

EMPLOYEES STATEMENT OF GRIEVANCE:

There has been a staff urine testing policy in existence for many years, that is in compliance with the State Attorney General's Office guidelines for the urine testing of law enforcement officers in the State of New Jersey. This current policy was developed in conjunction with, and through negotiations with, all majority representatives of the employees covered by the policy.

On July 28, 2005, John P. Nuttall, Director of the New Jersey Department of Corrections, Office of Employee Relations, sent a letter advising of the Department of Corrections' intent to implement an amended staff urine testing policy (ADM.006.015). Amendments to the policy would change the criteria for testing, increase the substances tested for, and the circumstances under which an employee could be ordered to submit to urine testing. The amendments go well beyond what action is allowed by the State Attorney General's guidelines. The amendments also serve to alter the terms and conditions of employment that directly affect the work and welfare of the group grievants.

In a letter dated August 10, 2005, this majority representative informed Mr. Nuttall that it wished to enter into "good faith" negotiations regarding the proposed amendments to the existing staff urine testing policy, which would alter the terms and conditions of employment of it's members.

In a letter dated August 24, 2005, Mr. Nuttall advises this majority representative that "the above referenced proposal does not affect the terms and conditions of employment" and implies that the Department is under no obligation to negotiate in good faith, any changes to the existing, previously negotiated, policy. Mr. Nuttall makes it clear that the Department of Corrections is simply soliciting comments from this majority representative and will not negotiate any proposed changes.

For purposes of our applicable collective bargaining agreement (CAB), Article X; Section C, § 1 (b.) defines terms and conditions of employment as "those matters which intimately and directly affect the work and welfare of the employees covered". Altering a policy which could result in an employee being disciplined with a sanction of removal, intimately and directly affects that employees work and welfare.

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:

The Department of Corrections will not implement any changes to the existing staff urine policy. If the Department of Corrections does wish to alter the staff urine policy, it will, prior to implementation of any changes, enter into "good faith" negotiations with the majority representative. Good faith negotiations will be an open dialogue between the parties to reach mutual resolution, and not simply a mere discussion or exchange of correspondences. Only after good faith negotiations, and mutual agreement will any changes be made to the existing staff urine policy.

The State of New Jersey and the Department of Corrections will cease it's practice of implementing changes to any terms and conditions of employment without proper notice to, and negotiation with, this majority representative.