasons I have added two people as a BCC as they are my supervisors in the ESGR realm and they may or may not respond.

<Caution-Caution-Caution-

<https://docs.google.com/uc?export=download&id=0B1skQ9do8x4pUGitMER3T0VZS1U&revId=0B1skQ9do8x4pTW9kZ05BMJvUTM2NIiwUwW1ZnOrOXZycUOWPQ>

> Gregory B. Septer

Volunteer Coordinator and Assistant Ombudsman Director

Employer Support of the Guard and Reserve

5511 Texas Ave

Joint Base MDL NJ 08640

Phone

[REDACTED]

ESGR WEBSITE for resources < Caution-Caution-Caution-<http://www.esgr.mil/> >

<Caution-Caution-

<https://docs.google.com/uc?export=download&id=0B1skQ9d08x4pTjMzNkRjTl1OcGc&revId=0B1skQ9d08x4pVitmSytE0UpKbnA0MDVxR0V RdWladG1m00ZFpQ>

On Jul 27, 2017, at 15:24, Johnson, Douglas <djohnson@cliftonnj.org> < Caution-Caution-Caution-<mailto:djohnson@cliftonnj.org> > > wrote:

<image001.gif>

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org <Cautiion-Cautiion-Cautiion-mailto:djohnson@cliftonnj.org >

Website: <http://www.cliftonnj.org/> <Cautiion-Cautiion-Cautiion-www.cliftonnj.org > Cautiion-Cautiion-Cautiion-

<image002.png>

"Leaders don't create followers; they create more leaders" -- Tom Peters

To: 'gbseptor@aol.com <Caution-Caution-Caution-malito:gbseptor@aol.com>'

Good afternoon Greg,

Your number was given to me by Ana Ramos as someone than can provide some information into National Guards and Reserve Training. We have a firefighter here in the City of Clifton that provided the following email to us when we asked for proof that he was ordered to training:

[REDACTED]

Does the above statement make sense as far as military training for a firefighter (in this instance) employed full time by a NJ Municipality?

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org <Caution-Caution-Caution-mailto:djohnson@cliftonnj.org >

Website: <http://www.cliftonnj.org/> <Caution-Caution-Caution-www.cliftonnj.org > <http://www.cliftonnj.org/> >

<image002.png>

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Kunz, Joseph

From: Kunz, Joseph
Sent: Tuesday, March 12, 2019 3:24 PM
To: Henry, Stefanie
Subject: FW: Military Leave Local Finance Notice
Attachments: LFN 2004_14.doc

From: Priore, Matthew
Sent: Tuesday, March 12, 2019 2:31 PM
To: Kunz, Joseph <jkunz@cliftonnj.org>
Cc: Johnson, Douglas <djohnson@cliftonnj.org>; Prezioso, Frank <fprezioso@cliftonnj.org>
Subject: FW: Military Leave Local Finance Notice

Joe,
Attached is the Local Finance Notice previously sent. There is a chart on the last page which breaks down the caps on paid leave. Only National Guard get 90 days.
Matt

Matthew T. Priore
Municipal Attorney
City of Clifton Law Department
900 Clifton Avenue
Clifton, NJ 07013
Tel: (973) 470-5817
Fax: (973) 470-5254

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Kunz, Joseph

From: Priore, Matthew
Sent: Tuesday, March 12, 2019 2:31 PM
To: Kunz, Joseph
Cc: Johnson, Douglas; Prezioso, Frank
Subject: FW: Military Leave Local Finance Notice
Attachments: LFN 2004_14.doc

Joe,
Attached is the Local Finance Notice previously sent. There is a chart on the last page which breaks down the caps on paid leave. Only National Guard get 90 days.
Matt

Matthew T. Priore
Municipal Attorney
City of Clifton Law Department
900 Clifton Avenue
Clifton, NJ 07013
Tel: (973) 470-5817
Fax: (973) 470-5254

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Kunz, Joseph

From: Johnson, Douglas
Sent: Monday, February 4, 2019 2:17 PM
To: Centurione, Mark; Prezioso, Frank
Cc: Kunz, Joseph; Villano, Dominick
Subject: Current employees

Chiefs,

Please provide me with a list of all current employees in your departments. Please list separately all who are currently out of work on *a) extended sick leave, b) workers comp injury leave, c) military overseas deployment, d) leave of absence, e) disciplinary-suspension*. Please provide the start date for all who are absent from work on any of the preceding. Their work shift is not needed for this report. Thank you.

