

1 A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation A form for this purpose is available from the designated ADA coordinator In cases of employment related grievances, the procedures established by the Department of Personnel, N J A C 4A 7-1 1 et seq will be followed where applicable

2 A grievance should be filed promptly within 30 calendar days after the grievant becomes aware of the alleged violation (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis)

3 An investigation, as may be appropriate, will follow the filing of a grievance The investigation will be conducted by the agency's designated ADA Coordinator The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance

4 In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing

5 The ADA coordinator will maintain the files and records of the agency relating to the grievances filed

6 The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights Use of this grievance procedure is not a prerequisite to the pursuit of other remedies

7 The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules

Amended by R 2008 d 190 effective July 21 2008 See 40 N J R 1736(b) 40 N J R 4323(a) In paragraph 2 inserted 'calendar'

Case Notes

Inmates' ability to challenge statutory imposition of co-payments for medical care via disability discrimination grievance procedures adequately protected inmates due process rights Mourning v Correctional Medical Services, (CMS) of St Louis Missouri 300 N J Super 213 692 A 2d 529 (A D 1997)

10A 1-3 4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is

ADA Coordinator
New Jersey Department of Corrections
PO Box 863
Trenton, New Jersey 08625-0863

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above

(c) All grievances alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N J A C 10A 1-3 5 through 3 8

10A 1-3 5 Grievance procedure

A grievance alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N J A C 10A 1-3 4 within 30 calendar days of the grievant becoming aware of the alleged violation A grievance alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N J A C 4A 7-1 1 through 3 4, if those rules are applicable

Amended by R 2008 d 190, effective July 21 2008 See 40 N J R 1736(b), 40 N J R 4323(a) Inserted 'calendar'

10A 1-3 6 Grievance contents

(a) A grievance submitted pursuant to this subchapter may be submitted in or on the form set forth at N J A C 10A 1-3 7

(b) A grievance submitted pursuant to this subchapter shall include the following information

1 The name of the grievant, and/or any alternate contact person designated by the grievant to receive communication or provide information for the grievant,

2 The address and telephone number of the grievant or alternate contact person, and

3 A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate

10A 1-3 7 Americans with Disabilities Act Grievance Form 100

The following Americans with Disabilities Act Grievance Form 100 may be utilized for the submission of a grievance pursuant to this subchapter

Americans with Disabilities Act Grievance Form 100
Date _____
Name of grievant _____
Address of grievant _____

Telephone number of grievant _____
Name, address and telephone number
of alternate contact person _____

Agency alleged to have denied access
Department _____
Division _____
Bureau or office _____
Location _____
Incident or barrier _____

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation
If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above Form 100 may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 10A:1-3.4

Administrative change
See 27 N.J.R. 4717(a)

10A:1-3.8 Investigation

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an

investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 calendar days from the date of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 calendar days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

Amended by R 2008 d 190 effective July 21, 2008
See 40 N.J.R. 1736(b), 40 N.J.R. 4323(a)
In (a) and (b), inserted 'calendar'

SUBCHAPTER 4 INMATE REMEDY SYSTEM

10A:1-4.1 Purpose

(a) The purpose of this subchapter is to establish

1 The comprehensive Inmate Remedy System in which inmates may formally communicate with correctional facility staff to request information from, and present issues, concerns, complaints or problems to the correctional facility staff. The Inmate Remedy System also includes an "Administrative Appeal" through which inmates are encouraged to formally appeal to the Administrator or designee the decision or finding rendered by correctional facility staff in regard to the "Routine Inmate Request" or "Interview Request" that was previously presented by the inmate. The Inmate Remedy System consists of

- i A "Routine Inmate Request",
- ii An "Interview Request", and
- iii An "Administrative Appeal", and

2 Provisions for the designation of correctional facility staff to manage and coordinate the Inmate Remedy System.

10A:1-4.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

"Coordinator of the Inmate Remedy System" or "Coordinator" means the staff member(s) designated by the Administrator to manage and coordinate the process and to oversee the handling of related forms and proceedings.

