

RESOLUTION NO. 2009 – 301A

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CONTINUING THE UNPAID MEDICAL LEAVE OF ALICE FRASER

WHEREAS, on or about March 10, 2008, the Township of Barnegat was informed that Alice Fraser, suffered traumatic injuries as a result of a non-work related ATV Accident; and

WHEREAS, on or about March 10, 2008 the Township of Barnegat was informed that Ms. Fraser's injuries would result in a period of up to 6 months of incapacity; and

WHEREAS, on April 28, 2008 the Township Committee of the Township of Barnegat considered and adopted Resolution 2008-269, granting Ms. Fraser paid medical leave from March 11, 2008 through May 8, 2008, and further indicating that Ms. Fraser would be granted two months unpaid leave of absence from April 9, 2008 through August 8, 2008 to recuperate from her traumatic injuries; and

WHEREAS, pursuant to Ms. Fraser's request for an extension of the unpaid medical leave absence previously granted her by Resolution 2008-269, the Township Committee of the Township of Barnegat on September 15, 2008 resolved to extend Ms. Fraser's period of unpaid medical leave from August 9, 2008 through November 5, 2008; and

WHEREAS, pursuant to Ms. Fraser's further request for an extension of the unpaid medical leave granted pursuant to Resolution 2008-590, the Township Committee of the Township of Barnegat on November 3, 2008 resolved to extend Ms. Fraser's period of unpaid medical leave from November 5, 2008 through December 31, 2008, and

WHEREAS, on or about December 30, 2008, the Township of Barnegat received written notification from Ms. Fraser's treating medical physician that she remained under his care, and that she would be unable to return to work until March 2, 2009; and

WHEREAS, on or about January 1, 2009, the Township Committee of the Township considered and adopted Resolution 2009-33, granting an extension in unpaid medical leave to Ms. Fraser from December 31, 2008 through March 11, 2009; and

WHEREAS, on or about March 5, 2009, the Township of Barnegat received further written notification from Ms. Fraser's treating medical physician that she would now be unable to return to work until at least June 2, 2009; and

WHEREAS, despite the detriment and impact upon the Tax Collector's Office, the Township Committee of the Township of Barnegat has taken great lengths to continue to the employment of Ms. Fraser throughout her period of convalescence; and

WHEREAS, now, after the passage of more than a year, Ms. Fraser has not returned to her position as Deputy Tax Collector; and

WHEREAS, Alice Fraser has reviewed and approved a form of agreement to be executed by the Township of Barnegat, which sets forth Ms. Fraser's anticipated return to employment on or about June 2, 2009, and which details the course of action to be taken by the parties to be taken should Ms. Fraser be unable to return to work on that date; and

WHEREAS, the form of agreement has been prepared by the Township Attorney for the Township of Barnegat, and has been approved by the Attorney as to form and content,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. An unpaid medical leave of absence with regard to Alice Fraser is hereby authorized for the period of March 11, 2009 through June 2, 2009.
2. The Township authorizes and directs the Mayor, Township Administrator and Township Clerk to execute any and all necessary documents in order to implement the intent of this Resolution, including but not limited to the execution of the Agreement which has already been executed in part by Alice Fraser.
3. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:
 - (a) David Breeden, Township Administrator;
 - (b) Alice Fraser
 - (c) Ellen Kellaher, Tax Collector;
 - (d) Jerry J. Dasti, Esq.; and
 - (e) Kathleen Janeski, Treasurer

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Barnegat at a regular meeting held on April 20, 2009, a quorum being present and voting in the majority.

Kathleen T. West, RMC
Municipal Clerk

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731