

RESOLUTION NO. 0038 - 2019

RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, SEPARATING EMPLOYEE STEPHEN KASPER

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter collectively referred to as the "Authority") previously received from employee Stephen Kasper a request dated February 20, 2019 to take a medical leave of absence for the period commencing February 13, 2019 and continuing through May 13, 2019; and

WHEREAS, the requested dated February 20, 2019 from Stephen Kasper came to the authority after that employee was already absent from work – without leave - for the period of February 13, 2019 through February 20, 2019; and

WHEREAS, Mr. Kasper's absence without leave for the period from February 13, 2019 through February 20, 2019 was undertaken despite the employee having already exhausted his entire bank of Earned Time Off (ETO) for that period; and

WHEREAS, the Authority notes that the aforementioned leave request from the Employee constituted the third leave request by Mr. Kasper, said prior leave periods consisting of a first leave from November 21, 2012 through January 14, 2013 and a second leave October 16, 2016 through December 31, 2016 – with said second leave being extended to January 31, 2017 by the Authority upon request of the employee; and

WHEREAS, the Authority acted to grant Mr. Kasper's third request for a leave - for the period ranging from February 13, 2019 through May 13, 2019 - despite the failure of Mr. Kasper to provide appropriate advanced notice to Authority for his request for leave; and

WHEREAS, the Authority granted Mr. Kasper's third leave request despite considering such leave of Mr. Kasper from employment as constituting an extreme hardship

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on the Authority's operations and an undue burden upon the remaining employees of the Authority; and

WHEREAS, the Authority nevertheless remained mindful of those reasons expressed by Stephen Kasper for his sought-after leave; and

WHEREAS, the Authority, although not obligated to comply with the Family Medical Leave Act ("FMLA") given the Authority's size, undertook such endeavors in an effort to accommodate the needs of the Authority's employees; and

WHEREAS, Mr. Kasper did not return to employment on May 13, 2019 when his authorized leave expired; and

WHEREAS, rather, on or about May 13, 2019 Mr. Kasper sought from the Authority additional, open-ended leave, providing no expected date for which he would return to his position with the Authority; and

WHEREAS, the Authority convened to discuss Mr. Kasper's request for additional leave on May 23, 2019; and

WHEREAS, Mr. Kasper was timely provided with an appropriate notice pursuant to the judicial determination in Rice v. Union County Regional High School Board of Education, 155 N.J. Super. 64 (App. Div. 1977), *certif. denied* 76 N.J. 238 (1978); and

WHEREAS, despite being provided with a Rice notification, Mr. Kasper declined to appear during the May 23, 2019 meeting of the Authority as evidenced by his failure to be present at the meeting; and

WHEREAS, after adopting the appropriate Resolution to adjourn to executive session, the Authority did discuss Mr. Kasper's employment with the Authority on May 23, 2019 in said executive session; and

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WHEREAS, the Authority continues to wish Mr. Kasper a speedy recovery and further wishes him well in all of his future endeavors; and

WHEREAS, the Authority determined on May 23, 2019 that the continued absence of Mr. Kasper from his position with the Authority constitutes an undue hardship to the small contingent of Authority operational employees as well as a detriment to the work product provided by the Authority to its ratepayers; and

WHEREAS, after lengthy deliberation and careful consideration of all of the factors before it, the Authority determined that the hardships suffered by the Authority would be relieved and, further, that the Authority and the Authority's ratepayers of would be best served by a separation of Mr. Kasper from Authority employment; and

WHEREAS, the Authority has determined that the indefinite leave sought by the employee was unreasonable and constituted an undue burden upon the Authority, the Authority's remaining employees and the Authority's ratepayers; and

WHEREAS, given the size and unique characteristics of the Authority, the Authority has determined that the subsistence of the Authority's operations requires the position filled by Mr. Kasper to permanently filled forthwith; and

WHEREAS, the Authority now desires to memorialize the determinations made on May 23, 2019:

NOW, THEREFORE, BE IT RESOLVED, this 27th day of June, 2019, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

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1. The Authority hereby memorializes the determination of the Authority made on May 23, 2019 to separate Mr. Kasper from employment with the Authority effective the 24th of May, 2019.

2. The Authority hereby authorizes and directs the Chairman, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.


3. A certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- (a) Honorable Michael W. Hale, Chairman
- (b) Michele R. Nugent, Executive Director
- (c) Brian Blair, Chief of Operations
- (d) Mr. Stephen Kasper
- (e) Robert Budesa, Esquire
- (f) Christopher K. Koutsouris, Esquire.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the ²⁷~~18~~th day of ~~April~~ ^{JUNE}, 2019, a quorum being present and voting in the majority.


Edward F. Cammarato, Authority Secretary


Michael W. Hale, Authority Chairman

Prepared by:

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RESOLUTION NO. 0039 -2019

**RESOLUTION OF THE BERKELEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE HIRING OF A TEMPORARY EMPLOYEE**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) is in need of hiring a temporary employee as an operational employee; and

WHEREAS, the Authority’s Chief of Operations, Brian Blair, has interviewed several candidates and recommends Kyle Pontrelli; and

WHEREAS, the individual is available and would be able to fulfill the Authority’s needs;

NOW, THEREFORE, BE IT RESOLVED, this 27th day of June, 2019, by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. That the Authority hereby authorizes the employment of Kyle Pontrelli as an operational employee at the rate of \$14.00 per hour.
2. Kyle Pontrelli will receive no benefits such as health, dental or pension and shall receive no holiday pay in the position for which he has been hired but would be entitled to overtime pay if and when required.
3. The employment of Kyle Pontrelli is on a temporary basis and he can remain in the employ of the Authority at the discretion of the Board, Executive Director and Chief of Operations until it is deemed that he is no longer needed to fill the position.


4. The Authority hereby authorizes and directs the Chairperson, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

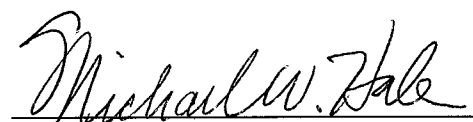
- a. Honorable Michael W. Hale, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley; and
- c. Berry, Sahradnik, Kotzas & Benson.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the 27th day of June 2019, a quorum being present and voting in the majority.



Edward F. Cammarato, Authority Secretary



Michael W. Hale, Authority Chairperson

Prepared by:
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