

NEW JERSEY REGISTER



THE JOURNAL OF STATE AGENCY RULEMAKING

VOLUME 19 NUMBER 19

October 5, 1987 Indexed 19 N.J.R. 1759-1858

(Includes adopted rules filed through September 14, 1987)

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 EDUCATION, DEPARTMENT OF
 DIV. LIBRARY, ARCHIVES, & HISTO
 CN 520
 TRENTON NJ 08625
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 Information

MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: JULY 20, 1987.

See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE WILL BE DATED AUGUST 17, 1987.

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INTERESTED PERSONS

Interested persons may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **November 4, 1987**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

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Filing Deadlines

November 2 issue:	
Proposals	October 5
Adoptions	October 9
November 16 issue:	
Proposals	October 16
Adoptions	October 23
December 7 issue:	
Proposals	November 5
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December 21 issue:	
Proposals	November 19
Adoptions	November 30

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September 1969, and twice-monthly since November 1981.

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by OAL Publications of the Office of Administrative Law. Subscription rates for this 39-volume, regularly updated set of State administrative rules are available on request. The Code is sold either in the full set or in one to four volumes depending on the Department coverage desired.

RULE PROPOSALS

ADMINISTRATIVE LAW

OFFICE OF ADMINISTRATIVE LAW

The following proposals are authorized by Ronald I. Parker, Acting Director, Office of Administrative Law.

Submit comments by November 4, 1987 to:
Steven L. Lefelt, Deputy Director
Office of Administrative Law
Quakerbridge Plaza, CN 049
Quakerbridge Road, Bldg. No. 9
Trenton, NJ 08625

(a)

Uniform Administrative Procedure Rules Transmission of Contested Cases to OAL Proposed Amendment: N.J.A.C. 1:1-8.2

Authority: N.J.S.A. 52:14F-5(e), (f) and (g).
Proposal Number: PRN 1987-405.

The agency proposal follows:

Summary

In some matters transmitted to the Office of Administrative Law (OAL), there has previously been a hearing before a different forum. When the appeal before the OAL takes the form of a de novo hearing, the full record of the previous proceeding may contain prejudicial information that neither party wishes the OAL to have. Therefore, the OAL proposing this amendment to N.J.A.C. 1:1-8.2 to clarify that the transmitting agency should not forward the full record of a previous hearing when a case is sent to the OAL for de novo review. This proposed amendment does not preclude a party from offering various portions of its record into evidence under the Uniform Administrative Procedure Rules of Evidence.

Social Impact

The proposed amendment will prevent the appearance of any prejudice that might occur from an agency forwarding the full record of a previous hearing to the OAL. This is not currently a major problem, since only on a few occasions have such records been transmitted. However, the amendment makes clear that this should not be done.

Economic Impact

The proposed amendment should save duplicating and other clerical service costs for any agency contemplating transmitting such records.

Regulatory Flexibility Statement

Since the proposal does not affect small businesses because it does not impose reporting, recordkeeping or other requirements on small businesses, a regulatory flexibility statement is not required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

1-8.2 Transmission of contested cases to the Office of Administrative Law

(a)-(c) (No change.)

(d) If there was a previous hearing in a matter which upon appeal is subject to de novo review, the agency shall not transmit the record of the previous hearing to the Office of Administrative Law.

[(d)](e) (No change in text.)

[(e)](f) (No change in text.)

(b)

Uniform Administrative Procedure Rules of Practice Proposed Amendments: N.J.A.C. 1:1-14.5

Authority: N.J.S.A. 52:14F-5(e), (f) and (g).
Proposal Number: PRN 1987-410.

The agency proposal follows:

Summary

A recent Supreme Court decision, *In Re Opinion No. 583 of the Advisory Committee on Professional Ethics*, ___ N.J. ___ (1987), set forth guidelines on the propriety of ex parte communications between deputy attorneys general (DAGs) and agency heads in contested cases pending before the Office of Administrative Law. These guidelines approve, for limited purposes, ex parte communications between DAGs and agency heads, provided the agency head's ability to adjudicate the case impartially is not compromised. The approved ex parte communications, generally, may encompass settlement and other discussions between the DAG and the agency head when necessary to keep the agency head as a client advised about the case's status.

The proposed amendment eliminates reference to ex parte communications necessary to an agency head's broad regulatory responsibilities in order to conform the U.A.P.R. with the standard approved by the Supreme Court.

Social Impact

By clearly incorporating the Supreme Court guidelines, the proposed amendment eliminates any confusion to litigants as to the standard to be applied in determining whether certain ex parte communications with agency heads are permissible.

Economic Impact

Since the proposal merely incorporates the standard set forth by the Supreme Court, no economic impact is foreseen.

Regulatory Flexibility Statement

Since the proposal does not affect small businesses because it does not impose reporting, recordkeeping or other requirements on small businesses a regulatory flexibility analysis is not required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

1:1-14.5 Ex parte communications

(a)-(c) No change.

(d) Where an agency or agency staff is a party to a contested case, the legal representative appearing and acting for the agency in the case may not engage in ex parte communications concerning that case with the transmitting agency head, except for purposes of conferring settlement authority on the representative [or when necessary to the discharge of the agency head's broad regulatory responsibilities.] **or as necessary to keep the agency head as a client informed of the status of the case, provided that no information may be disclosed ex parte if it would compromise the agency head's ability to adjudicate the case impartially.** In no event may the legal representative participate in making or preparing the final decision in the case.

BANKING

(a)

DIVISION OF BANKING

Capital Stock Savings Bank: Change of Control Application; Notice; Hearing; Fees

Proposed New Rules: N.J.A.C. 3:6-9

Authorized By: Mary Little Parell, Commissioner, Department
of Banking.

Authority: N.J.S.A. 17:1-8, 17:9A-377, 17:9A-383 and P.L. 1987,
c.201, section 36.

Proposal Number: PRN 1987-407.

Submit comments by November 4, 1987 to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
CN 040

Trenton, New Jersey 08625

The agency proposal follows:

Summary

Effective July 22, 1987, Governor Kean signed into law Assembly Bill No. 2042 as Chapter 201, P.L. 1987 (the Act). Section 2 of the Act stipulates that no person shall, without prior approval of the Commissioner of the Department of Banking, obtain or exercise control or offer to or acquire beneficial ownership or control of more than five percent of the outstanding voting shares of a capital stock savings bank. Section 3 of the Act mandates that the Commissioner of the Department of Banking shall establish, by regulation, the content of the notice that a person proposing to obtain control of a capital stock savings bank must publish. The regulation shall also establish guidelines as to the hearing which will be conducted relative to the proposed change of control pursuant to the Act's specific grant of authority to the Commissioner to establish such guidelines. The proposed new rules will establish the notice and hearing requirements.

Social Impact

The proposed new rules implement a statutory mandate that the Commissioner of the Department of Banking establish the content of a notice that must be published and the hearing procedures that must be followed when a person files an application with the Department for a change of control relative to a capital stock savings bank. The positive social impact of these proposed new rules lies in the establishment of procedures to be followed by those seeking to obtain or exercise control over a capital stock savings bank, departmental review of applications for such actions and the opportunity for public input into the Department's application approval process.

