

## **Resolution 14-081**

### **RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH LABOR COUNSEL TO THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY**

**WHEREAS**, the Rockaway Valley Regional Sewerage Authority retained labor counsel to assist, advise, and defend the Authority as necessary regarding all labor matters; and

**WHEREAS**, by Resolution 14-006 adopted on February 18, 2014, the Authority appointed Stephen E. Trimboli, Esq. of the law firm of Trimboli & Prusinowski, LLC, as legal personnel counsel in an amount not to exceed \$50,000.00; and

**WHEREAS**, the Authority is desirous of increasing the contract value without prior authorization of the Authority to an amount not to exceed \$60,000.00, at the hourly rate of \$195.00; and

**WHEREAS**, funds are available in the 2014 budget line 01-501-020; and

**WHEREAS**, the services to be rendered are to be performed by persons authorized by law to practice a recognized profession within the definition of a professional service pursuant to N.J.S.A. 40A:11-5.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority, as follows:

1. The Rockaway Valley Regional Sewerage Authority does hereby authorize an amendment to the Contract between the RVRSA and the law firm of Trimboli & Prusinowski, LLC to increase the contract to an amount not to exceed \$60,000.00, without the need for further authorization of the Authority.
2. Notice of the nature, duration and amount of the contract shall be published once in the newspaper of general circulation and a copy of this resolution and the agreement shall be on file and available for public inspection in the Office of the RVRSA.
3. This award is subject to the submission of a New Jersey Business Registration Certificate; Certificate of Employee Information Report; proof of professional liability insurance; all documents required by N.J.S.A. 19:44A-20.4 et seq., and any other document required by law to be placed on file with this Resolution.
4. This Resolution shall take effect immediately.

#### **CERTIFICATION**

I hereby certify that this Resolution was adopted at a regularly scheduled meeting of the Rockaway Valley Regional Sewerage Authority held on September 11, 2014.

On motion of: Glenn Corbett

Seconded by: Michael Guadagno


and a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Corbett, Guadagno, Recchia, Schaefer, Schorno, Secco and Vincitore

Nays: (0) None

Abstain: (0) None

Absent: (1) Lowell

  
Michael Guadagno  
Board Secretary



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*Please Respond to Our New Jersey Office*

September 3, 2014

*Via Electronic Mail Only*

JoAnn Mondsini, Executive Director  
Rockaway Valley Regional  
Sewerage Authority  
R.D. #1, 99 Greenbank Road  
Boonton, NJ 07005-9602

**Re: Workers Compensation Policy Update**

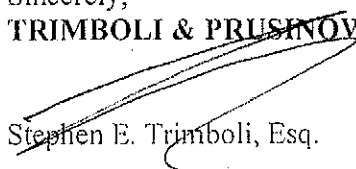
Dear JoAnn:

Enclosed is a draft of the workers compensation policy that you requested. The provision placing employees on full pay while on workers compensation leave is contained in Paragraph D. The "safe harbor" language pertaining to unionized employees is contained in Paragraph H. The balance of the policy either expands upon language already contained in the RVRSA policy manual or addresses other issues that we have encountered with other clients pertaining to workers compensation leave.

Please note that the current RVRSA personnel policy manual contain a very brief paragraph pertaining to workers compensation leave, which we have incorporated into our draft. When this new policy is adopted, the existing, brief policy on workers compensation leave must be replaced.

Please feel free to contact us should you have any questions regarding the enclosed. Thank you.

Sincerely,  
**TRIMBOLI & PRUSINOWSKI, LLC**

  
Stephen E. Trimboli, Esq.

Enclosure

SET:cw

Trimboli & Prusinowski, LLC is a New Jersey Limited Liability Company.

## Workers' Compensation

- A. Purpose. The purpose of worker's compensation is to provide medical and financial assistance to employees who have been injured on the job. The RVRSA covers workers compensation benefits through its membership in the State of New Jersey Utilities Joint Insurance Fund. Based on the fact that worker's compensation claims involve a variety of circumstances, the determination on the payment of worker's compensation benefits rests with the RVRSA's insurance carrier. Disputes regarding worker's compensation benefits are resolved in accordance with New Jersey's Worker's Compensation statutes and regulations.
- B. Reporting Obligation. An employee shall immediately contact his or her supervisor to report an accident or occupational illness and shall promptly complete an "occupational report of injury or illness" form, which form shall be furnished by the Department Head or supervisor. Same day notice of work injury is required by the Authority, unless medically impossible due to emergency. In no event shall notice of an injury or occupational illness be reported later than 48 hours from the time of the injury or from the time when the employee becomes aware of an occupational illness. Failure to promptly report an accident or occupational illness may delay the receipt of workers' compensation benefits and may lead to discipline. The reporting process shall include a form for the employee's statement of injury or illness to be completed by the employee in his/her handwriting (unless medically impossible) and signed and dated by the employee. In addition, the supervisor will complete the supervisor's report of injury or illness form within 24 hours
- C. Medical Treatment. Medical treatment will only be provided by the Authority's designated treating physicians, except in the case of a true emergency in which the employee has insufficient time to contact the Authority to obtain approval for treatment. Following any true emergency visit, the employee will immediately contact the Authority to report and describe the nature of the injury or occupational illness and request the name and address of the Authority's designated treating physician. The Authority will not pay for treatment by unauthorized physicians, hospitals, diagnostic centers, physical therapy and similar medical providers (with the exception of emergencies noted above) and will not pay for the care of unauthorized family doctors or other personal physicians for work-related injuries or illness.
- D. Payment of Benefits. The Authority shall pay all benefits due the injured worker in accordance with the provisions of the New Jersey Workers Compensation Act, N.J.S.A. 34:15-7, et seq. The workers' compensation carrier or third party administrator for the Authority will process the necessary paperwork and checks on behalf of the Authority. During the period of time that the employee remains out of work and is receiving the

workers' compensation benefits, the employee will receive his or her full salary. Any worker's compensation benefits will be paid directly to the Authority, and the employee will continue to receive his or her regular paycheck. During this period of time no employee shall have to use sick, vacation, personal, or other accrued paid benefit leave time.

- E. Prohibition On Other Employment. When an employee is out of work for a work-related injury or illness and is receiving temporary disability benefits under workers' compensation laws for wage loss, it shall be a violation of the policies of the Authority for the employee to engage in other gainful employment or secondary employment. N.J.S.A. 34:15-57.4, et seq. Employees who violate this policy shall be subject to appropriate disciplinary measures, up to and including termination.
- F. Relation to Family Medical Leave. It is the policy of the Authority to run absences under worker's compensation concurrent with any entitlement which the employee may have under applicable Family and Medical Leave laws and policies. In other words, while an employee is out of work receiving temporary disability benefits under workers' compensation, his or her Family and Medical Leave **will run concurrently**. The Authority will advise the employee in writing of the date when his/her Family and Medical Leave period begins.
- G. Fitness For Duty Certification. When an employee has been out of work by reason of medical disability, whether work-related or not, the Authority reserves the right to obtain a fitness-for-duty examination with a doctor chosen at the Authority's expense prior to the employee being permitted to return to work. Such fitness for duty certification shall be job related and consistent with business necessity.
- H. Application to Unionized Employees. This policy shall be applied and enforced consistent with the requirements of the New Jersey Public Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq. To the extent any provision of this policy establishes a new mandatorily-negotiable term or condition of employment, or modifies an existing mandatorily-negotiable term or condition of employment, that provision shall not be operative as to any employee covered by a collective negotiation agreement until it is negotiated with, and agreed to by, that employee's collective negotiations representative.