

STATE OF NEW JERSEY

In the Matter of Joseph Graf, Corrections Officer Recruit, Department of Corrections	:	: FINAL ADMINISTRATIVE ACTION : OF THE : CIVIL SERVICE COMMISSION :	
CSC Docket No. 2018-3283		Administrative Appeal	
		ISSUED: June 22, 2108 (RE)	

2

The Department of Corrections (Corrections) requests that the Civil Service Commission (Commission) relax and extend the time period set forth in N.J.A.C. 4A:6-1.10(a)1 and grant a leave of absence without pay for Joseph Graf, Correction Officer Recruit, to February 19, 2019.

By way of background, Graf was appointed to Correction Officer Recruit on June 27, 2017. He completed a 14-week training program at the Correctional Staff Training Academy, and began working as a Correction Officer Recruit at the Albert C. Wagner Youth Correctional Facility. However, as the working test period is one year, and Graf does not have one year of time in grade, he is considered a nonpermanent employee. He was placed on leave of absence without pay on September 26, 2017, when diagnosed with a significant illness requiring surgery, and extensive treatment and rehabilitation. Graf's tentative return to work date is February 1, 2019, and Corrections requests that his leave of absence without pay be extended to February 19, 2019 when it is anticipated that he will be medically cleared to return to work. Corrections indicates that it has invested resources in training Graf.

CONCLUSION

N.J.A.C. 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

N.J.A.C. 4A:6-1.10(a)1 provides, in pertinent part that an appointing authority, with this agency's approval, may grant a leave of absence without pay to non-permanent career service State employees for exceptional situations. Such leaves shall not exceed six biweekly pay periods, or the equivalent, and shall not continue beyond termination of the appointment. Such leaves may be extended up to an additional six months, upon request of the appointing authority and written approval by the Chairperson or designee, in cases of personal illness and disability.

In the instant matter, there is no basic factual dispute but, rather, the central issue involves extending a leave of absence without pay. Graf was appointed as a Correction Officer Recruit in June 2017, and through no fault of his own, was medically required to leave employment in September 2017, without completing his working test period. Corrections would like to retain this employee due to the amount of resources committed in his training and employment. Under these circumstances, good cause exists to provide Graf with a leave of absence without pay to February 1, 2019, the date that it is expected that he will be medically cleared to return to work.

ORDER

Therefore, it is ordered that the request be granted, and Joseph Graf be provided with a leave of absence without pay to February 1, 2019. Graf's personnel record should be amended in accordance with this decision.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE CIVIL SERVICE COMMISSION ON THE 20th DAY OF JUNE, 2018

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Deirdré L. Webster Cobb Chairperson Civil Service Commission

Inquiries and Correspondence Christopher S. Myers Director Division of Appeals and Regulatory Affairs Civil Service Commission Written Record Appeals Unit P.O. Box 312 Trenton, New Jersey 08625-0312

c: Joseph Graf Elizabeth Whitlock Kelly Glenn Records Center