Economic Impact

The proposed new rules will have a negative economic impact on those seeking to obtain or exercise control over a capital stock savings bank and on those filing comprehensive objections to applications for such control filed with the Department due to the required fees set forth in proposed N.J.A.C. 3:6-9.6. These fees are, however, cost related as they serve to reimburse the Department for the expenses of application and comprehensive objection review.

A positive economic impact is foreseen on the banking industry and the people of New Jersey from these proposed new rules. By the formal application, review and objection procedures proposed, the Department shall monitor acquisitions of capital stock savings banks, leading to a healthier and more vigorous banking environment in the State. Such an environment works to the benefit of both the business community and citizenry of New Jersey.

Regulatory Flexibility Statement

In accordance with the New Jersey Regulatory Flexibility Act, P.L. 1986, c.169, the Department has determined that these rules would not impose reporting or recordkeeping requirements on small businesses. The proposed rules merely outline the content of the statutorily mandated notice that must be published in conjunction with a change of control application filed with the Department of Banking and outlines the hearing process to be followed in considering such applications.

The Department presently reviews change of control applications which are filed with the Federal Reserve relative to commercial banks. The preponderance of these applications are submitted by individuals or large

corporations not within the statutory definition of a small business. It is anticipated that change of control applications which may be submitted for review relative to the few capital stock savings banks in New Jersey (there are presently seven) will also primarily be submitted by individuals or large corporations. Therefore, since it is anticipated that the impact on small businesses will be limited to those few small businesses, if any, which may file applications for change of control, there is no specific provision in the rules for alternate application procedures pertaining to small businesses.

Full text of the proposed new rules follows:

SUBCHAPTER 9. CAPITAL STOCK SAVINGS BANK: CHANGE OF CONTROL

3:6-9.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Bank" means a bank as defined in subsection (1) of section 1 of P.L. 1948, c.67 (N.J.S.A. 17:9A-1), a national banking association having principal office in this State and a bank holding company.

"Bank holding company" means a bank holding company subject to the "Bank Holding Company Act of 1956," 70 Stat.133 (12 U.S.C. §18 et seq.).

"Beneficial owner":

1. Includes any person who, directly or indirectly through any contract, arrangement, understanding, relationship or otherwise, has or shares a beneficial interest in the shares:

- Voting power which includes the power to vote, or to direct the voting of shares; or
- Investment power which includes the power to dispose, or to direct the disposition of shares;

- Includes any person who directly or indirectly creates or uses a trust, proxy, power of attorney, pooling arrangement or any other contract, arrangement or device with the purpose or effect of divesting the person of beneficial ownership of shares or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the provisions of this rule.

- Includes any person who has the right to acquire beneficial ownership of the shares as defined herein within 60 days, including, but not limited to, any right to acquire:

- Through the exercise of any option, warrant or right;
- Through the conversion of a security;
- Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

- Pursuant to the automatic termination of a trust, discretionary account or similar arrangement; except that, any person who acquires a security or power specified in 3i, ii or iii above, with the purpose or effect of changing or influencing the control of the issuer, or in connection with or as a participation in any transaction having such effect or purpose immediately upon the acquisition shall be deemed to be the beneficial owner of the shares which may be acquired through the exercise or conversion of such security or power. Any securities not outstanding which are subject to these options, warrants, rights or conversion privileges shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by the person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class by any other person;

- Does not include:

- Any member of a national securities exchange who holds shares directly or indirectly on behalf of another person solely because that member is the record holder of the securities and, pursuant to the rules of the exchange, may direct the vote of the shares without instruction on other than contested matters or matters that may affect substantially the rights or privileges of the holders of these shares to be voted, but is otherwise precluded by the rules of the exchange from voting without instruction; or

- Any person who in the ordinary course of business is a pledgee of securities under a written pledge agreement until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or direct a vote or to dispose or to direct the disposition of pledged shares will be exercised, provided that the pledge agreement is bona fide and was not entered into with the purpose or the effect of changing or influencing the control of the issuer or in connection with any transaction having any such purpose or effect including any transaction subject to this act; and the pledge agreement prior to default does not grant to the pledgee the power to vote or to direct the vote of the pledged securities, or the power to dispose or to direct the disposition of the pledged securities other than the grant of

power pursuant to a pledged agreement under which credit is excluded subject to Regulation T of the Federal Reserve Board, 12 C.F.R., and in which the pledgee is a broker or dealer registered under section of the "Securities and Exchange Act of 1934," 48 Stat. 896 (15 U.S.C.)); or

i. Any person engaged in business as an underwriter of securities who acquires shares through participation in good faith in a firm commitment re-writing of shares registered under the "Securities Act of 1933," 48 Stat. 74 (15 U.S.C. §77a et seq.), or under the "Securities Exchange Act of 1934," 48 Stat. 881 (15 U.S.C. §78a et seq.), until the expiration of 30 days after the date of the acquisition;

j. All securities of the same class beneficially owned by a person, regardless of the forms the beneficial ownership takes, shall be aggregated in calculating the number of shares beneficially owned by the person. Capital stock savings bank" means any savings bank chartered pursuant to the provisions of P.L. 1982, c.9 (N.J.S.A. 17:9A-8.1 et seq.). "Commissioner" means the Commissioner of the Department of Bank-

Control of a capital stock savings bank" includes:

1. Owning, beneficially or otherwise, controlling, or having power to control five percent or more of the outstanding shares of any class of voting securities of a capital stock savings bank, directly or indirectly, or acting through one or more persons;

2. Controlling in any manner the election of a majority of the directors of a capital stock savings bank;

3. Exercising or having the power to exercise directly or indirectly a controlling influence over the management or policies of a capital stock savings bank; or

4. Conditioning in any manner the transfer of five percent or more of any class of voting securities of a capital stock savings bank;

5. Does not include a director or officer of a capital stock savings bank acting in the capacity of performing his duties or responsibilities of office. "Person" means an individual, bank, corporation, savings bank, savings and loan association, partnership, trust, association, joint venture, syndicate, sole proprietorship, unincorporated organization, or any form of entity.

"Voting power" means that a person has or shares, directly or indirectly through any option, contract, arrangement, understanding, conversion right or relationship, or by acting jointly or in concert or otherwise, the power to vote, or to direct the voting of voting shares.

9.2 Filing of application

a) An application for approval of the following transactions shall be filed with the Commissioner, on forms provided by the Commissioner, by any person:

1. Proposing to obtain or exercise control of a capital stock savings bank;

2. Offering to acquire beneficial ownership or control of any voting securities of a capital stock savings bank, if, after the acquisition, the person would beneficially own or control more than five percent of the then outstanding voting shares of the capital stock savings bank; or

3. Acquiring beneficial ownership or control of any voting shares of a capital stock savings bank, if, after the acquisition, the person would beneficially own or control more than five percent of the then outstanding voting shares of the capital stock savings bank.

9.3 Notice of application

(a) The Commissioner shall give the following notices after receipt of a completed application:

1. Notification to the applicant of the date the completed application has been filed and the date of the hearing relative to the application. The filing date shall be within 60 days of the filing date;

2. Notification to the capital stock savings bank that is the subject of the proposed change of control within five days of the filing date that the application has been filed and the date set for a hearing on the application; and

3. Within the same five day period set forth in (a)2 above, the Commissioner shall forward to the capital stock savings bank a copy of the completed application.