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" -- Tom Peters

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Johnson, Douglas

From: Johnson, Douglas
Sent: Monday, February 4, 2019 2:17 PM
To: Centurione, Mark; Prezioso, Frank
Cc: Kunz, Joseph; Villano, Dominick
Subject: Current employees

Chiefs,

Please provide me with a list of all current employees in your departments. Please list separately all who are currently out of work on *a) extended sick leave, b) workers comp injury leave, c) military overseas deployment, d) leave of absence, e) disciplinary-suspension*. Please provide the start date for all who are absent from work on any of the preceding. Their work shift is not needed for this report. Thank you.

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" – Tom Peters

Johnson, Douglas

From: Priore, Matthew
Sent: Friday, March 1, 2019 12:28 PM
To: Villano, Dominick
Cc: Centurione, Mark; Johnson, Douglas; Prezioso, Frank
Subject: Military Leave Local Finance Notice
Attachments: LFN 2004_14.doc

The attached Notice provides a good explanation of the required military training and requirements for payment.
Matt

Matthew T. Priore
Municipal Attorney
City of Clifton Law Department
900 Clifton Avenue
Clifton, NJ 07013
Tel: (973) 470-5817
Fax: (973) 470-5254

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Local Finance Notice

James E. McGreevey Governor
Susan Bass Levin Commissioner
Susan Jacobucci Acting Director

LFN 2004-14

July 15, 2004

Contact Information

Director's Office
V. 609.292.6613
F. 609.292.9073

Local Government Research
V. 609.292.6110
F. 609.292.9073

Financial Regulation
and Assistance
V. 609.292.4806
F. 609.984.7388

Local Finance Board
V. 609.292.0479
F. 609.633.6243

Local Management Services
V. 609.292.7842
F. 609.633.6243

Authority Regulation
V. 609.984.0132
F. 609.984.7388

Mail and Delivery
101 South Broad St.
PO Box 803
Trenton, New Jersey
08625-0803

Web: www.nj.gov/dca/lfgs
E-mail: digs@dca.state.nj.us

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Municipal Clerks
Authorities
County Clerks of the Board

REVIEW OF MILITARY LEAVE FOR PUBLIC EMPLOYEES

This Division is often asked to provide local units with guidance concerning the status of public employees who take military leave as part of their New Jersey National Guard or U.S. Armed Forces Reserves service.

While detailed information can be obtained from the State Department of Military and Veterans Affairs (there is contact information at the end of the Notice), this Notice provides a summary of important elements of state and federal law. This guidance affects all local units: municipalities and counties, and their agencies, boards and commissions; boards of education, authorities, fire districts, and joint meetings.

We hope you find this information useful. The Office of Management and Budget, Department of Military and Veterans Affairs and the Division of Law assisted in the preparation of this Notice.

General Provisions Concerning Military Duty

As required by federal and state laws, military members are entitled to excused leaves of absence from their employment when performing military duty. Under New Jersey law, local unit employees are entitled to limited paid leaves of absence when performing various types of military duty. Employees on military leave also accrue all other normal benefits as if they were working.

The applicable State laws start at N.J.S.A. 38A:4-4 (covering New Jersey National Guard, Naval Militia and State Guard) and 38:23-1 (applicable to Reservists including National Guard members from other states). These laws have been on the books for many years and are well known to most local finance officials. However, these laws were amended in 2001 to alleviate longstanding confusion regarding paid military leave. The law also added limited new benefits that, under precise circumstances, may require State reimbursement of local costs.

When pay is authorized, it is in addition to their military pay, not the difference between military pay and the public employment pay. This is based on long-standing case law that was unaffected by the new legislation.

Public employers must also remember that military members who serve in the military are protected from unlawful discrimination based on military affiliation. Both federal law, pursuant to the U.S. Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law pursuant to the Law Against Discrimination (LAD) provide protections for initial hiring and adverse employment actions by an employer if the action relates even in part to the employee's military service. This protection also extends to potential witnesses of a discriminatory action on the part of the employer.

Military leave affects individuals participating in the following programs:

- New Jersey National Guard ("organized militia")
 - N.J. Air and Army National Guard
 - N.J. Naval Militia
 - State Guard

- U.S. Reserves
 - Army Reserve of the United States
 - U.S. Naval Reserves
 - U.S. Air Force Reserves
 - U.S. Marine Corps Reserves
 - U.S. Coast Guard
 - Army or Air National Guard from states other than New Jersey

There are four general categories of military active duty:

- Annual Training: A type of active duty for training which a reservist must perform for a minimum of 15 days per federal fiscal year
- Active Duty for Training: Encompasses a wide variety of training/duty other than annual training or active duty
- Other Active Duty: Members called up pursuant to Title 10 or Title 32 of the United States Code in response to a particular event or threat
- State Active Duty: For National Guard only, response to an event or threat in the State. This is different from Federal Active Duty (when State Guard personnel are activated pursuant to Title 10 or Title 32). Only New Jersey National Guard members are entitled to a paid leave for State Active Duty.

may have separate personnel policies or labor agreements that may provide compensation for this time. Local units

Changes in Military Paid Leave Benefits

The Legislation (P.L. 2001, c. 351) clarified and codified most existing law and practice, and in certain limited cases, modified the benefits public employers are obligated to provide. In limited cases, the law

mandated new benefits, requiring the State to reimburse local units for the costs incurred in providing the new benefits.

