



# Communications Workers of America Local 1036

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## CWA 1036 NJ STATE EXECUTIVE BRANCH MEMBERS

### AGRICULTURE, NJDEP, NJ DOH, and NJDHS

## CWA-NEGOTIATED COVID TESTING AND LEAVE RULES

**November 18, 2021**

CWA has been advocating for a delayed return to full-office reporting for several months. Our entire membership's RTO was initially scheduled for mid-September, then delayed to October, and eventually set for returns during the month of November. We have continued to negotiate and fight for workplace safety measures as well as help members with ADA and other accommodation issues throughout, in parallel with advocating for a permanent telework policy.

As our membership was scheduled to return to offices, CWA negotiated with the State for several weeks over COVID testing and leave procedures. The Union and the State recently signed a Memorandum of Agreement covering procedures around COVID testing and COVID leaves.

Discussions about a going-forward remote working program continue.

### **Below is a summary of the MOA on COVID Testing and COVID Leaves:**

- The MOA expires March 31, 2022 and may be renewed through negotiations at that time.
- Vaccines will continue to be provided at no cost to employees. All state executive branch employees will continue to be provided up to one day of paid COVID leave time to receive vaccination doses, which include initial doses and any boosters.
- Employees who have not provided proof of full vaccination are subject to testing weekly. Testing is provided by the State at no cost to employees. Testing will be done during work time, either via onsite or by sending home kits to the employee's home, at the discretion of each department. Doing a home kit requires scheduling a tele-health appointment with the testing provider. (Note: testing is not required for vaccinated employees at this time based on CDC guidance.)
- State will provide periodic reports to CWA regarding the number of employees subject to testing, the number who have reported full vaccination and other information. No confidential medical information will be reported, just aggregated data.
- **COVID SICK leave: *for the duration of any requirement to isolate/quarantine***
  - Own isolation or quarantine, is symptomatic and seeking a medical diagnosis or has tested positive
  - Primary caregiver to individual required to isolate or quarantine
  - Must provide proof of positive test or name of health care provider or government entity which advised to quarantine

- **COVID FAMILY leave: *if employee is caring for child or elder***
  - Up to 10 days
  - If school closes to onsite instruction, childcare provider closes, or adult care facility closes due to COVID.
  - If you exhaust these 10 days, you can take your own benefit leave time
  
- **Remote Working Alternatives**
  - Employee is primary caretaker of school-aged child, child under 5 years old attending child care, or an adult attending a congregate care setting – may work remotely for the period of a COVID-related isolation or quarantine or closure. Documentation is required.
  - Employee who is eligible for COVID SICK or COVID FAMILY Leaves, but able to work remotely, may do so at the employee’s request for the period of time they would otherwise be eligible for the leave. Such requests shall not be unreasonably denied. Documentation is required.
  - Employee, due to his/her own medical condition, who is unable to work onsite may request an accommodation under ADA. Must submit an ADA request with medical documentation requesting remote work.
  
- **Non-compliance.** If an employee does not adhere to the weekly testing (without good cause), discipline may result which would likely be an immediate suspension without pay pending a full discipline hearing.

*FULL MOA is available at:*

*[https://www.cwa1036.org/system/files/2021-11-12\\_cwa\\_moa\\_covid\\_testing\\_and\\_leaves.pdf](https://www.cwa1036.org/system/files/2021-11-12_cwa_moa_covid_testing_and_leaves.pdf)*

**PRACTICAL ADVICE HOW TO USE THESE BENEFITS – (not part of the MOA)**

**If you need to isolate/quarantine or are seeking a diagnosis or waiting for a test result, or are a primary caregiver for someone seeking a diagnosis or waiting for a test result...**

- (1) Contact HR that you will need to isolate/quarantine and are seeking a diagnosis. Submit proof of that requirement. You must submit documentation!
- (2) Ask for telework for the duration of this period. Per the MOA, section #13, *“an employee who is eligible for COVID-SICK or COVID-FAMILY leaves but is able to work remotely, may work remotely, at the employee’s request, for the period of time they would otherwise be eligible for leave time. Such requests shall not be unreasonably denied.”* Know your union rights and know this language.

**If you have your own medical condition that creates a heightened risk of reporting onsite...**

We can assist you with a ADA request for remote work as a reasonable accommodation. This requires medical certification from your physician and completing certain forms from your Department. Contact the Local for guidance on filing an ADA reasonable accommodation request for remote work. Note this only applies to your own medical condition, not the condition of someone else.

**If you have another situation – contact HR and contact your Local...**

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