9.4 Public notice of hearing

(a) The applicant shall publish a notice of its filing of a change of control application relative to a stock savings bank within 10 days of the date on which the Commissioner indicates a completed application has been filed.

(b) The notice shall be published in a newspaper of general circulation in the county in which the capital stock savings bank has its principal office.

(c) The notice shall contain:

1. The name of the applicant;

2. The address of the applicant;

3. The name of the capital stock savings bank that is the subject of the change of control application;

4. The address of the principal office of the capital stock savings bank;

5. The date the completed application was filed in the Department;

6. The time, date and place of the scheduled hearing on the application; and

7. A statement as to the purpose of the application which shall reflect the form of change of control being proposed, as outlined in section 2 of Chapter 201, P.L. 1987. The notice shall reflect the percentage of the voting shares of the capital stock savings bank presently beneficially owned or controlled and the percentage that would be beneficially owned or controlled if the proposed transaction is approved.

3:6-9.5 Objections to the application

(a) Objections to the application must:

1. Be in writing;

2. Disclose the grounds therefor;

3. Be filed in the Department and with the applicant within 17 days of the date on which the application was filed in the Department; and

4. Disclose whether the objector intends to file a comprehensive objection detailing the factual and legal bases of objection.

(b) Each comprehensive objection must:

1. Be filed in the Department and served upon the applicant within 29 days of the date on which the application was filed in the Department;

2. Be on a completed current objection form which may be obtained from the Department;

3. Be supplemented with any and all other documentation the objector wishes the Department to consider; and

4. Be accompanied by the required objection fee and proof of service upon the applicant of a copy of the comprehensive objection.

(c) The applicant, upon receipt of a notice that an objection has been filed, shall within two days of such receipt, forward and deliver copies of the application and all supportive data submitted relative to the application to the objector. Proof of delivery to and receipt by an objector shall be filed immediately with the Department.

(d) The applicant may, within 36 days of the date the application was filed in the Department, file and serve upon the objector a reply to the comprehensive objection. The reply must be limited to the data set forth in the comprehensive objection.

(e) If the Commissioner shall find that the applicant or objector has not filed sufficient data, information or material in support of or in opposition to the application, the applicant or objector may be required to file supplementary data, information or material.

(f) If the objector fails to comply with any of the provisions of this section, the Commissioner may dismiss the objection and/or comprehensive objection.

(g) All papers required to be filed must be received in the Department by the close of business on the date due. If the due date falls on a weekend or holiday then the filing must be effected by the close of business on the next business day.

(h) Both applicant and objector may only raise issues and present information at the hearing if the same issues and information have been affirmatively raised in the application, the objection, or the comprehensive objection. All other matters will be excluded unless the Commissioner rules otherwise.

(i) In any instance where the Commissioner shall determine that the foregoing requirements or procedures of this subchapter shall be unwarranted, inapplicable, unreasonable, unnecessary or not required, the Commissioner may relax or dispense with the requirements or procedures established herein.

3:6-9.6 Hearing procedures

(a) A hearing shall be held on all change of control applications. Only the applicant and any persons who have filed comprehensive objections shall be permitted to participate in the hearing.

(b) Both applicant and objector(s) may raise issues and present information only if same have been affirmatively raised in the application, objection or comprehensive objection. All other matters will be excluded unless the Commissioner rules otherwise, and then only for good cause shown.

(c) All studies, reports or the like may be offered only if previously submitted to the Department and other interested persons pursuant to the Commissioner's direction.

(d) The applicant and the objector(s) shall each be permitted to make an opening statement, and may then present witnesses, materials and data. Witnesses shall be sworn and may be cross-examined. Questions may be addressed to the applicant, objector(s) and witnesses by the Commissioner. The applicant and objector(s) may then concisely summarize their positions.

(e) In any instance where the Commissioner shall determine that any of the requirements or procedures of (b), (c) and (d) above are unwarranted, inapplicable, unreasonable, unnecessary or not required, the Commissioner may relax or dispense with such requirements or procedures.

3:6-9.7 Fees

(a) The following fees shall be paid to the Commissioner relative to the application called for in N.J.A.C. 3:6-9.2.

1. Filing of application: \$2,500.00;

2. Filing fee with every comprehensive objection: \$750.00;

3. The applicant and objectors shall bear a pro rata share of the transcript costs relative to the hearing. In the event there are no comprehensive objections filed, the applicant shall bear the costs of the hearing transcript.

PERSONNEL

(a)

MERIT SYSTEM BOARD

Leaves, Hours of Work and Employee Development

Proposed New Rules: N.J.A.C. 4A:6-1 through 4A:6-5

Proposed Repeals: N.J.A.C. 4:1-17.1 through 4:1-7.10, 4:1-18.1 through 4:1-18.3, 4:1-18.5 through 4:1-18.8, 4:1-20.1 through 4:1-20.3, 4:1-26.1; 4:2-17.1 through 4:2-17.14, 4:2-18.2 through 4:2-18.6, 4:2-20.1 through 4:2-20.8, 4:2-26.1 through 4:2-26.14; 4:3-17.1 and 4:3-20.2.

Authorized By: Merit System Board.

Authority: N.J.S.A. 11A:2-6(b), 11A:6-1 through 11A:6-28, 18A:31-2, 30:4-178, 38:23-1, 38:23-1.1, 38:23-2, 38:23-4, 38A:4-4, 40A:14-177, 52:14-26.2, 29 U.S.C. 201 et seq.

Proposal Number: PRN 1987-404.

The Merit System Board will hold **public hearings** on proposed new rules N.J.A.C. 4A:6-1 through 4A:6-5 on:

October 20, 1987 at 5:30 P.M.
Office of Administrative Law
9 Quakerbridge Plaza, 1st Floor
Trenton, New Jersey

October 21, 1987 at 9:30 A.M.
Merit System Board Meeting Room
Department of Personnel
Front and Montgomery Streets
Trenton, New Jersey

October 22, 1987 at 6:30 P.M.
Pennsauken Middle School
Auditorium
8201 Park Avenue
Pennsauken, New Jersey

October 29, 1987 at 6:30 P.M.
Essex Catholic Boys High School
Cafeteria
135 Glenwood Avenue
East Orange, New Jersey

Please contact Ms. Dolores Carvill at 609-292-6568 if you wish to be included on the list of speakers.

Submit written comments concerning the proposed new rules by November 4, 1987 to:

Peter J. Calderone
Assistant Commissioner
Department of Personnel
CN 312
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In response to the adoption of N.J.S.A. 11A:1-1 et seq. (the Civil Service Act), the entire Title 4 of the New Jersey Administrative Code is being revised to incorporate changes made by the reform legislation and to reflect needed changes in language, organization and policy. This proposal, N.J.A.C. 4:1-17.1 through 4:1-17.10, 4:1-18.1 through 4:1-18.3, 4:1-18.5 through 4:1-18.8, 4:1-20.1 through 4:1-20.3, 4:1-26.1 through 4:2-17.1, 4:2-17.14, 4:2-18.2 through 4:2-18.6, 4:2-20.1 through 4:2-20.8, 4:2-26.1 through 4:2-26.14, 4:3-17.1 and 4:3-20.2 concerns rules on leaves, hours of work and employee development are proposed for repeal and N.J.A.C. 4A:6-1.1 et seq. through 4A:6-5.1 et seq. proposed in their place.

