

LABOR RELATIONS FAQs

1. What is the Attendance Improvement Program (AIP)?

Definition and Purpose of AIP:

The purpose of the Attendance Improvement Program is to encourage District staff members to report to work and to arrive to work on time. One of the District's most valuable resources is its staff. Every employee of the District has an obligation to perform with regularity the functions for which he/she was hired. It is the intent of the District to manage employee absenteeism in a fair and consistent manner. **The Attendance Improvement Program applies to all employees including Instructional staff members.**

[provide link to AIP book]

2. What are the steps of the AIP?

Absenteeism

Step 1 – After 5 days of absence for 10 month employees and 6 days of absence for 12 month employees, **schedule a conference**. Confirm outcome in writing. This constitutes a verbal warning.

Step 2 – After 9 days of absence for 10 month employees and 11 days of absence for 12 month employees, **issue a letter of warning**.

Step 3 – After 18 days of absence for both 10 and 12 month employees, **request a Disciplinary Hearing**.

Lateness/Early Departures

Step 1 – After 3 late arrivals/early departures for both 10 and 12 month employees and, **schedule a conference**. Confirm outcome in writing. This constitutes a verbal warning.

Step 2 – After 5 late arrivals/early departures for both 10 and 12 month employees, **issue a letter of warning**.

Step 3 – After 7 late arrivals/early departures for both 10 and 12 month employees, **request a Disciplinary Hearing**.

3. What are the AIP codes?

OPERATIONAL DEFINITIONS

1. **Absent Without Leave (AWOL)**

Code: Q

All employees are required to report their absence to their respective Supervisor **and** SubFinder prior to their scheduled starting time. Any employee who does not provide the above notification of his/her absence shall be AWOL and recorded accordingly. [In the event of a conflict with procedures set forth in a collective bargaining agreement, the collective bargaining agreement shall control.]

“ [A]ny employee who is absent from duty for five (5) or more consecutive days without the approval of his or her superior shall be considered to have abandoned his/her position and shall be recorded as resignation not in good standing.” N.J.A.C. 4A:2-6.2 (b)

2. **Administrative Day**

Code: I

An approved and scheduled school and/or central office closing. Does not include Christmas (winter) and/or Easter (spring) recess.

3. **Administrative Day (Weather)**

Code: J = Whole Day

Code: Z = Half Day

The District schools and/or central offices have been **officially** closed due to actual or impending weather conditions.

4. **Administrative Excuse**

Code: H

An employee has received authorization for absence due to professional reasons; including but not limited to: workshops, conferences, conventions, in-service seminar and outside district visitations. These days are not counted as occasional absences.

5. **Bereavement/Funeral**

Code: C

An employee has reported absence under the appropriate contractual bereavement provision, or administrative regulation **and** has complied with documentation requirements. These days are not counted as occasional absences.

6. **Deceased**

Code: S

An Employee has expired.

7. Holiday

Code: G

An approved and scheduled acknowledgement of federal, state and/or local non-business days.

8. Military Duty

Code: M

An employee has received formal notice of requirements to report for duty (national guard/reserves) and has submitted a formal request for a leave of absence to Human Resource Services, Administrative Support Unit, with a copy to his/her location administrator.

9. Personal Day

Code: B = Whole Day

Code: U = Half Day

An employee has complied with requirements for reported absence due to personal reasons. These days are not counted as occasional absences.

10. Professional Day

Code: H = Whole Day

Code: Y = Half Day

An employee has received authorization for absence due to professional reasons; including but not limited to: workshops, conferences, conventions, in-service seminar and outside district visitations. These days are not counted as occasional absences.

11. Sick

N.J.A.C. 4A:6-1.3 Sick Leave

(g) Sick leave may be used by employees who are unable to work because of:

1. Personal illness or injury (Federal Family and Medical leave);
2. Exposure to contagious disease (Federal Family and Medical Leave);

(h) Sick leave may be used by an employee with a disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the appointing authority.