"Further deliberation" means additional time needed by correctional facility staff in order to further research, investigate or refer the issue presented by the inmate to a

committee or another entity in order to provide a decision or finding to the inmate

“Urgent request” means a request presented by the inmate on IRSF—101 Inmate Remedy System Form in which the inmate expresses in writing a need for prompt action or response based upon a compelling, emergent or serious circumstance, state, condition or fact associated with the request

10A:1-43 Forms

(a) The following forms related to this subchapter are printed by the Bureau of State Use Industries—DEPTCOR. Each correctional facility shall purchase a supply of these forms by contacting DEPTCOR.

- 1 IRSF—101 Inmate Remedy System Form, and
- 2 IRSF—102 Staff Response Form

(b) The following forms related to this subchapter are available by accessing the Department of Corrections computer network (DOCnet). Interested individuals who do not have access to DOCnet may obtain copies of forms by contacting the Institutional Remedy Coordinator:

- 1 IRSF—103 Staff Corrective Action Form, and
- 2 IRSF—104 Assessment and Evaluation Form

10A 1-4 4 General provisions regarding the Inmate Remedy System

(a) Correctional facility staff and inmates shall be responsible for compliance with the provisions established in this subchapter and any internal management procedures relative to the Inmate Remedy System.

(b) The submission of a "Routine Inmate Request," "Interview Request" and/or "Administrative Appeal" shall not result in cause for coercion, punishment, retaliation, reprisal, or retribution against any individual.

(c) The Inmate Remedy System is a comprehensive system that includes the opportunity for an inmate to submit a "Routine Inmate Request" or "Interview Request" and, in response to the resulting decision or finding, to submit an "Administrative Appeal." Therefore, when a "Routine Inmate Request" or "Interview Request" decision or finding is rendered by correctional facility staff to the inmate, and the inmate wishes to appeal the resulting decision or finding to the Administrator or designee, the inmate is encouraged to submit an "Administrative Appeal." The submission of an "Administrative Appeal" enables the inmate to fully utilize each available option by completing the comprehensive Inmate Remedy System in regard to the inmate's request for information, issue, concern, complaint or problem.

(d) The comprehensive Inmate Remedy System to include a "Routine Inmate Request" and/or "Interview Request," and an "Administrative Appeal" must be utilized and fully exhausted prior to an inmate filing any legal action regarding information requests, issues, concerns, complaints, or problems.

(e) The IRSF—101 Inmate Remedy System Form must be complete, legible and include a clear and concise statement summarizing the request. The IRSF—101 shall contain the full name, SBI number and, when required, signature of the inmate submitting the form. An IRSF—101 submitted anonymously or without a legible, clear indication of the name and number of the inmate shall not be processed through the Inmate Remedy System.

(f) The IRSF—101 may be obtained from designated correctional facility units/departments such as, but not limited to, housing units, the Social Services Department and the law library. Completed forms shall be deposited in designated collection boxes that are located in specified areas of the correctional facility.

(g) The IRSF—103 Staff Corrective Action Form shall be used by correctional facility staff to advise an inmate who has submitted an inappropriate, incomplete, illegible, or unclear IRSF—101 Inmate Remedy System Form of the appropriate steps the inmate needs to take in order to address the issue or to process and fully complete the request.

(h) When deemed necessary by the inmate, an "urgent request" (as these terms are defined within this subchapter) may be indicated on the IRSF—101, however, a written explanation of the urgency must be provided by the inmate which includes the compelling, emergent or serious circumstance, state, condition, or fact associated with the request.

(i) Further deliberation may be deemed necessary in those instances in which an issue requires further research or investigation, or is referred to a committee or to another entity. The staff member shall consult with the Coordinator and any other appropriate correctional facility staff when making the determination that the request requires further deliberation. The IRSF—102 Staff Response Form shall be used to provide the inmate a response within 30 calendar days of receipt of a "Routine Inmate Request" or "Interview Request" by the Coordinator and within ten business days of receipt of an "Administrative Appeal" by the Administrator or designee. Utilizing the IRSF—102, the initial response to the inmate shall include, but not be limited to, statements that indicate:

- 1 Further deliberation is necessary,
- 2 The nature of the deliberation, and
- 3 The timeframe within which the final response shall be provided to the inmate.

(j) For illiterate inmates or inmates otherwise unable to read or write due to a language/physical/medical inability, assistance shall be provided by appropriate correctional facility staff as needed in regard to each step of the Inmate Remedy System.