Subchapter 1 concerns leaves of absence for career and senior executive service and, where applicable, unclassified employees in State service for employees of political subdivisions. This proposed subchapter is essentially a recodification of existing rules on leaves of absence. The principal revisions are organizational and technical, with changes to reflect additional provisions in Title 11A.

While Subchapter 1 contains provisions applicable to both State and local service, unlike the separate listings found in the existing rules proposed N.J.A.C. 4A:6-1.1 provides a convenient reference to the particular leave rules applicable to employees of political subdivisions. Proposed rules N.J.A.C. 4A:6-1.2 and N.J.A.C. 4A:6-1.3 are clear versions of the current rules on vacation and sick leave. Most of the provisions of these rules are applicable to both State and local service.

Rules which specifically address the areas of sick leave injury (SLI), administrative leave, education leave, leave for emergency civilian duty and leaves to appear as a witness in court, are substantially similar to the existing rules on the above mentioned topics. One new feature is the consolidation of the SLI rules from four rules into two more readily understandable rules. The rules on SLI also reflect a statutory change which extends the availability of this benefit to employees in unclassified service.

Another change reflected in this proposed subchapter concerns N.J.A.C. 4A:6-1.11 entitled Military leave. This proposed rule, in subsection (b), makes reference to Department of Defense rule N.J.A.C. 5A:2-2.3(b) for the contextual definitions of "active duty" and "active duty for training." This proposed rule, at subsection (b)1 also codifies the Appellate Division decision of *Hill v. Camden*, 190 N.J. Super. 4 (App. Div. 1983) whereby a distinction was made between voluntary and involuntary military orders.

This proposed subchapter contains one comprehensive rule on convention leave at N.J.A.C. 4A:6-1.13, which makes reference to the enabling statutes.

Finally, this proposed subchapter contains one rule (N.J.A.C. 4A:6-1.17) which is applicable only to employees in the local service. The rule, which is in effect under current rules, concerns leaves of absence for the purpose of serving in elective public office.

Subchapter 2 of this proposal concerns "hours of work" in State service. These new rules clearly indicate authority for establishing hours of work, holiday and special work hours programs in the State service. Proposed N.J.A.C. 4A:6-2.2 and N.J.A.C. 4A:6-2.3 provide clear definitions of work week designations assigned to job titles within the State compensation plan.

Proposed N.J.A.C. 4A:6-2.4 is a more simplified version of the existing rules which address holiday pay practice for employees in the State service. Proposed N.J.A.C. 4A:6-2.5 is essentially a restatement of the current rule regarding hours of work in the event of inclement weather or emergency conditions.

Proposed rules N.J.A.C. 4A:6-2.6 through N.J.A.C. 4A:6-2.8 reflect innovative measures that may be taken to accommodate operation and/or employee needs with regard to work week patterns. The flexibility and alternative work week programs, when appropriately administered, can markedly increase employee productivity and morale. The proposed rules note that appointing authorities should consult with affected negotiations representatives regarding these innovative work week programs.

Subchapter 3 of this proposal addresses supplemental compensation on retirement in the State service. This subchapter provides a greatly simplified and clarified version of the current rules pertaining to payment of accumulated sick leave for qualified employees upon retirement. In four comprehensive rules, the new proposal provides the eligibility requirements, entitlement procedures and payment calculations for the program. These four rules cover material now contained in 14 existing rules. Overall, this proposal reflects the statutory purpose of the supplemental compensation on retirement program, which is to provide an incentive for good attendance in State service. The new rule concerns

mputation of payment at N.J.A.C. 4A:6-3.3(d) is reflective of the statutory mandate in the new Title 11A which increases the maximum payment benefit from \$12,000.00 to \$15,000.00.

Subchapter 4 concerns human resource development programs in the State service. Proposed rules N.J.A.C. 4A:6-4.1 through N.J.A.C. 4A:6-4.5 establish a new and innovative program which encourages employee training and education within each State agency. N.J.A.C. 4A:6-4.1 provides that the Commissioner of Personnel shall view and approve all human resource development programs, including those implemented by political subdivisions subject to Title 11A that wish to participate in such programs. N.J.A.C. 4A:6-4.2 sets forth that the Department of Personnel shall maintain a State training center which will provide, among other things, staff and management training, guidance and related support services to State agencies. N.J.A.C. 4A:6-4.3 provides for the establishment and preparation of annual human resource development plans within each State agency. N.J.A.C. 4A:6-4.4 authorizes the Commissioner of Personnel to create a human resource development committee to advise and assist the Department of Personnel in implementing procedures for employee training and education.

Proposed N.J.A.C. 4A:6-4.5 mandates the implementation of career development programs within State agencies. These programs are intended to include, but not be limited to tuition aid, employee interchange, and internships. N.J.A.C. 4A:6-4.6 concerns the tuition aid program, which offers partial tuition reimbursement of up to the cost of six credits at a New Jersey College or at Rutgers, the State University. Tuition reimbursement under this rule is premised upon certain conditions, such as successful completion of the course and a relation between coursework and an employee's current or planned job responsibilities.

Proposed N.J.A.C. 4A:6-4.7 presents a clearer version of the current rule establishing the Certified Public Manager Program (CPM). This new rule eliminates the unnecessary language detailing the specific content of the program. N.J.A.C. 4A:6-4.8 concerns the Employee Interchange Program, which is intended to improve the management of government through shared experience among federal, local government or private sector entities. The new rule also reflects some changes in response to the new Title 11A, including interchanges with private industry.

N.J.A.C. 4A:6-4.9 presents a new human resource development program. It involves an internship program for full-time students of participating higher education institutions who are performing services to a State agency directly related to their course of study. Fellowships and apprenticeship programs for State employees in search of advancement or a career change are also available.

Proposed N.J.A.C. 4A:6-4.10 is a revised rule concerning the Employee Advisory Service (EAS). Under current rules, EAS was established to provide counseling and rehabilitative services for State employees who experience personal problems which affect job performance. This new proposal retains the purpose of EAS, but has presented the agency referral procedures to EAS in a clearer and more understandable manner.

Subchapter 5 concerns the performance evaluation program in State service. In three concise rules, this proposal presents several changes in the Performance Assessment Review (PAR) program in comparison with the existing rules. N.J.A.C. 4A:6-5.1 provides that if performance evaluation systems are used by political subdivisions for promotion and layoff reference, they are subject to approval by the Department of Personnel. N.J.A.C. 4A:6-5.2, covering the basic procedure of the PAR process, concentrates strictly on direct procedures. The final proposed rule in this subchapter explains the use and review of PAR ratings. This rule provides, for the first time, a mechanism by which an employee who receives an annual rating at the lowest PAR level may utilize grievance procedures and appeal the final department decision to the Merit System board.

