

Judges' Absences from the Workplace – Reporting Policy

Directive # 8-01
Issued by:

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Administrative Director

At its February 26, 2001 Administrative Conference the Supreme Court adopted the attached Reporting Policy on Judges' Absences from the Workplace. The policy was previously approved by the Judicial Council at its January 25, 2001 meeting and also was endorsed by the Appellate Division Presiding Judge for Administration and the Presiding Judge of the Tax Court.

As noted therein, the 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, the policy provides necessary record-keeping to facilitate any future application for judicial disability retirement should the need arise.

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

JUDGES' ABSENCES FROM THE WORKPLACE -- REPORTING POLICY (Policy Approved by the Judicial Council on January 25, 2001)

The Judicial Council has determined to adopt a reporting policy concerning judges' absences from the workplace. This policy has been adopted to assist each vicinage 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 record keeping to facilitate any future application for judicial disability retirement.

If a judge's illness or other physical or mental disability/disorder prevents him/her from tending to unrestricted full-time judicial duties for a period of four consecutive weeks, the Assignment Judge should obtain a medical or psychiatric/psychological report as to that judge's condition.

The medical or psychiatric/psychological report should contain a diagnosis, a prognosis, and an estimation of the probable return date to full-time judicial duties. The Assignment Judge should retain that report, together with any other pertinent medical or psychiatric/psychological information, in a confidential file and should advise the Administrative Director accordingly.

Subsequent to that initial medical or psychiatric/psychological report (obtained by the Assignment Judge after four weeks), the Assignment Judge, absent extraordinary circumstances, thereafter should obtain periodic reports on a regular basis (e.g., monthly) 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 four consecutive weeks, is medically or psychiatrically determined capable of returning to unrestricted full-time judicial duties, the Assignment Judge shall so notify the Chief Justice and the Administrative Director and, if requested, shall provide them with copies of all relevant documentary evidence of the judge's present medical or psychiatric/psychological condition.

In the event that a judge, having been absent from work on sick leave for more than four consecutive weeks, 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 shall so notify the Administrative Director and shall provide the Administrative Director with copies of all relevant documentary evidence of the judge's present medical or psychiatric/psychological condition, including information as to the necessary restrictions or conditions and the reasons therefor. In that situation, the 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.

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 four consecutive weeks), but which does prevent the judge from performing full-time unrestricted judicial duties, the judge shall provide the Assignment Judge with relevant documentary evidence of that medical or psychiatric/psychological condition, including information as to any necessary restrictions or conditions and the reasons therefor. 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.

The Assignment 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.