The attached chart documents the previous requirements and the new law, as well as the specific changes made by Chapter 351. Local officials should review this chart carefully to determine if a mandate was triggered for a specific employee's circumstances.

The increased benefits are:

- U.S. Reserves, which includes National Guard members from states other than New Jersey, are now entitled to a paid leave of absence for up to 30 days for **active duty** as well as **annual training and active duty for training**. Previously these individuals were entitled to unlimited paid leave for "field training" or annual training and active duty for training, but not entitled to pay for active duty.
- Full-time, temporary employees (including Civil Service provisionals) who have served for one year or more are now entitled to a paid leave of absence for up to 30 days for **active duty** as well as annual training and active duty for training. Previously these individuals were entitled to 30 days paid leave for "field training" or annual training and active duty for training, but not entitled to pay for active duty.
- Temporary employees (including Civil Service provisionals) with less than one year of service to the local unit are still not eligible for a paid leave of absence, but now entitled to a leave of absence **without loss of time**.

- Note: Temporary or Civil Service provisional employees serving less than a year are not entitled to military leave pay. State definitions of temporary and provisional apply to those local units operating under the Civil Service system. Local ordinances and policies should guide other jurisdictions in determining if an employee is permanent or temporary.

When a 30- or 90-day leave of absence is exhausted, an employee is not entitled to pay, but does not lose time (i.e., continues to earn service time for benefit and seniority calculations). Upon returning from duty, these employees are entitled to resume working in accordance with federal and state law.

Once statutory paid military leave runs out, pay for military members is discretionary with each public entity and may be continued by local policy. For example, the Governor has authorized differential pay for State employees in certain situations, as have some counties, municipalities for certain conflicts or missions. Like any benefit, these should be authorized by employee contract, or benefit ordinance or resolution (as appropriate to the type of local unit).

State Mandate Reimbursement

The attached chart summarizes the benefits provided to Reservists and Guard members before and after P.L.2001,c.351. State Mandate/State Pay rules require the State to reimburse local units for costs imposed

by changes in the law. The reimbursement mandate refers to the following circumstances for Reservists (including members of the National Guard in other states):

- Days are for active duty
- Reservist is a permanent of full time temporary with one year or more employment with the local unit
- Has not performed 30 work-days of annual training or other active duty for training in that calendar year.

For example, a Reservist who has been on annual training orders for 15 work days and is called for 3 months of active duty in the same calendar year, would receive 15 work days of pay from the local unit employer that can be reimbursed by the State.

There is no reimbursement required for New Jersey National Guard members as the 2001 amendments clarified existing law and did not add any additional requirements.

The State Office of Management and Budget provides the reimbursement for the State share. To facilitate the process, the Division of Local Government Services is assisting OMB; the reimbursement forms are available on the Division's web site under Miscellaneous Publications.

Submission must be made once for the entire calendar year within the first two months of the following year. Mail all forms and backup materials to: Military Leave, Department of the Treasury, Office of Management and Budget, PO Box 221, Trenton, New Jersey 08625-0221. Applications for reimbursement for 2002 and 2003 must be filed by September 30, 2004. The form instructions detail the information that must be submitted.

The routine work schedule of the individual is the basis for calculating the mandate obligation for State reimbursement. For example, law enforcement officers or fire fighters that do not work 5 days on/2 days off schedules would be calculated on a case-by-case basis, using the individual's normal schedule. In calculating the cost of the State share, if any, all actual expenditures of salary and benefit costs are included. The reimbursement forms provide for documentation of these costs.

Members of the military always receive written orders for any type of active duty or active duty for training that document their assignment and the type of action involved. The member should always provide their employer a copy of the orders so that the employer can determine the appropriate amount of paid military leave.

Employers, however, should be aware that military members may not necessarily receive formal, written orders prior to reporting for military duty. Pursuant to federal law, employers may not require the military member to present orders prior to being granted an excused leave. In all cases, the employer should ultimately obtain a written copy of the employee's orders to justify the paid leave.

Additional Information

The USERRA and other laws provide for other leave related issues. The New Jersey's Employer Support for the Guard and Reserve website has an excellent *Frequently Asked Question* page that covers many issues, including:

- The length of time before a military member must report back to work after discharge from service
- Rights of NJ Guard members
- If an employee is injured or incurs a disability during military duty.