Social Impact

As a part of the proposed new rules, many technical changes, deletions and substantive additions have been made in comparison with the current rules dealing with leaves, hours of work and employee development. One principal change is the simplicity, clarity and reorganization of the rules in order to better effectuate the purposes of the new Title 11A. This proposal reflects a reduction in the total amount of regulations and provides for the rules to be readily, easily and correctly applied. Specifically, this proposal offers the repeal of 65 existing regulations, replaced by 42 rules.

In regard to substantive changes, the subchapter concerning leaves, for the first time, provides a single set of comprehensive rules applicable to employees in both the State and local services. The proposed rules pertaining to SLI benefits have been consolidated into two comprehensive

rules which also reflect expanded eligibility in response to the reform legislation. The rule on military leave has also been redrafted and clarified in response to controversies which have occurred in the past due to the vagueness of the existing rules. This proposal also presents a comprehensive rule on convention leave which not only applies to both the State and local service, but is also drafted with the intent to accommodate for the inclusion of other organizations that the legislature may add from time to time. Lastly, this proposal reflects the new provision in Title 11A providing for a leave with pay for certain international athletic competitions.

Proposed Subchapter 2 concerning hours of work reflects current practice and as such, will have no additional social impact other than providing employees with a more well defined explanation of the work week designations assigned to job titles. The enumerated programs designed to accommodate operational and/or employee needs with regard to work week patterns will continue to have a positive social impact upon both appointing authorities and employees.

Subchapter 3 concerning supplemental compensation on retirement reflects the statutory increase in the benefit maximum and will also continue to serve as an incentive for a career employee's conscientious use of sick leave.

The programs provided in Subchapter 4 concerning human resource development will result in a marked increase in both employee morale and productivity. These programs will also serve to improve the quality of services provided in the public sector.

The revised rules pertaining to the PAR rating system, which was established under the current rules, provide the opportunity for a fair method of annual employee performance evaluation. This proposal also presents a new appeal mechanism under certain circumstances.

Overall, this proposal, both technically and substantively, will have a positive impact upon users of the merit system rules and the public at large.

Economic Impact

Due to the nature and content of the present set of rules, this proposal will have at least a partial economic impact upon employees, appointing authorities and the public in general.

Although most of the changes in the rules concerning leaves are generally restatements of existing policy and practice, the substantive changes in response to new law contained in Title 11A with regard to the expansion of SLI eligibility to employees in the unclassified service will result in the possibility that more employees may receive a leave with pay for time lost due to work-related injuries.

The rules pertaining to hours of work generally reflect current practice and as such, generate no additional economic impact.

The new proposal concerning supplemental compensation on retirement will reflect an economic impact in that the maximum benefit has been increased from \$12,000.00 to \$15,000.00.

Although difficult to accurately measure, the proposed rules on human resource development and performance evaluations will increase employee productivity and as a result, the residual economic impact will be positive.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since this proposal will have no effect upon small businesses.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 4:1-17.1 through 4:1-17.10, 4:1-18.1 through 4:1-18.3, 4:1-18.5 through 4:1-18.8, 4:1-20.1 through 4:1-20.3, 4:1-26.1; 4:2-17.1 through 4:2-17.14, 4:2-18.2 through 4:2-18.6, 4:2-20.1 through 4:2-20.8, 4:2-26.1 through 4:2-26.14; 4:3-17.1 and 4:3-20.2.

Full text of the proposed new rules follows.

**CHAPTER 6
LEAVES, HOURS OF WORK AND
EMPLOYEE DEVELOPMENT**

4:1-17.1	4A:6-1.1	4:1-17.6	4A:6-1.10
4:1-17.2	4A:6-1.1	4:1-17.7	4A:6-1.11
	4A:6-1.4	4:1-17.8	4A:6-1.12
	4A:6-1.5	4:1-17.9	4A:6-1.13
4:1-17.3	4A:6-1.2	4:1-17.10	4A:6-1.14
4:1-17.4	4A:6-1.3	4:1-18.1	4A:6-2.1
4:1-17.5	4A:6-1.3	4:1-18.2	REPEALED
	4A:6-1.4	4:1-18.3	4A:6-2.4

4:1-18.5	4A:6-2.5	4:2-20.1	4A:6-5.1
4:1-18.6	4A:6-2.2	4:2-20.2	4A:6-5.2
4:1-18.7	4A:6-2.3	4:2-20.3	4A:6-5.3
4:1-18.8	4A:6-2.3	4:2-20.4	4A:6-4.1
4:1-20.1	4A:6-4.1		4A:6-4.2
	4A:6-5.1		4A:6-4.3
4:1-20.2	4A:6-4.8		4A:6-4.5
4:1-20.3	4A:6-4.7	4:2-20.5	4A:6-4.4
4:1-26.1	REPEALED	4:2-20.6	4A:6-4.6
4:2-17.1	4A:6-1.4	4:2-20.7	4A:6-4.10
4:2-17.2	4A:6-1.4	4:2-20.8	4A:6-4.7
4:2-17.3	4A:6-1.5	4:2-26.1	REPEALED
4:2-17.4	4A:6-1.6	4:2-26.2	4A:6-3.1
4:2-17.5	4A:6-1.6	4:2-26.3	4A:6-3.1
4:2-17.6	4A:6-1.7	4:2-26.4	4A:6-3.1
4:2-17.7	4A:6-1.7	4:2-26.5	4A:6-3.3
4:2-17.8	4A:6-1.8	4:2-26.6	4A:6-3.1
4:2-17.9	4A:6-1.8	4:2-26.7	4A:6-3.2
4:2-17.10	4A:6-1.9	4:2-26.8	4A:6-3.1
4:2-17.11	4A:6-1.18	4:2-26.9	4A:6-3.3
4:2-17.12	4A:6-1.19	4:2-26.10	4A:6-3.3
4:2-17.13	4A:6-1.20	4:2-26.11	4A:6-3.2
4:2-17.14	REPEALED	4:2-26.12	4A:6-3.4
4:2-18.2	4A:6-2.4	4:2-26.13	4A:6-3.4
4:2-18.3	4A:6-2.4	4:2-26.14	4A:6-3.4
4:2-18.4	4A:6-2.6	4:3-17.1	4A:6-1.17
4:2-18.5	4A:6-2.8	4:3-20.2	REPEALED
4:2-18.6	4A:6-2.7		

SUBCHAPTER 1. LEAVES OF ABSENCE

4A:6-1.1 General

(a) In local service, appointing authorities shall establish types of leaves and procedures for leaves of absence.

1. Pursuant to this subchapter, employees in local service shall also be entitled to vacation leave (N.J.A.C. 4A:6-1.2(b) through (h)); sick leave (N.J.A.C. 4A:6-1.3(a) through (h)); military leave (N.J.A.C. 4A:6-1.11); gubernatorial appointment leave (N.J.A.C. 4A:6-1.13); convention leave (N.J.A.C. 4A:6-1.13); and elective office leave (N.J.A.C. 4A:6-1.17).

2. An appointing authority may grant permanent employees a leave of absence without pay for a period not to exceed one year. A leave may be extended beyond one year for exceptional circumstances upon request of the appointing authority and written approval of the Department of Personnel.

3. An appointing authority may grant unpaid union leave pursuant to N.J.A.C. 4A:6-1.16.

4. Vacation and sick leaves for police officers and firefighters are established by local ordinance. See N.J.S.A. 40A:14-7 and 40A:14-118.

