

Contractual Grievance – Sections Violated:

Article 1; A & B, Article III, Article XII; E., and Article XXXI; A.

EMPLOYEES STATEMENT OF GRIEVANCE:

Human Services Police Lieutenant Brian Brady has been provisionally promoted to the position of Regional Police Commander within the Department of Human Services. Provisional appointments may only be made in cases of emergency and as permitted in NJSA 11A; 4-13. Such emergency appointments may not exceed 30 days in duration. This emergency appointment has exceeded 30 days in duration.

The Collective Bargaining Agreement (CBA) requires that “Where an examination is required, such examination will be scheduled at the earliest possible time.” Reasonable attempts have not been made by the employer to schedule an examination for the position in question.

The State has violated administrative and procedural provisions and controls of the Merit System as well as those of the Department of Personnel, in not taking steps to promote individuals according to statute.

Human Services Police Lieutenant Brian Brady has been assigned work inappropriate to, and outside of the job classification of Human Services Police Lieutenant, on a regular and continuing basis for an extended period of time. This out-of-title work was identified by the Association and brought to the attention of the State in January of 2007. The State has made no effort to immediately correct the situation or to phase out the out-of-title work assignment as required by the CBA.

The State has employee Brian Brady performing work as a managerial employee. Specifically excluded from this bargaining

unit are managerial executives. The Association has requested that the State cease collection and transfer of membership dues from Brian Brady to the Association if he is in fact employed in the capacity of a managerial employee. The State has failed and/or refused to act on this request.

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:

The State shall immediately administer a promotional examination for the position of Regional Police Commander.

The State shall fill the vacancy of Regional Police Commander in accordance with statute and from the promotional list promulgated at a result of the examination.

If in the interim, a provisional appointment is necessary to fill the position of Regional Police Commander, it shall be filled with an employee that meets the minimum qualifications for the title, and by an appointee that has filed for and/or taken the promotional examination for the title.

If Human Services Police Lieutenant Brian Brady is provisionally promoted to the position of Regional Police Commander, he shall immediately be removed from this bargaining unit, and the State shall immediately cease collection and transfer of membership dues from Brian Brady to this bargaining unit.