Employers with questions on these or related issues should consult the web site, as well as State laws and the USERRA. The following references may also be useful:

- New Jersey Support of the Guard and Reserve: www.njesgr.org/
- FAQ page at: www.njesgr.org/faq.html
- New Jersey Department of Military and Veteran Affairs: www.nj.gov/military
- The National Committee for Employer Support of the Guard and Reserve (ESGR): www.esgr.org/. The *USERRA* can be viewed at that site as well.
- P.L. 2001, c. 351 shows current State laws regulating public employer issues for members of the National Guard and US Reserves. The final bill, S-2378 from the 2000-2001 session shows the previous law with the new amendments.
- Forms for reimbursement under the new law on the *DLGS web site (Miscellaneous Publications)*.
- Questions regarding **Agency Reimbursement** for paid military leave should be e-mailed to: militaryleave@treas.state.nj.us
- Questions regarding **Employee Entitlement** to paid military leave should be e-mailed to: militaryleave@njdmava.state.nj.us

Approved: Susan Jacobucci, Acting Director

Table of Web Links

Page	Shortcut text	Internet Address
3	P.L. 2001, c. 351	www.njleg.state.nj.us/2000/Bills/PL01/351_PDF
4	Miscellaneous Publications	www.nj.gov/dca/lgs/miscpubs/miscmenu.shtml
5	Frequently Asked Questions	www.njesgr.org/faq.html
5	www.njesgr.org	www.njesgr.org
5	www.nj.gov/military	www.nj.gov/military
5	www.esgr.org	www.esgr.org/
5	P.L. 2001, c. 351	www.njleg.state.nj.us/2000/Bills/PL01/351_PDF
5	S-2378	www.njleg.state.nj.us/2000/Bills/S2500/2378_R1.PDF
5	DLGS website	www.nj.gov/dca/lgs/miscpubs/miscmenu.shtml

July 15, 2004

Table of Military Leave for Public Employees

May 2004

KEY:

AD = Active Duty
 ADT = Active Duty Training
 SAD = State Active Duty
 ML = Military Leave
 AT = Annual Training

NJ National Guard (Includes NJ Air and Army National Guard, Naval Militia, and State Guard)			
Type of Service	Days Paid under Previous Law	Days Paid under P.L. 2001, c. 351	Change/ Mandate Impact
Permanent Employee & Full-Time Temporary employed > 1 year or more	90 days per year for active duty, active duty for training or other duty ordered by the Governor then leave w/o pay & w/o loss of time	90 days per year for Federal AD (pursuant to Titles 10 and 32 U.S.C.), then leave w/o pay & w/o loss of time.	No change/No impact
Full Time Temporary employed < 1yr	90 days per year, then leave w/o pay & w/o loss of time	Unlimited paid ML for SAD	Minus 90 days/No impact

U.S. Reserves (Includes Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, Coast Guard Reserve and National Guard members from other states)			
Type of Service	Days Paid under Previous Law	Days Paid under P.L. 2001, c. 351	Change/Impact
Permanent Employees	All days for "field training" = AT and ADT	30 days total per year for AT, ADT or AD	AT - capped at 30 days/No impact ADT - capped at 30 days/No impact AD - plus 30 days/Mandate impact
Full Time Temporary employed 1 year or more	30 days total per year for "field training" for AT or ADT	30 days total per year for AT, ADT or AD	AT - no change/No impact ADT - no change/No impact AD plus 30 days/Mandate
Full Time Temporary employed < 1 year	Leave w/o pay and with loss of time	Leave w/o pay w/o loss of time	No additional pay, but employees now do not lose time/No impact

Johnson, Douglas

From: Elizabeth Velazquez <evelazquez@cityofpassaicnj.gov>
Sent: Tuesday, March 5, 2019 11:46 AM
To: Johnson, Douglas
Subject: Military Pay
Attachments: 20190305114025464.pdf

Good Morning Doug,

As per our conversation, the City of Passaic references the attached when deciding if military orders qualify for payment under the State law.

We do not pay our employees for inactive duty training, such as weekend drills.

If you have any further questions or concerns, please feel free to contact my office.

Thank you,

Elizabeth Velazquez

Personnel Assistant

Certifying Officer-Pensions & Benefits

City of Passaic

(P) 973-365-5595

(F) 973-472-0436

Johnson, Douglas

From: Johnson, Douglas
Sent: Tuesday, March 5, 2019 11:46 AM
To: 'Elizabeth Velazquez'
Subject: RE: Military Pay

Greatly appreciated! Thanks Liz.

