New Jersey Courts
Independence • Integrity • Fairness • Quality Service

Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

www.njcourts.com • phone: 609-984-0275 • fax: 609-984-6968

Directive # 02-13
[Supersedes Directive #8-01]

To: **Hon. Carmen Messano**
Assignment Judges
Hon. Patrick DeAlmeida

From: **Glenn A. Grant, J.A.D.**

Subject: **Judges' Absences from the Workplace – Reporting Policy**

Date: **March 28, 2013**

At its March 19, 2013 Administrative Conference, the Supreme Court approved the attached revised Reporting Policy for Judges' Absences from the Workplace, which supersedes Directive #8-01. As set forth therein, the purpose of the policy is to assist in planning for judicial coverage during judges' absences and/or inability to perform unrestricted full-time judicial duties and, further, to help ensure that a judge does not return to work before it is medically advisable to do so. The policy also provides for necessary recordkeeping to facilitate any future application for judicial disability retirement.

The revisions from the previous directive align the policy with federal and state legal mandates that confidential medical records be provided to and maintained by Human Resources, rather than by the Assignment Judge or Presiding Judge. Additionally, the ability to seek medical information after a judge has been absent from the workplace for five consecutive days, as opposed to four consecutive weeks, will facilitate the planning for necessary judicial coverage.

Please ensure that all judges in your vicinage or in your court receive a copy of this policy and are aware of its provisions. Thank you.

Attachment (policy statement)

cc: Chief Justice Stuart Rabner
Supreme Court
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Meryl G. Nadler, Counsel to the Administrative Director
Trial Court Administrators
Directors of Dedicated Funds
Gurpreet M. Singh, Special Assistant

JUDGES' ABSENCES FROM THE WORKPLACE – REPORTING POLICY

Policy Promulgated by Directive #02-13 (dated March 28, 2013)

At its March 19, 2013 Administrative Conference the Supreme Court approved the following revised reporting policy concerning judges' absences from the workplace. This revised policy supersedes the previously approved policy promulgated by Directive #8-01. It is applicable to the Appellate Division, the Superior Court, and the Tax Court (as was the prior policy).

This policy has been adopted to assist in planning for judicial coverage during judges' absences and/or inability to perform unrestricted full-time judicial duties, and further, to ensure that a judge does not return to work before it is medically advisable to do so.

Additionally, this policy provides necessary recordkeeping to facilitate any future application for judicial disability retirement.

If a judge has been absent on sick leave for five or more consecutive days or if there is a reason to suspect that a judge's use of sick leave is inappropriate, the judge may be required to provide proof of illness or injury to Human Resources.

The medical information should contain a diagnosis, a prognosis, limitations on the ability to perform judicial duties and an estimation of the probable return date to full-time judicial duties. Human Resources should retain that information, together with any other pertinent medical or psychiatric/ psychological information, in a confidential file. Without revealing the underlying medical condition, the Human Resources representative should provide the Assignment Judge/Presiding Judge[1] with information regarding any limitations on the ability to perform judicial duties and the probable return date to full-time judicial duties. If the medical documentation reveals that the judge is unable to perform any judicial duties, the Assignment Judge/Presiding Judge should so advise the Administrative Director.

If the medical information provided to Human Resources reveals that a judge, having been absent from work on sick leave for more than five consecutive days, is medically or psychiatrically determined capable either of (a) returning to unrestricted part-time judicial duties or (b) returning to full-time judicial duties but with restrictions or conditions on the judge's judicial assignment, the Assignment Judge/Presiding Judge shall so notify the Administrative Director and shall provide the Administrative Director with information as to the necessary restrictions or conditions. In that situation, the

---

[1] As used in this policy, "Assignment Judge/Presiding Judge" shall be read as the Assignment Judge for Superior Court judges, the Appellate Division Presiding Judge for Administration for Appellate Division judges, and the Tax Court Presiding Judge for Tax Court judges.

judge shall not be permitted to return either to unrestricted part-time judicial duties or to full-time judicial duties under restrictions/conditions without the approval of the Chief Justice, the Administrative Director and the Assignment Judge/Presiding Judge.

In the event that a judge is diagnosed with a medical or psychological/ psychiatric condition that does not require his/her absence from work (or that does not require his/her absence for more than five consecutive days), but which does prevent the judge from performing full-time unrestricted judicial duties, the judge shall provide Human Resources with relevant documentary evidence of that medical or psychiatric/psychological condition, including information as to any necessary restrictions or conditions and the reasons therefor. Human Resources shall provide information limited to any restrictions/conditions on the judge's ability to perform full-time unrestricted judicial duties to the Assignment Judge/Presiding Judge. The judge shall not be permitted to continue or return to his/her judicial duties with such restrictions/conditions without the approval of the Chief Justice, the Administrative Director, and the Assignment Judge/Presiding Judge.

After initial medical or psychiatric/psychological information is provided, absent extraordinary circumstances, Human Resources should thereafter obtain periodic reports on a regular basis (e.g., every two weeks) during the pendency of the judge's absence from full-time judicial duties.

In the event that a judge, having been absent from work on sick leave for more than five consecutive days, or having been on part-time duty or restricted full-time duty, is medically or psychiatrically determined capable of returning to unrestricted full-time judicial duties, the Assignment Judge/Presiding Judge shall so notify the Chief Justice and the Administrative Director.

The Assignment Judge/Presiding Judge, with the approval of the Administrative Director, may require any judge whose medical, physical or mental condition is covered by this policy to undergo an independent medical and/or psychiatric/psychological examination to confirm the nature and extent of any illness or disability. The results of that examination shall be provided to Human Resources. Human Resources shall share information related to any limitation on the judge's ability to perform full-time unrestricted judicial duties with the Assignment Judge/Presiding Judge and the Administrative Director.