(b) In State service, this subchapter shall apply to career service employees, unless otherwise indicated. Temporary employees (see N.J.S.A. 11A:4-13c.) are not entitled to the leaves or benefits in this subchapter.

(c) Records of all employee leaves of absence and types of leave shall be maintained by State and local appointing authorities and reported to the Department of Personnel for the official State record in the prescribed manner and form.

(d) A leave of absence shall not disqualify an applicant for a promotional examination.

(e) Where leave procedures are not set by this subchapter, appointing authorities shall establish such procedures subject to applicable negotiations requirements.

4A:6-1.2 Vacation leave

(a) Full-time State employees in the career service shall be entitled to annual paid vacation leave, credited at the beginning of each calendar year in anticipation of continued employment, based on their years of continuous State full-time or part-time service in the career, senior executive or unclassified service. See subsection (c) for definition of continuous service.

1. New employees shall receive one working day for the initial month of employment if they begin work on the 1st through the 8th day of the calendar month, and one-half working day if they begin on the 9th through the 23rd day of the month.

2. After the initial month of employment and up to the end of the first calendar year, employees shall receive one working day for each month of service. Thereafter, employees shall receive paid vacation leave as follows:

i. From the beginning of the first full calendar year of employment and up to five years of continuous service, 12 working days;

ii. After five years of continuous service and up to 12 years of continuous service, 15 working days;

iii. After 12 years of continuous service and up to 20 years of continuous service, 20 working days;

iv. Over 20 years of continuous service, 25 working days.

3. An increase in vacation leave shall be granted at the beginning of the calendar year in which the years of service requirement will be met.

4. Vacation leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.

(b) Full-time local employees shall be entitled to annual paid vacation leave upon initial employment as set forth in (a)1 and (a)2 above, and thereafter as follows:

1. From the beginning of the first full calendar year of employment and up to 10 years of continuous service, 12 working days;

2. After 10 years of service and up to 20 years of continuous service 15 working days; and

3. After 20 years of continuous service, 20 working days.

(c) Continuous service, for purposes of this section, shall mean employment for the same jurisdiction without interruption due to resignation, retirement or removal.

1. An employee who has been appointed from a special reemployment list shall be credited with any continuous service prior to the layoff in addition to continuous service subsequent to reemployment.

2. Periods of employment before and after a suspension or leave without pay shall be considered continuous service. However, the period of time on a suspension or leave without pay, except for military leave shall not be included in calculating years of continuous service.

(d) Part-time and 10-month employees shall be entitled to a proportionate amount of paid vacation leave. State employees in intermittent titles shall be entitled to paid vacation leave based on accumulated hours of work as set by the Commissioner.

(e) Appointing authorities may establish procedures for the scheduling of vacation leave. Vacation leave not used in a calendar year because of business necessity shall be used during the next succeeding year only and shall be scheduled to avoid loss of leave.

(f) An employee who leaves State government service or service with a local jurisdiction shall be paid for unused earned vacation leave.

(g) An employee who exhausts all paid vacation leave in any one year shall not be credited with additional paid vacation leave until the beginning of the next calendar year. See N.J.A.C. 4A:6-1.5(b)2 for State service.

(h) Upon the death of an employee, unused vacation leave shall be paid to the employee's estate.

4A:6-1.3 Sick leave

(a) Full-time State and local employees shall be entitled to annual paid sick leave as follows:

1. New employees shall receive one working day for the initial month of employment if they begin work on the 1st through the 8th day of the calendar month, and one-half working day if they begin on the 9th through the 23rd day of the month.

2. After the initial month of employment and up to the end of the first calendar year, employees shall be credited with one working day for each month of service. Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with 15 working days.

(b) Part-time and 10-month employees shall be entitled to a proportionate amount of paid sick leave. State employees in intermittent title shall be entitled to paid sick leave based on accumulated hours of work as set by the Commissioner.

(c) Paid sick days shall not accrue during a leave of absence without pay or suspension.

(d) Sick leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.

(e) An employee who exhausts all paid sick days in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year.

(f) Unused sick leave shall accumulate from year to year without limit.

(g) Sick leave may be used by employees who are unable to work because of:

1. Personal illness or injury;
2. Exposure to contagious disease;
3. Care, for a reasonable period of time, of a seriously ill member of the employee's immediate family (see N.J.A.C. 4A:1-1.3 for definition of immediate family); or
4. Death in the employee's immediate family.

(h) Sick leave may be used by a handicapped employee for absences related to the acquisition or use of an aid for the handicap when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the appointing authority.

4A:6-1.4 Sick leave procedures: State service

(a) An employee whose work schedule is other than a 24-hour or shift coverage shall, by the scheduled reporting time, notify a contact person designated by the agency of any absence due to illness.

(b) An employee whose work unit requires 24-hour or shift coverage shall, at least one hour before the scheduled starting time, notify the designated contact person of any absence due to illness. In case of sudden illness or emergency, exceptions may be granted by the designated contact person.

(c) An appointing authority may require proof of illness or injury when there is a reason to believe that an employee is abusing sick leave; an employee has been absent on sick leave for five or more consecutive work days; or an employee has been absent on sick leave for an aggregate of more than 15 days in a 12-month period.

(d) When an illness is of a chronic or recurring nature causing occasional absence of one day or less, one proof of illness shall be required for every six month period. The proof of illness must specify the nature of the illness and that it is likely to cause periodic absences from employment.

(e) In case of sick leave due to exposure to a contagious disease, a member of the employee's immediate family or to care for a seriously ill member of the employee's immediate family, reasonable proof may be required.

(f) An appointing authority may require an employee to be examined by a physician designated and compensated by the appointing authority as a condition of the employee's continuation of sick leave or return to work.

1. Such an examination shall establish whether the employee is capable of performing his or her work duties and whether return to employment would jeopardize the health of the employee or that of other employees.

2. The appointing authority shall set the date of the examination to ensure that it does not cause undue delay in the employee's return to work.

(g) Failure to follow sick leave notification and verification procedures may result in a denial of sick leave for that specific absence, be considered an abuse of sick leave and/or constitute cause for disciplinary action.

(h) An appointing authority shall provide the Department of Personnel with a record of an employee's unused sick leave when the employee separates from State service. The Department of Personnel shall provide the appointing authority with a record of an employee's unused sick leave when an employee is reemployed. Upon reemployment, an employee is entitled to utilize any unused sick leave from the previous period of employment. Such unused leave carried over shall be used before any leave accrued after reemployment. However, such unused leave carried over shall not be counted for purposes of Supplemental Compensation on retirement. See N.J.A.C. 4A:6-3.2.

4A:6-1.5 Vacation and sick leave adjustments: State service

(a) Employees in State service are liable for vacation and sick leave days taken in excess of their entitlements.

(b) An employee who leaves State service or goes on a leave of absence without pay before the end of the calendar year shall have his or her leave prorated based on time earned. An employee who is on the payroll for greater than 23 days shall earn a full month's allowance, and earn one-half month's allowance if he or she is on the payroll from the 9th through the 23rd day of the month.