Doug Johnson
Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" – Tom Peters

From: Elizabeth Velazquez [mailto:evelazquez@cityofpassaicnj.gov]
Sent: Tuesday, March 5, 2019 11:46 AM
To: Johnson, Douglas <djohnson@cliftonnj.org>
Subject: Military Pay

Good Morning Doug,

As per our conversation, the City of Passaic references the attached when deciding if military orders qualify for payment under the State law.
We do not pay our employees for inactive duty training, such as weekend drills.
If you have any further questions or concerns, please feel free to contact my office.

Thank you,

Elizabeth Velazquez

Personnel Assistant
Certifying Officer-Pensions & Benefits
City of Passaic
(P) 973-365-5595
(F) 973-472-0436

Johnson, Douglas

From:

Sent:

To:

Subject:

Attachments:

Centurione, Mark
Friday, March 8, 2019 1:26 PM

#AllSworn; #all members
Veteran Status/Military Affiliation-Discriminatory Practices
Veteran Status/Military Affiliation Discriminatory Practices.pdf

To All: Please see the attached memo. This memo will be assigned for signature to all members using the PowerDMS training/accountability program.

Mark Centurione
Chief of Police
City of Clifton NJ

CLIFTON POLICE DEPARTMENT
OFFICE OF THE CHIEF

900 CLIFTON AVENUE
CLIFTON, NEW JERSEY 07013

MAIN: 973-470-5900 CHIEF: 973-470-5921 FAX: 973-779-0266



MARK P. CENTURIONE
CHIEF OF POLICE

Date: 3/8/2019

To: All Members

From: Chief of Police Mark Centurione

Re: Veteran Status/Military Affiliation-Discriminatory Practices

It has come to my attention through recent events and media that members of our agency are alleged to have been subjected to discriminatory practices. These practices may include hiring, promotion, transfer, school assignments, denial of leave or other actions. Any act by supervisors or employees meant to intimidate, harass or otherwise discriminate against anyone due to military veteran, active guard or reserve status is unacceptable. Absolutely no adverse action will be taken by any member of this agency toward any citizen or member of this agency due to this status.

Johnson, Douglas

From: Johnson, Douglas
Sent: Friday, March 15, 2019 11:55 AM
To: Priore, Matthew
Subject: RE: NBC Military policy

That's correct.

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" – Tom Peters

From: Priore, Matthew
Sent: Friday, March 15, 2019 11:54 AM
To: Johnson, Douglas <djohnson@cliftonnj.org>
Subject: RE: NBC Military policy

So NBC pays for 15 of the 34 days of training and drills.

From: Johnson, Douglas
Sent: Friday, March 15, 2019 11:40 AM
To: Priore, Matthew
Subject: NBC Military policy

See attached

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



Johnson, Douglas

From: Gregory Septer <njesgr.ombudsman@gmail.com>
Sent: Thursday, July 27, 2017 4:42 PM
To: Johnson, Douglas
Cc: NJ ESGR OMBUDSMAN
Subject: Re: Military Training

Mr Johnson

This does sound correct but as we discussed in the phone.

Training orders for a weekend training are not done and under Federal and State law they are not a payable Military leave.

They must be actual orders that are sending them away for training like the two week annual training.

By this statement I would be suspect of any orders this firefighter is providing.

I would like to actually see what has been provided in the past.

I will respond later concerning the PowerPoint presentations.

If I can be of any assistance please do not hesitate to contact me.

For security reasons I have added two people as a BCC as they are my supervisors in the ESGR realm and they may or may not respond.



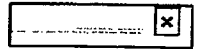
Gregory B. Septer

Volunteer Coordinator and Assistant Ombudsman Director
Employer Support of the Guard and Reserve

5511 Texas Ave
Joint Base MDL NJ 08640

Phone

ESGR WEBSITE for resources



On Jul 27, 2017, at 15:24, Johnson, Douglas <djohnson@clifftonnj.org> wrote:

<image001.gif>

Doug Johnson
Personnel Officer
City of Clifton
Phone: 973-470-5756
Cell: [REDACTED]
Fax: 973-470-5260
Email: djohnson@cliftonnj.org
Website: www.cliftonnj.org

"Leaders don't create followers; they create more leaders" – Tom Peters

From: Johnson, Douglas
Sent: Thursday, July 27, 2017 3:22 PM
To: 'qbseptor@aol.com'
Subject: Military Training

Good afternoon Greg,

Your number was given to me by Ana Ramos as someone than can provide some information into National Guards and Reserve Training. We have a firefighter here in the City of Clifton that provided the following email to us when we asked for proof that he was ordered to training:

[REDACTED]

Does the above statement make sense as far as military training for a firefighter (in this instance) employed full time by a NJ Municipality?