4. What does the grievance process entail?

Grievance Process and Practice

1. If a grievance is not satisfactorily resolved informally between an employee and his/ her immediate superior, the grievance is submitted as an appeal to the Office of Labor and Employee Relations (OLER as the Superintendent's designee).
 2. Once a grievance is received by OLER, the Labor Relations Specialist, Employee Relations Officer or Director of the OLER conducts a conference/discussion with the union representative and employee within 10 working days or 5 working days (depending on the bargaining unit) after receipt of such grievance. However, in accordance with the collective bargaining agreements, the time for a meeting is fixed by mutual agreement between the union and the OLER.
 3. Often times, it is necessary to have several telephone conferences or in person conferences between the OLER staff person and the union representative and employee to arrive at a satisfactory resolution.
 4. A written decision is issued by the OLER and submitted to the union, the employee and the employee's immediate superior within 5 to 10 days of the conference held with the union and employee.
 5. In the event that a grievance is not settled or granted, the employee and union may have the grievance submitted to binding arbitration by giving notice within 10 work days after the decision issued by the OLER is given to the employee and the union.
 6. An arbitrator is mutually selected by the OLER and the union. The arbitrator must be a member of the National Academy of Arbitrators, American Arbitration Association or an arbitrator registered with the Public Employment Relations Commission as a panel arbitrator.
5. How do I get an Administrative Excuse?
If it is dealing with Union business, the Union will send a letter to the Superintendent's office requesting an administrative excuse. You can also request an Administrative Excuse if you are attending a class, conference or usually any type of school business, and it has been approved by your supervisor.

6. How do I get an approval for an Administrative Day?

It should be an approved and scheduled school and/or central office closing.

7. What do I do if I am summoned for jury duty?

If summoned for jury duty, you must submit a copy of your jury summons to your time keeper so it can be submitted to Labor Relations. After completion of jury duty, you must request a letter of verification from the jury manager and submit it to the timekeeper.

8. Where can I find the school calendar- work days?

[Click To View Calendar](#)

9. What does it mean to be Absent Without Leave (AWOL)?

Absent Without Leave (AWOL)

All employees are required to report their absence to their respective Supervisor **and** SubFinder prior to their scheduled starting time. Any employee who does not provide the above notification of his/her absence shall be AWOL and recorded accordingly. [In the event of a conflict with procedures set forth in a collective bargaining agreement, the collective bargaining agreement shall control.]

“ [A]ny employee who is absent from duty for five (5) or more consecutive days without the approval of his or her superior shall be considered to have abandoned his/her position and shall be recorded as resignation not in good standing.” N.J.A.C. 4A:2-6.2 (b)

10. What are my rights as an employee?

[Click To View Contracts](#)

11. Can a manager/supervisor send an employee home for disciplinary purposes?

A manager/supervisor cannot send an employee home for disciplinary reasons. If an employee engages in conduct unbecoming a public employee, a request for immediate disciplinary action should be forwarded to the appropriate authority. A determination will be made by that authority as to how to proceed.

For instructional staff, if it is determined that the employee be suspended, he/she will be suspended with pay pending the outcome of the investigation or other action that is being taken. However, if a non-instructional employee is charged with gross

misconduct, he/she will be placed on a Superintendent's Suspension without pay, pending the outcome of the Disciplinary Hearing.

12. What should a manager/supervisor do if an employee exhibits unusual behavior and signs of intoxication (i.e. extreme drowsiness, agitation or slurred speech)?

If an employee exhibits signs of intoxication, **immediately** contact Ron Hale of Risk Management at (973) 733-6836. If Mr. Hale is not available, contact Willie Freeman of Security Services at (973) 733-8307 or Jacquelin Chavis of Labor Relations at (973) 733-8225 for assistance.

13. What should a manager/supervisor do if an employee cannot perform the physical or mental requirements of the job duties/responsibilities?

