

L.D. NO. 90-7

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
LITIGATION ALTERNATIVE PROGRAM

In the Matter of

LOWER CAMDEN COUNTY BOARD OF EDUCATION,

-and-

Docket No. LP-90-5

LOWER CAMDEN COUNTY EDUCATION ASSOCIATION.

Appearances:

For the Board
Joseph Weinberg, Esq.

For the Association
James Geiger, NJEA Rep.

LAP RECOMMENDATION

On December 12, 1989, the Lower Camden County Regional Education Association ("Association") requested the Public Employment Relations Commission invoke its Litigation Alternative Program to help resolve a dispute which arose concerning a sick leave bank provision in its contract with the Lower Camden County Regional Board of Education.

Article X, Section D, Sick Bank, of the contract provides:

During the 1989-90 school year, a Sick Leave Bank shall be established for the purpose of providing compensable leave coverage to bargaining unit members who are absent for an extended period due to catastrophic illness or injury. This Bank shall operate in accordance with the following rules and regulations.

1. The Sick Bank shall become effective and be implemented as soon as possible after January 1, 1990.

2. Employees will contribute one personal day to the Bank. Employees hired after January 1, 1990 will contribute a personal day during their initial year of employment.

3. The Sick Leave Bank shall be available only to those employees who have: (1) exhausted all of their earned and accumulated leave time (example: vacation, sick personal leave) and (2) who have been absent a minimum of thirty (30) consecutive workdays.

4. An employee who is eligible to utilize the Sick Bank must submit a written request to do so to the Superintendent or his designee. The request shall outline the nature of the problem and the reason(s) for the requested use of the Bank and shall include medical verification of illness, injury or disability. Verification of continued disability may be required at reasonable intervals. The Board reserves the right to have the bargaining unit member examined by medical personnel of its choice.

5. An employee's use of the Sick Bank shall be subject to approval of the Board or its designee. An employee shall be entitled to no more than 150 Sick Bank days in a year (July - June).

6. Sick Leave Bank days cannot be extended automatically from one work year to another. beginning the next year, an employee who is unable to return to work must use his/her accumulated sick leave days before drawing upon the Sick Leave Bank.

7. The Sick Bank may be used up to the number of days available. Should the number of days fall below 100, employees will be asked to contribute an additional personal day. Only employees who contribute an additional personal day will continue to be eligible for this benefit.

I held a conference with the parties on February 13, 1990 at which time the parties informally presented their respective positions and submitted supporting documents.

The Board's main concern was that it believed that the sick leave bank provision was overbroad and might be intended to unlawfully interfere with its obligation under N.J.S.A. 18A:30-6. The Association argued that the sick leave bank provision does not improperly interfere with the Board's obligation under 18A:30-6.

The parties submitted this dispute for my consideration.

RECOMMENDATION

I recommend that to both preserve the sick leave bank provision and insure that the Board's action do not contravene 18A:30.6, the parties insert the following language in the contract at Article 10, Section 1 & 5:

This provision is not meant to contravene N.J.S.A. 18A-30.6 and the Board's decision shall be final and binding. This provision is governed by Article II, Section (6)(a).



Edmund G. Gerber
Commission Designee

DATED: February 15, 1990
Trenton, New Jersey