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org

Johnson, Douglas

From: Gregory Septer <njesgr.ombudsman@gmail.com>
Sent: Thursday, July 27, 2017 4:48 PM
To: Johnson, Douglas
Cc: McCarthy, Kevin
Subject: Re: Military Training

Chief,

If I can be of assistance do. It hesitate to contact me

 Gregory B. Septer
Volunteer Coordinator and Assistant Ombudsman Director
Employer Support of the Guard and Reserve
5511 Texas Ave
Joint Base MDL NJ 08640

Phone 

ESGR WEBSITE for resources



On Jul 27, 2017, at 16:44, Johnson, Douglas <djohnson@cliftonnj.org> wrote:

Thank you. I do appreciate the quick response. I have also copied our Fire Chief who is the direct supervisor for the employee in question.

Doug Johnson

Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: 

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org

<image001.png>

"Leaders don't create followers; they create more leaders" – Tom Peters

From: Gregory Septer [mailto:njesgr.ombudsman@gmail.com]
Sent: Thursday, July 27, 2017 4:42 PM
To: Johnson, Douglas
Cc: NJ ESGR OMBUDSMAN
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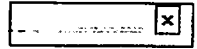
Gregory B. Septer

Volunteer Coordinator and Assistant Ombudsman Director
Employer Support of the Guard and Reserve

5511 Texas Ave
Joint Base MDL NJ 08640

Phone: [REDACTED]

ESGR WEBSITE for resources



On Jul 27, 2017, at 15:24, Johnson, Douglas <djohnson@ccliftonnj.org> wrote:
<image001.gif>

Doug Johnson
Personnel Officer
City of Clifton
Phone: 973-470-5756
Cell: [REDACTED]
Fax: 973-470-5260

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[REDACTED]

Good afternoon Greg,
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From: Johnson, Douglas
Sent: Thursday, July 27, 2017 3:22 PM
To: 'gbseptor@aol.com'
Subject: Military Training

"Leaders don't create followers; they create more leaders" – Tom Peters

<image002.png>
Website: www.cliftonnj.org
Email: djohnson@cliftonnj.org
Fax: 973-470-5260
Cell: [REDACTED]

Doug Johnson
Personnel Officer
City of Clifton
Phone: 973-470-5756

Johnson, Douglas

From: McCarthy, Kevin
Sent: Monday, July 17, 2017 3:50 PM
To: Priore, Matthew; Johnson, Douglas
Subject: RE: [REDACTED] Military Leave

That's good for me

From: Priore, Matthew
Sent: Monday, July 17, 2017 3:50 PM
To: Johnson, Douglas; McCarthy, Kevin
Subject: RE: Latona Military Leave

How is 4PM?

From: Johnson, Douglas
Sent: Monday, July 17, 2017 8:02 AM
To: McCarthy, Kevin; Priore, Matthew
Subject: RE: [REDACTED] Military Leave

I am available anytime today

Doug Johnson
Personnel Officer

City of Clifton

Phone: 973-470-5756

Cell: [REDACTED]

Fax: 973-470-5260

Email: djohnson@cliftonnj.org

Website: www.cliftonnj.org



"Leaders don't create followers; they create more leaders" – Tom Peters

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]

This e-mail (including all attachments) is intended for the exclusive use of the individual to whom it is addressed. This e-mail may be proprietary, confidential, privileged and exempt from disclosure under applicable law. If the reader of this e-mail is not the intended recipient or agent responsible for delivering the message to the intended recipient, the reader is hereby put on notice that any use, dissemination, distribution or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone or e-mail and delete the original e-mail and all copies of it from your computer system.

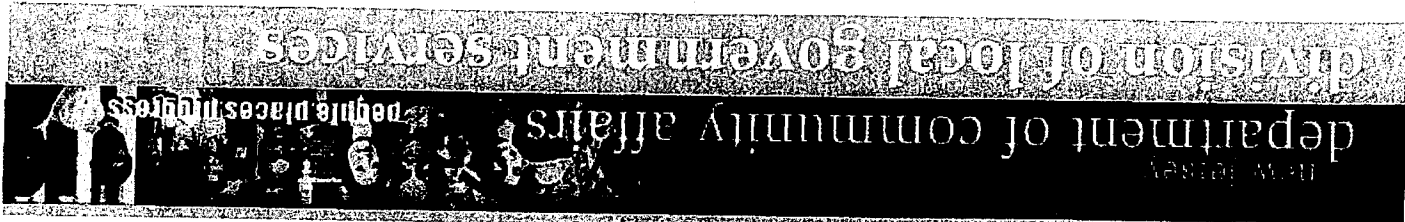
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This e-mail (including all attachments) is intended for the exclusive use of the individual to whom it is addressed. This e-mail may be proprietary, confidential, privileged and exempt from disclosure under applicable law. If the reader of this e-mail is not the intended recipient or agent responsible for delivering the message to the intended recipient, the reader is hereby put on notice that any use, dissemination, distribution or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone or e-mail and delete the original e-mail and all copies of it from your computer system.