10A 1-4 5 Submitting and handling a "Routine Inmate Request" or an "Interview Request"

(a) Form IRSF—101 Inmate Remedy System Form shall be used by an inmate who wishes to formally communicate with correctional facility staff by submitting a "Routine Inmate Request" or an "Interview Request" in writing in order to:

- 1 Obtain information, present an issue, concern, complaint, or problem to correctional facility staff, and/or
- 2 Request an interview with a correctional facility staff member regarding an issue, concern, complaint, or problem.

(b) When initially submitting the IRSF—101, the inmate shall check only one box in PART 1 on the form to indicate

that the request is a "Routine Inmate Request" or an "Interview Request"

(c) An "Interview Request" signifies that an inmate has requested to meet with a correctional facility staff member. Such an interview request does not mandate that an interview with a particular staff member will be granted, or that an interview will be granted when the staff member determines the issue can sufficiently be handled in writing.

(d) The inmate shall choose either a "Routine Inmate Request" or an "Interview Request" to fully exhaust the initial step of the Inmate Remedy System prior to submitting an "Administrative Appeal." Submitting an "Interview Request" after submitting a "Routine Inmate Request" in order to communicate with correctional facility staff is permitted, however, utilizing both requests shall not be required in order to exhaust this initial step of the Inmate Remedy System.

(e) Correctional facility staff shall review and respond to a request for information, issue, concern, complaint or problem presented by the inmate in a "Routine Inmate Request" or "Interview Request" within 30 calendar days unless the request is determined to be an urgent request or a request is determined to require further deliberation.

10A-1-4.6 Submitting and handling an "Administrative Appeal"

(a) An inmate may appeal a response or finding received after exhausting the initial step of the Inmate Remedy System as indicated in N.J.A.C. 10A-1-4.5 above. Utilizing the canary-colored copy of the IRSF—101 Inmate Remedy System Form that was originally used to submit the "Routine Inmate Request" or the "Interview Request," the inmate shall check the "Administrative Appeal" box in PART 1 on the IRSF—101 Inmate Remedy System Form.

(b) An "Administrative Appeal" must be submitted by the inmate, utilizing the canary-colored IRSF—101, within 10 calendar days from the issuance of the decision or finding of the correctional facility staff member to the "Routine Inmate Request" or "Interview Request."

(c) The Administrator or designee shall review the "Administrative Appeal" and provide a decision or finding to the inmate within ten business days of receipt of the "Administrative Appeal."

(d) The decision or finding of the Administrator or designee to the "Administrative Appeal" is the final level of review and decision or finding of the New Jersey Department of Corrections.

10A-1-4.7 Responsibilities of the Administrator

(a) The Administrator or designee shall be responsible for

1 Designating a correctional facility staff member(s) to coordinate and to be responsible for matters pertaining to the Inmate Remedy System,

2 Ensuring that "Routine Inmate Requests" and "Interview Requests" submitted by inmates through the Inmate Remedy System are responded to by appropriate correctional facility staff in a timely manner,

3 Reviewing all "Administrative Appeals," making the final Department of Corrections decision relative to the "Administrative Appeal" and ensuring the decision or finding is provided to the inmate within the designated time frame, and

4 Ensuring the development and maintenance of written internal management procedures governing the Inmate Remedy System that are consistent with the requirements of this subchapter.

10A-1-4.8 Responsibilities of the Coordinator of the Inmate Remedy System

(a) The Coordinator or designee(s) shall be responsible for consulting with other staff when deemed necessary and for

1 Ensuring the IRSF—101 Inmate Remedy System Form is available in designated areas of the correctional facility,

2 Ensuring forms are collected on a regular basis from the designated collection boxes excluding weekends and holidays, or when prevented by an emergency situation, or when an exceptional circumstance exists that can be documented by the Coordinator,

3 Reviewing each form submitted to determine if the form is properly completed, legible, signed, and includes clear and concise statements, and ensuring that the IRSF—103 Staff Corrective Action Form is completed and forwarded to the inmate when deemed necessary. The Coordinator may consult with appropriate correctional facility staff to determine that an inappropriate, incomplete, illegible, or unclear IRSF—101 should be returned to the inmate along with the IRSF—103 Staff Corrective Action Form,

4 Maintaining an inmate data base and/or log, to include a numbering system for purposes of tracking "Routine Inmate Requests," "Interview Requests" and "Administrative Appeals" and to ensure a timely response and retaining all related forms and records in accordance with the record retention schedule approved by the Department of Corrections,

5 Reviewing all inmate "Interview Requests" to ascertain if an interview is reasonably practicable, warranted, appropriate, and necessary to address the issue, or whether the issue can be sufficiently addressed through a written response from the appropriate correctional facility staff member.