Contact Human Resource Services at (973) 733-6950. HRS has received numerous requests for certain employees to undergo physical or psychiatric examinations pursuant to N.J.S.A. 18A:16-2 and District Policy 4112.4.

In an effort to comply with the statute and policy, the following procedures are being implemented to shorten the response time.

1. If you approve of a request for an examination, you should write to my office recommending the examination and provide supportive documentation. Upon review of the recommendation and documentation, a letter will be sent to the affected employee advising of the recommendation, as well as a statement of reasons for the examination.
2. The employee has the right to request a hearing concerning the requested examination. This is not an adversarial hearing, but an opportunity for the employee to present statements or documents opposing the examination. If a hearing is requested, you and the principal, or direct supervisor, will be notified.
3. A decision will then be rendered by this office as to whether an examination is required. Subsequently, a date and time will be scheduled for the examination. You will be notified in writing of the results of the examination by my office.

Please click the link to view a sample form to assist you with these procedures.

[provide link to document]

14. Where can I view a copy of the Human Resources Policy and Procedure Administrative Regulations?

[Click To View HRS Information](#)

15. Am I required to give notice to my department if I decide to accept another position? If so, how much?

Yes, two weeks' notice is required.

16. How do I obtain information about the Family Medical Leave Act (FMLA)?

Information about the Family Medical Leave Act (FMLA) can be obtained by contacting the Office of Administrative Support at extension (7132) or by visiting the Department of Labor Website at: <http://www.dol.gov/whd/>

17. How much vacation time do I receive?

[Click To View Union Contracts](#)

18. How much sick leave do I receive?

[Click To View Union Contracts](#)

19. What holidays does the District recognize?

[Click To View Calendar](#)

20. What do I do if I believe I have been discriminated against based upon my race, age, religion, gender, national origin, or disability?

[Click To View Policy](#)

21. What do I do if I have issues related to workplace safety or workplace injuries?

Contact the Office of Risk Management at (973) 733-7226 or (973) 733-6836.

22. Can I get a copy of my Union contract? If so, where?

Yes. You will get a copy of the contract from your union.

23. Which employees are in the bargaining unit?

All employees are in a bargaining unit except for those with unaffiliated titles.

24. Who has to pay union membership dues?

Everyone who is in a union must pay membership dues.

25. Is an employee covered by the union contract if they do not pay union membership dues?

Yes. The Union agrees to represent equally all members covered by the Union contract. Moreover, all Union dues are automatically deducted by payroll as agreed upon by the Union and the District.

26. How does an employee contact a union representative?

[Click To View Union Information](#)

27. What can an employee do if their work place practices, based on operational requirements, do not coincide with the contract requirements?

The employee should talk to their direct supervisor and explain why s/he believes their operational requirements do not coincide with their contract requirements. If the supervisor fails to resolve the employee's concerns, then employee must contact their union representative.

28. Can a bargaining unit employee bring a union representative to an investigatory meeting?

Weingarten Rule

An employee has a right to request a union representative's assistance during an investigatory interview that the employee reasonably believes may lead to discipline. If an employee requests and is entitled to a Weingarten representative, the employer must allow representation, discontinue the interview, or offer the employee the choice of continuing the interview unrepresented or having no interview.

29. If a supervisor or an administrator wants to request a disciplinary hearing for an employee, what steps should be taken?

In most cases, the following steps for progressive discipline must be followed:

Step 1 – After 1st incident of neglect, misconduct, or insubordination, **schedule a conference**. Confirm outcome in writing. This constitutes a verbal warning.

Step 2 – After 2nd incident of neglect, misconduct, or insubordination, **issue a letter of warning.**

Step 3 – After 3rd incident of neglect, misconduct, or insubordination, **request a Disciplinary Hearing.**

However, if an employee engages in an act of violence or is under the influence of alcohol or any other mood altering substance, immediately request that all witnesses to the incident prepare a written statement. The administrator must prepare an incident report and compile all relevant documentation/information. This information should then be forwarded to the Office of Labor Relations with a request for immediate disciplinary action.