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[REDACTED]

[REDACTED]



LFN 2004-14

July 15, 2004

Contact Information

Director's Office
V. 609.292.6613
F. 609.292.9073

Local Government Research
V. 609.292.6110
F. 609.292.9073

Financial Regulation and Assistance
V. 609.292.4806
F. 609.984.7388

Local Finance Board
V. 609.292.0479
F. 609.633.6243

Local Management Services
V. 609.292.7842
F. 609.633.6243

Authority Regulation
V. 609.984.0132
F. 609.984.7388

Mail and Delivery
101 South Broad St.
PO Box 803
Trenton, New Jersey
08625-0803

Web: www.nj.gov/dca/lfgs
E-mail: dls@dc.state.nj.us

Distribution
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 - U.S. Coast Guard
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- State Active Duty: For National Guard only, response to an event or threat in the State. This is different from Federal Active Duty (when State Guard personnel are activated pursuant to Title 10 or Title 32). Only New Jersey National Guard members are entitled to a paid leave for State Active Duty.

A separate category of duty is Inactive Duty Training, commonly known as "drill." This usually occurs on weekends, but can take place on any day or days of the week and at any time during the year. There is no statutory obligation or employee entitlement to receive employer pay for Inactive Duty Training. Local units may have separate personnel policies or labor agreements that may provide compensation for this time.

Changes in Military Paid Leave Benefits

The Legislation (P.L. 2001, c. 351) clarified and codified most existing law and practice, and in certain limited cases, modified the benefits public employers are obligated to provide. In limited cases, the law

mandated new benefits, requiring the State to reimburse local units for the costs incurred in providing the new benefits.

The attached chart documents the previous requirements and the new law, as well the specific changes made by Chapter 351. Local officials should review this chart carefully to determine if a mandate was triggered for a specific employee's circumstances.

The increased benefits are:

- U.S. Reserves, which includes National Guard members from states other than New Jersey, are now entitled to a paid leave of absence for up to 30 days for active duty as well as annual training and active duty for training. Previously these individuals were entitled to unlimited paid leave for "field training" or annual training and active duty for training, but not entitled to pay for active duty.
- Full-time, temporary employees (including Civil Service provisionals) who have served for one year or more are now entitled to a paid leave of absence for up to 30 days for active duty as well as annual training and active duty for training. Previously these individuals were entitled to 30 days paid leave for "field training" or annual training and active duty for training, but not entitled to pay for active duty.
- Temporary employees (including Civil Service provisionals) with less than one year of service to the local unit are still not eligible for a paid leave of absence, but now entitled to a leave of absence without loss of time.

- Note: Temporary or Civil Service provisional employees serving less than a year are not entitled to military leave pay. State definitions of temporary and provisional apply to those local units operating under the Civil Service system. Local ordinances and policies should guide other jurisdictions in determining if an employee is permanent or temporary.

When a 30- or 90-day leave of absence is exhausted, an employee is not entitled to pay, but does not lose time (i.e., continues to earn service time for benefit and seniority calculations). Upon returning from duty, these employees are entitled to resume working in accordance with federal and state law.

Once statutory paid military leave runs out, pay for military members is discretionary with each public entity and may be continued by local policy. For example, the Governor has authorized differential pay for State employees in certain situations, as have some counties, municipalities for certain conflicts or missions. Like any benefit, these should be authorized by employee contract, or benefit ordinance or resolution (as appropriate to the type of local unit).

State Mandate Reimbursement

The attached chart summarizes the benefits provided to Reservists and Guard members before and after P.L.2001.c.351. State Mandate/State Pay rules require the State to reimburse local units for costs imposed

by changes in the law. The reimbursement mandate refers to the following circumstances for Reservists (including members of the National Guard in other states):

- Days are for active duty
- Reservist is a permanent or full time temporary with one year or more employment with the local unit
- Has not performed 30 work-days of annual training or other active duty for training in that calendar year.

For example, a Reservist who has been on annual training orders for 15 work days and is called for 3 months of active duty in the same calendar year, would receive 15 work days of pay from the local unit employer that can be reimbursed by the State.

There is no reimbursement required for New Jersey National Guard members as the 2001 amendments clarified existing law and did not add any additional requirements.

The State Office of Management and Budget provides the reimbursement for the State share. To facilitate the process, the Division of Local Government Services is assisting OMB; the reimbursement forms are available on the Division's web site under Miscellaneous Publications.

Submission must be made once for the entire calendar year within the first two months of the following year. Mail all forms and backup materials to: Military Leave, Department of the Treasury, Office of Management and Budget, PO Box 221, Trenton, New Jersey 08625-0221. Applications for reimbursement for 2002 and 2003 must be filed by September 30, 2004. The form instructions detail the information that must be submitted.