6 Determining whether the “Routine Inmate Request” or “Interview Request” is to be handled as a routine request, an urgent request, or whether further deliberation is necessary. Such determinations shall be made after consultation with correctional facility staff,

7 Ensuring all “Routine Inmate Requests,” “Interview Requests” and “Administrative Appeals” are handled and processed within the designated time frames,

8 Ensuring appropriate correctional staff notify the inmate in writing when further deliberation is necessary and

9 Distributing the ‘Routine Inmate Request,’ “Interview Request” and “Administrative Appeal” to appropriate correctional facility staff for research, investigation, referral handling, and the rendering of a written decision or finding

(b) The Coordinator shall provide a monthly report to the Administrator or designee containing statistical data compiled regarding the receipt, interview, written response, decision or finding and any other related information regarding the Inmate Remedy System

10A.1-4.9 Responsibilities of correctional facility staff

(a) Certain correctional facility staff shall be assigned to conduct the research, investigation or referral of an issue presented by an inmate through the Inmate Remedy System. The staff may be responsible for

1 Preparing a written response to the inmate request on IRSF—101 Inmate Remedy System Form, IRSF—102 Staff Response Form or IRSF—104 Assessment and Evaluation Form

2 Ensuring all “Routine Inmate Requests” and “Interview Requests” are processed, the written response prepared, reviewed and forwarded to appropriate individuals within the designated time frames,

3 Reporting to the Coordinator when a “Routine Inmate Request” or “Interview Request” appears to be urgent or in need of further deliberation, the nature of which shall be specified, and

4 Providing Inmate Remedy System statistical data regarding receipt, interview and written responses, and related information to the Coordinator as needed

SUBCHAPTERS 5 THROUGH 9 (RESERVED)

SUBCHAPTER 10 RESEARCH

10A 1-10 1 General research provisions

(a) No medical, pharmaceutical or cosmetic experiments or research shall be conducted involving the use of inmates of the New Jersey Department of Corrections except as provided by court order, consent decree, or other legal processes

(b) The New Jersey Department of Corrections may authorize academic, nonmedical, nonpharmaceutical, and non-cosmetic research projects that are conducted in accordance with this subchapter

(c) Inmates shall not be permitted to receive compensation of any kind for their research participation from any agency or entity conducting a research project

Amended by R 2003 d 176, effective May 5, 2003
See 35 N J R 331(a), 35 N J R 1898(a)

In (a) deleted “or parolees” following “use of inmates”
Amended by R 2007 d 226, effective August 6 2007
See 39 N J R 836(a) 39 N J R 3383(a)

Section was ‘Medical research or experimentation’ In (b), inserted ‘academic’ and inserted a comma following nonpharmaceutical , and added (c)

10A 1-10 2 Departmental Research Review Board (DRRB)

The Commissioner or designee authorizes the use of a Departmental Research Review Board (DRRB) to be responsible for the review of research requests and to provide recommendations for approval or disapproval of such research requests

New Rule R 2007 d 226 effective August 6 2007
See 39 N J R 836(a) 39 N J R 3383(a)

Former 10A 1-10 2 Procedure for submitting a request to conduct nonmedical, nonpharmaceutical and noncosmetic research projects recodified to 10A 1-10 3

10A 1-10 3 Procedure for submitting and handling requests to conduct academic, nonmedical, nonpharmaceutical, and noncosmetic research projects to the Departmental Research Review Board (DRRB)

(a) Any person(s) or agency(ies) who wishes to conduct academic, nonmedical, nonpharmaceutical, or noncosmetic research projects shall complete and submit to the Department of Corrections, the research request application package which is available by contacting

Departmental Research Review Board
Office of Policy and Planning
New Jersey Department of Corrections
PO Box 863
Trenton New Jersey 08625-0863