

CHAPTER 6

**LEAVES, HOURS OF WORK AND
EMPLOYEE DEVELOPMENT**

Authority

N.J.S.A. 11A:2-6(d), 11A:6-1 through 11A:6-28, 11A:6-29, 11A:6-31, 18A:31-2, 30:4-178, 34:11B-1 et seq., 38:23-2, 38A:1-1, 38A:4-4, 40A:14-177, and 52:14-26.2; P.L. 2001, c. 351; Executive Order No. 12 (1990) and Executive Order No. 88 (2003); 10 U.S.C. §10101, 29 U.S.C. §§2601 et seq., 38 U.S.C. §§4301 et seq. and 42 U.S.C. §§12101 et seq.; and 29 CFR 825.

Source and Effective Date

R.2009 d.9, effective December 3, 2008.
See: 40 N.J.R. 2624(a), 41 N.J.R. 123(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 6, Leaves, Hours of Work and Employee Development, expires on May 31, 2016.
See: 48 N.J.R. 5(a).

Chapter Historical Note

Chapter 6, Leaves, Hours of Work and Employee Development, Subchapters 1 through 5, was adopted as R.1988 d.13, effective January 4, 1988. See: 19 N.J.R. 1764(a), 20 N.J.R. 54(a). See, also, Historical Notes at repealed N.J.A.C. 4:1, Civil Service Rules, specifically Subchapters 17, 18, 20 and 26; repealed N.J.A.C. 4:2, State Service, specifically Subchapters 17, 18, 20 and 26; and repealed N.J.A.C. 4:3, Local Service, specifically Subchapters 17 and 20. Subchapter 6, Awards Program, was adopted as R.1988 d.11, effective January 4, 1988. See: 19 N.J.R. 1774(a), 20 N.J.R. 67(a). See, also, Historical Note and section annotations at repealed N.J.A.C. 4:4, New Jersey State Employees' Awards Committee Rules.

Pursuant to Executive Order No. 66(1978), Chapter 6, Leaves, Hours of Work and Employee Development, was readopted as R.1993 d.47, effective December 22, 1992. See 24 N.J.R. 3590(a), 25 N.J.R. 293(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 5 were readopted as R.1998 d.57, effective December 19, 1997; and Subchapter 6, Awards Program, was readopted as R.1998 d.58, effective December 19, 1997. See: 29 N.J.R. 4364(a), 30 N.J.R. 384(a), 29 N.J.R. 4590(a), 30 N.J.R. 384(b).

Subchapter 6, Awards Program, was readopted as R.2003 d.241, effective May 22, 2003. See: 35 N.J.R. 344(a), 35 N.J.R. 2637(b).

Chapter 6, Leaves, Hours of Work and Employee Development, Subchapters 1 through 5, were readopted as R.2003 d.261, effective June 9, 2003. See: 35 N.J.R. 339(a), 35 N.J.R. 2861(b).

Chapter 6, Leaves, Hours of Work and Employee Development, Subchapters 1 through 5, were readopted as R.2009 d.9, effective December 3, 2008. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, Awards Program, was readopted as R.2009 d.10, effective December 3, 2008. See: 40 N.J.R. 3776(a), 41 N.J.R. 126(a).

Petition for Rulemaking. See: 42 N.J.R. 821(a), 1746(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 6, Leaves, Hours of Work and Employee Development, was scheduled to expire on December 3, 2015. See: 43 N.J.R. 1203(a).

Cross References

Applicability of this chapter to SES members, see N.J.A.C. 4A:3-2.6.

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SUBCHAPTER 1. LEAVES OF ABSENCE

4A:6-1.1 General provisions

(a) In local service, appointing authorities shall establish types of leaves and procedures for leaves of absence.

1. Pursuant to this subchapter, employees in local service shall also be entitled to vacation leave (N.J.A.C. 4A:6-1.2(b) through (h)); sick leave (N.J.A.C. 4A:6-1.3(a) through (h)); military leave (N.J.A.C. 4A:6-1.11); gubernatorial appointment leave (N.J.A.C. 4A:6-1.12); convention leave (N.J.A.C. 4A:6-1.13); elective office leave (N.J.A.C. 4A:6-1.17); family leave under State law (N.J.A.C. 4A:6-1.21A); and Federal family and medical leave (N.J.A.C. 4A:6-1.21B).