The routine work schedule of the individual is the basis for calculating the mandate obligation for State reimbursement. For example, law enforcement officers or fire fighters that do not work 5 days on/2 days off schedules would be calculated on a case-by-case basis, using the individual's normal schedule. In calculating the cost of the State share, if any, all actual expenditures of salary and benefit costs are included. The reimbursement forms provide for documentation of these costs.

Members of the military always receive written orders for any type of active duty or active duty for training that document their assignment and the type of action involved. The member should always provide their employer a copy of the orders so that the employer can determine the appropriate amount of paid military leave.

Employers, however, should be aware that military members may not necessarily receive formal, written orders prior to reporting for military duty. Pursuant to federal law, employers may not require the military member to present orders prior to being granted an excused leave. In all cases, the employer should ultimately obtain a written copy of the employee's orders to justify the paid leave.

Additional Information

The USERRA and other laws provide for other leave related issues. The New Jersey's Employer Support for the Guard and Reserve website has an excellent *Frequently Asked Question* page that covers many issues, including:

- The length of time before a military member must report back to work after discharge from service
- Rights of NJ Guard members
- If an employee is injured or incurs a disability during military duty.

Employers with questions on these or related issues should consult the web site, as well as State laws and the USERRA. The following references may also be useful:

- New Jersey Support of the Guard and Reserve: www.nj.esgr.org/
- FAQ page at: www.nj.esgr.org/faq.html
- New Jersey Department of Military and Veteran Affairs: www.nj.gov/military
- The National Committee for Employer Support of the Guard and Reserve (ESGR): www.esgr.org/. The *USERRA* can be viewed at that site as well.
- *P.L. 2001, c. 351* shows current State laws regulating public employer issues for members of the National Guard and US Reserves. The final bill, *S-2378* from the 2000-2001 session shows the previous law with the new amendments.
- Forms for reimbursement under the new law on the *DLGS web site (Miscellaneous Publications)*.
- Questions regarding **Agency Reimbursement** for paid military leave should be e-mailed to: militaryleave@njdmava.state.nj.us
- Questions regarding **Employee Entitlement** to paid military leave should be e-mailed to: militaryleave@njdmava.state.nj.us

Approved: Susan Jacobucci, Acting Director

Table of Web Links

Page	Shortcut text	Internet Address
3	P.L. 2001, c. 351	www.njleg.state.nj.us/2000/Bills/PL01/351.PDF
4	Miscellaneous Publications	www.nj.gov/dca/lgs/miscpubs/miscmenu.shtml
5	Frequently Asked Questions	www.njesgr.org/faq.html
5	www.njesgr.org	www.njesgr.org
5	www.nj.gov/military	www.nj.gov/military
5	www.nj.gov/military	www.esgr.org
5	P.L. 2001, c. 351	www.njleg.state.nj.us/2000/Bills/PL01/351.PDF
5	S-2378	www.njleg.state.nj.us/2000/Bills/S2500/2378.R1.PDF
5	DLGS website	www.nj.gov/dca/lgs/miscpubs/miscmenu.shtml

Table of Military Leave for Public Employees

May 2004

KEY:

AD = Active Duty
 ADT = Active Duty Training
 AT = Annual Training
 ML = Military Leave
 SAD = State Active Duty

(Includes NJ Air and Army National Guard, Naval Militia, and State Guard)			
Type of Service	Days Paid under Previous Law	Days Paid under P.L. 2001, c. 351	Change/ Mandate Impact
Permanent Employee & Full-Time Temporary employed > 1 year or more	90 days per year for active duty, active duty for training or other duty ordered by the Governor then leave w/o pay & w/o loss of time	90 days per year for Federal AD (pursuant to Titles 10 and 32 U.S.C.), then leave w/o pay & w/o loss of time.	No change/No impact
Full Time Temporary employed < 1yr	90 days per year, then leave w/o pay & w/o loss of time	Unlimited paid ML for SAD	Minus 90 days/No impact

(Includes Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, Coast Guard Reserve and National Guard members from other states)			
Type of Service	Days Paid under Previous Law	Days Paid under P.L. 2001, c. 351	Change/Impact
Permanent Employees	All days for "field training" = AT and ADT	30 days total per year for AT, ADT or AD	AT - capped at 30 days/No impact ADT - capped at 30 days/No impact AD - plus 30 days/Mandate impact
Full Time Temporary employed 1 year or more	30 days total per year for "field training" for AT or ADT	30 days total per year for AT, ADT or AD	AT - no change/No impact ADT - no change/No impact AD plus 30 days/Mandate
Full Time Temporary employed < 1 year	Leave w/o pay and with loss of time	Leave w/o pay w/o loss of time	No additional pay, but employees now do not lose time/No impact