1. An employee shall reimburse the appointing authority for paid working days used in excess of his or her prorated and accumulated entitlements.

2. An employee who returns to work from a leave of absence shall not be credited with paid vacation or sick leave until the amount of leave used in excess of the prorated entitlement has been reimbursed.

(c) Intermittent days off without pay shall be aggregated and considered as a continuous leave without pay for calculation of reduced vacation and sick leave credits. When intermittent days off without pay equal 11 working days, the employee's vacation and sick leave credits shall be reduced by one-half of one month's entitlement. Union leave days pursuant to a negotiated agreement shall not be included in such calculations.

(d) An employee shall not be reimbursed for accumulated sick leave when leaving State service except for separations on retirement as provided in N.J.A.C. 4A:6-3.

(e) When an employee is transferred, the employee's former appointing authority shall provide the new State appointing authority with a record of an employee's unused vacation, administrative and sick leave.

4A:6-1.6 Sick Leave Injury (SLI) requirements: State service

(a) The provisions concerning sick leave injury (SLI) benefits in this subchapter apply to full and part-time State employees in the career, senior executive and unclassified services. SLI benefits for employees in intermittent titles will be based on the expected length of service.

(b) An employee who is disabled due to a work-related injury or illness shall be granted a leave of absence with pay.

1. An employee who can return to work on a part-time basis shall be compensated for the hours actually worked and receive SLI benefits for the hours missed due to the disability.

2. SLI benefits shall be reduced by the amount of any temporary disability payments under N.J.S.A. 34:15-12 (Workers' Compensation) or N.J.S.A. 43:21-25 et seq. (Temporary Disability Benefits Law).

3. Benefits are limited to a one year period from the initial date of the injury or illness.

(c) The disability must be due to an injury or illness resulting from the employment.

1. Injuries or illnesses which would not have occurred but for a specific work-related accident or condition of employment are compensable.

2. Preexisting illnesses, diseases and defects aggravated by a work-related accident or condition of employment are compensable when such aggravation was reasonably foreseeable.

3. Illnesses which are generally not caused by a specific work-related accident or condition of employment, are not compensable except when the claim is supported by medical documentation that clearly establishes the injury or illness is work related.

4. Psychological or psychiatric illness is not compensable, except when such illness can be traced to a specific work-related accident or occurrence which traumatized the employee thereby causing the illness, and the claim is supported by medical documentation.

5. An injury or illness is not compensable when the appointing authority has established that the employee has been grossly negligent, including those arising from impairment due to alcohol or drug abuse.

(d) Any accident resulting in injury for which the employee seeks compensation must occur on the work premises.

1. Work premises are the physical area of operation of the appointing authority, including buildings, grounds and parking facilities provided by the State.

2. An injury occurring off the work premises is compensable only when the employee is engaged in authorized work activity or travel between work stations.

(e) For the injury to be compensable, it must occur during normal work hours or approved overtime.

1. Injuries which occur during normal commutation between home and the work station or home and a field assignment are not compensable.

2. Injuries which occur during lunch or break periods are not compensable. However, employees who are required by the appointing authority to remain at a particular job location during lunch and/or work-break shall not be precluded from receiving SLI benefits.

4A:6-1.7 Sick Leave Injury (SLI) reporting and appeal procedures: State service

(a) An employee is required to report to his or her supervisor any work accident or condition claimed to have caused disability upon occurrence or discovery, and is responsible for completing a written report on the matter within five days or as soon as possible thereafter. The report shall include a statement of when, where and how the injury or illness occurred, statements of witnesses and copies of all medical reports concerning the injury or illness.

(b) The appointing authority shall review the request for SLI benefits based on the standards in N.J.A.C. 4A:6-1.6, and within 20 days of receipt of the request:

1. Grant the request, notify the employee in writing and forward its recommendation to the Department of Personnel which, upon review, shall notify the employee and appointing authority whether or not the benefits have been approved; or

2. Deny the request and advise the employee in writing of the reasons for the denial and of the right to appeal to the Merit System Board within 20 days of receipt of the determination.

(c) The appointing authority's recommendation for approval of SLI benefits must be accompanied by:

1. All personal injury reports;
2. A record of the employee's lost time;

3. A detailed explanation of the incident;
4. All pertinent physician reports; and
5. A completed "Request for Employment Disability Leave."

(d) The appointing authority may require the employee to be examined by a physician designated and compensated by the appointing authority.

(e) An employee may appeal an appointing authority denial of SLI benefits to the Merit System Board in accordance with N.J.A.C. 4A:2-1.1 et seq.

(f) An employee or appointing authority may appeal a Department of Personnel denial of SLI benefits to the Merit System Board in accordance with N.J.A.C. 4A:2-1.1 et seq.

(g) The burden of proof is on the appellant to establish entitlement to SLI benefits by a preponderance of the evidence.

4A:6-1.8 Pregnancy-disability and child care leave: State service

(a) A State employee in the career, senior executive or unclassified service who requests leave with or without pay for reason of disability due to pregnancy shall be granted leave under the same terms and conditions as those applicable to such employees for sick leave or leave without pay. The appointing authority may request acceptable medical evidence that the employee is unable to perform her work because of disability due to pregnancy.

1. An employee may use accrued sick, vacation or administrative leave for pregnancy-disability purposes but shall not be required to exhaust accrued leave before taking a leave without pay.

2. An employee must exhaust all accrued sick leave to be eligible for New Jersey Temporary Disability Insurance.

(b) Child care leave may be granted to State employees under the same terms and conditions as all other leave without pay. See N.J.A.C. 4A:6-1.10.

4A:6-1.9 Administrative leave: State service

(a) Full-time State employees in the career and senior executive service and those employees of Rutgers, the State University, New Jersey Institute of Technology, and the University of Medicine and Dentistry of New Jersey who perform services similar to those performed by employees of the New Jersey State Colleges who are in the career service shall be granted three days of administrative leave in each calendar year for personal business, including emergencies and religious observances.

1. Priority in granting such leave requests shall be:

- i. Emergencies;
- ii. Religious holidays;
- iii. Personal matters.

2. Employees hired during the calendar year shall be granted one-half day of administrative leave for each full calendar month of employment up to a maximum of three days' leave for the remainder of the calendar year. Thereafter, administrative leaves shall be credited at the beginning of each calendar year.

3. Administrative leave may be utilized in multiples of one-half days.

(b) Unclassified employees may be granted up to three days of administrative leave in each calendar year, at the discretion of the appointing authority.

(c) Part-time employees shall be entitled to a proportionate amount of paid administrative leave. Employees in intermittent titles shall be entitled to paid administrative leave based on accumulated hours of work as set by the Commissioner.

(d) Use of administrative leave must be approved by the appointing authority and cannot be unreasonably denied.

(e) Administrative leave that is not used during the calendar year shall be forfeited. An employee who leaves State service shall not be required to reimburse the State for days already used.

(f) Administrative leave may be taken in conjunction with other types of paid leave.

4A:6-1.10 Leave without pay: State service

(a) In State service, an appointing authority may, with Department of Personnel approval, grant leaves of absence without pay to permanent employees for a period not to exceed one year unless otherwise provided by statute. A leave may be extended beyond one year for exceptional situations upon request by the appointing authority and written approval by the Department of Personnel.

