

Article XVII; A & C.

EMPLOYEES STATEMENT OF GRIEVANCE:

Director D. Craig Stevens, Office of Human Resources, issued Human Resources Advisory Bulletin 01-06, dated November 30, 2006. The grievant became aware of the contents of this bulletin on or about December 12, 2006.

The bulletin addresses employee usage of Administrative Leave time. The bulletin also addresses a change in procedure for the issuance of disciplinary action with regard to improper use of Administrative Leave time.

The bulletin states “when requesting to utilize emergency Administrative Leave time, employees are required to provide documentation specific to the nature of their absence within seventy-two (72) hours of their return to duty.”

Article XVII; Section A, of the Collective Bargaining Agreement between the State of New Jersey and the New Jersey Superior Officers Association (CBA) states in pertinent part “Employees shall be entitled to three (3) days of administrative leave of absence with pay in each calendar year. Administrative leave may be used for emergencies, personal business, personal affairs or observation of religious or other days of celebration but not holidays.” This section allows employees to utilize administrative leave time for emergency purposes. Article XVII; Section C goes on to state in pertinent part “Administrative leave shall be granted by the appointing authority upon request of the employee and leave shall be scheduled in advance provided the request may be granted without the interference with the proper conduct of the government function involved.” This section of the CBA mandates that the appointing authority “shall” grant administrative leave requested by the employee.

Nowhere, in any section of the contractual article covering administrative leave time, does it allow for the employer to require the employee to provide documentation specific to the nature of their absence within seventy-two (72) hours of their return to duty. Nor does the CBA allow for the employer to refuse to grant the utilization of administrative leave time for refusal to provide such documentation.

The CBA is clear in that the utilization of administrative leave time by the employee “shall” be granted upon request for emergencies, personal business, personal affairs or observation of religious or other days of celebration but not holidays, with no stipulation that approval is contingent upon the employee providing “documentation specific to the nature of their absence.”

Director Stevens’ advisory bulletin also goes on to advise all employees that “all future occurrences will be handled in the following manner: If an employee fails to provide adequate documentation to substantiate a request for emergency Administrative Leave,

the employee will **not** be placed in non-pay status for the date of absence. Instead, the employee will be charged the appropriate leave time for the absence. The employee will be disciplined under H.R.B. 84-17 E.1 Violation of a rule, regulation, policy, procedure, order, or administrative decision for failure to provide appropriate documentation within the time frame specified.” This section of the bulletin implies a change in past practice with regard to any disciplinary action imposed upon an employee in connection with utilization of emergency administrative leave time, as well as the pay status for such leave.

No change in any disciplinary action policy or practice which directly affects the terms and conditions of employment was negotiated with the bargaining agent.

Director Stevens’ “Advisory Bulletin” is not promulgated in accordance with ADM.001.COM.001 Development of NJ DOC Policies & Level I Internal Management Procedures, or with ADM.001.DIR.001 Distribution of Directives. Clearly if Director Stevens wishes to implement and/or change employee leave and disciplinary action policy, it should be done through appropriate channels.

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:

The employer shall retract the “Human Resources Advisory Bulletin 01-06” authored by Human Resource Director D. Craig Stevens.

The employer shall continue the contractually negotiated practice of granting Administrative Leave time upon request of the employee, only contingent upon the request not interfering “with the proper conduct of the government function involved.”

Employees shall not be disciplined for failure and/or refusal to provide documentation specific to the nature of their requested absence for emergency purposes when utilizing administrative leave time.

If the employer wishes to implement changes to the past practice with regard to request for utilization of administrative leave time, and/or imposition of disciplinary action related to the utilization of administrative leave time, it shall do so through the collective bargaining process.