2. An appointing authority may grant permanent employees a leave of absence without pay for a period not to exceed one year. A leave may be extended beyond one year for exceptional circumstances upon request of the appointing authority and written approval of the Department of Personnel.

3. An appointing authority may grant unpaid union leave pursuant to N.J.A.C. 4A:6-1.16.

4. Vacation and sick leaves for police officers and firefighters are established by local ordinance. See N.J.S.A. 40A:14-7 and 40A:14-118.

(b) In State service, this subchapter shall apply to career service employees, unless otherwise indicated. Temporary employees (see N.J.S.A. 11A:4-13c.) are not entitled to the leaves or benefits in this subchapter.

(c) Records of all employee leaves of absence and types of leave shall be maintained by State and local appointing authorities and reported to the Department of Personnel for the official State record in the prescribed manner and form.

(d) A leave of absence shall not disqualify an applicant for a promotional examination.

(e) Where leave procedures are not set by this subchapter, appointing authorities shall establish such procedures subject to applicable negotiations requirements.

Amended by R.1990 d.387, effective August 6, 1990.

See: 22 N.J.R. 1300(b), 22 N.J.R. 2263(a).

In (a)1: added "and family leave" with N.J.A.C. citation.

Amended by R.1994 d.620, effective December 19, 1994.

See: 26 N.J.R. 3511(a), 26 N.J.R. 5002(b).

Case Notes

Removal of a senior correction officer following his arrest and conviction for driving while intoxicated was proper because there was no requirement that the officer be provided with leave for 90 days of incarceration, even if the incarceration was due to the officer's alcoholism disability; the officer was properly charged with chronic or excessive absenteeism and job abandonment, especially in light of the fact that the officer had been granted previous leaves of absence in order to attend inpatient drug treatment (adopting in part and rejecting in part 2007 N.J. AGEN LEXIS 114). In re Greenfield, OAL Dkt. No. CSV 4473-05, 2007 N.J. AGEN LEXIS 1127, Final Decision (May 23, 2007), aff'd per curiam, No. A-0713-07T1, 2009 N.J. Super. Unpub. LEXIS 148 (App.Div. February 19, 2009).

Merit System Board does not have jurisdiction to review an unclassified employee's entitlement to vacation leave. In re Hearn, OAL Dkt. No. CSV 04991-05, Final Decision (October 10, 2007).

N.J.A.C. 4A:6-1.1 does not prohibit an appointing authority from granting a non-permanent employee a leave of absence for a period up to one year, and employees in their working test period can be granted leaves of absence. In re Mortimer, OAL Dkt. No. CSV 6378-05, 2006 N.J. AGEN LEXIS 543, Merit System Board Decision (April 26, 2006).

4A:6-1.2 Vacation leave

(a) Full-time State employees in the career service shall be entitled to annual paid vacation leave, credited at the beginning of each calendar year in anticipation of continued employment, based on their years of continuous State full-time or part-time service in the career, senior executive or unclassified service. See (c) below for definition of continuous service.

1. New employees shall only receive one working day for the initial month of employment if they begin work on the 1st through the 8th day of the calendar month, and one-half working day if they begin on the 9th through the 23rd day of the month.

2. After the initial month of employment and up to the end of the first calendar year, employees shall receive one working day for each month of service. Thereafter, employees shall receive paid vacation leave as follows:

i. From the beginning of the first full calendar year of employment and up to five years of continuous service, 12 working days;

ii. After five years of continuous service and up to 12 years of continuous service, 15 working days;

iii. After 12 years of continuous service and up to 20 years of continuous service, 20 working days;

iv. Over 20 years of continuous service, 25 working days.

3. An increase in vacation leave shall be granted at the beginning of the calendar year in which the years of service requirement will be met.