1. An appointing authority may, with Department of Personnel approval, grant leaves of absence without pay to nonpermanent career service State employees for exceptional situations. Such leaves shall not exceed six biweekly pay-periods, or the equivalent, and shall not continue beyond termination of the appointment. Leave for union office, pursuant to N.J.A.C. 4A:6-1.16, may be for longer periods, as provided in the negotiated agreement. Leave without pay for nonpermanent employees may be terminated at any time.

(b) Employees in the senior executive and unclassified service may be granted leaves of absence without pay up to one year, at the discretion of the appointing authority.

(c) An appointing authority may permit an employee to return from a leave of absence without pay prior to its conclusion.

(d) Appointing authorities shall set procedures subject to review by the Department of Personnel for leave without pay.

4A:6-1.11 Military leave

(a) An employee in the career, senior executive or unclassified service other than a person holding a position for a fixed term or period, who enters the military service in time of war or emergency, or for any period of training, or pursuant to any selective service system, shall be entitled to a leave of absence without pay for the period of such service and three months after discharge. However, if an employee is incapacitated by wound or illness at the time of discharge, such leave shall be extended until three months from recovery but in no event more than two years from date of discharge.

1. During such leave of absence, the employee shall continue to accrue seniority and salary increments, if applicable, in his or her title.

2. No entitlements under this section shall be granted if the separation from military service is by a dishonorable discharge. See N.J.S.A. 38:23-4.

3. For Federal reemployment rights, see 43 U.S.C. Section 2021.

(b) An employee in the career, senior executive or unclassified service who is a member of the national guard or other component of the organized militia of the State of New Jersey shall be entitled to a leave of absence with pay not to exceed 90 days in the aggregate in any one year that he or she is required to engage in active duty or active duty for training. See N.J.A.C. 5A:2-2.3(b).

1. A leave of absence with pay shall also be granted for other military duty when ordered by the Governor in case of insurrection, breach of the peace, national disaster or imminent danger to public safety.

2. Such leave of absence shall be in addition to the regular vacation allowed such employee. See N.J.S.A. 38A:4-4.

(c) A permanent employee who is a member of the organized reserve of the Army, Navy, Air Force or Marine Corps of the United States or other affiliated organizations shall be entitled to a leave of absence with pay on days on which he or she is required to be engaged in field training but only that training which consists of participation in unit training field operations. However, appointing authorities may reschedule an employee's work time to avoid conflict with military field training.

1. A nonpermanent employee serving for one year or longer shall be entitled to a leave of absence with pay not to exceed 30 days in the aggregate in any one year while engaged in field training. A leave of absence without pay shall be granted to a nonpermanent employee serving for less than a year while engaged in field training.

2. Such leave of absence shall be in addition to the regular vacation allowed such employee. See N.J.S.A. 38:23-1 and 38:23-1.1.

(d) An employee is entitled to a leave of absence without pay for such other national guard, state organized militia or United States reserve duty not covered by (b) or (c) above.

1. During such leave of absence, the employee shall continue to accrue seniority and salary increments, if applicable, in his or her title.

2. At the discretion of the employee, vacation leave, administrative leave and other accrued compensation may be used for such absences.

(e) For military leave regulations promulgated by the New Jersey Department of Defense, see N.J.A.C. 5A:2.

4A:6-1.12 Leave for appointment by Governor

A permanent employee or an employee in the senior executive service appointed by the Governor to an office shall be granted a leave of absence without pay for the period of appointment. Upon the expiration of the leave, the employee shall have the right to return to the former title and receive all the rights, privileges and benefits of that title as if he or she had remained in that title. See N.J.S.A. 52:14-16.2.

4A:6-1.13 Convention leave

(a) Every employee in the career, senior executive or unclassified service who is a duly authorized representative shall, upon request, be granted a leave of absence with pay for a period of up to five days in any calendar year to attend any State or national convention of any one or more of the established veterans organizations listed in N.J.S.A. 38:23-2 and the New Jersey Civil Service Association. The five days shall include necessary travel time. Written notice from the appropriate organization indicating that the employee is a duly authorized delegate shall be submitted to the appointing authority prior to the convention. A certificate of attendance shall be submitted to the appointing authority after the convention indicating the delegate's attendance.

b) Every employee who is a duly authorized representative of the following organizations shall be granted a leave of absence with pay to attend the following conventions. The leave shall be for a period inclusive of the duration of the convention with a reasonable time allowed for travel to and from the convention. A certificate of attendance at the convention shall, upon request, be submitted by the representative so attending. See N.J.S.A. 11A:6-10; N.J.S.A. 40A:14-177 and 38:23-2.

1. American Federation of Police Officers, Inc.;
2. Bronze Shield, Inc.;
3. Batons;
4. Fire Fighters Association of New Jersey;
5. Firemen's Mutual Benevolent Association Inc.;
6. Fraternal Order of Police;
7. New Jersey Association of Chiefs of Police;
8. New Jersey State Exempt Firemen's Association;
9. New Jersey State Patrolmen's Benevolent Association, Inc.;
10. Uniformed Firemen's Association;
11. Vulcan Pioneers;
12. A member organization of the New Jersey Council of Charter Members of the National Black Police Association, Inc.

c) Persons designated by the Governor shall be granted leaves of absence to attend the convention of the American Correctional Association (American Prison Association). See N.J.S.A. 30:4-178.

d) Any full-time teaching staff member, secretary or office clerk of a local school district who applies to his or her board of education shall be granted a leave of absence with pay to attend the convention of the New Jersey Education Association. Such leave shall not exceed 30 days within any one calendar year. The employee must file a certificate of attendance with the board of education. The certificate must be signed by the executive secretary of the association for the employee to receive paid leave. See N.J.S.A. 18A:31-2.

e) The Chancellor of Higher Education, with approval of the Board of Higher Education, may prepare rules concerning leaves of absence and payment during such leaves for teachers employed in the State colleges. See N.J.S.A. 18A:64-16.

4A:6-1.14 Education leave: State service

In State service, an appointing authority may, with Department of Personnel approval, grant an employee in the career, senior executive or unclassified service education leave with or without pay for the purpose of obtaining training that is of direct value to the State but is not available through State inservice training programs. See N.J.A.C. 4A:6-4.6 for provision aid programs.

4A:6-1.15 Leave for athletic competition: State service

(a) Any State employee in the career, senior executive or unclassified service who qualifies as a member of the United States team for athletic competition at the world, Pan American or Olympic level, in a sport contested in either Pan American or Olympic competitions, shall be granted a leave of absence with pay for the purpose of preparing for and competing in the competition.

(b) Such paid leave shall be no more than 90 calendar days in one year or the combined days of the official training camp and competition, whichever is less.

4A:6-1.16 Leave for union office

An appointing authority may grant a leave of absence without pay to any employee elected or appointed as an official of the employee's union. The maximum period for such leaves shall be a subject of negotiation between the employer and union.

4A:6-1.17 Leave for elective office: local service

(a) A permanent employee in local service shall be granted a leave of absence without pay to fill elective public office for the term of the office.

1. The employee shall be entitled to return to his or her permanent position within six years from the date the leave begins, provided that a written request to return is submitted to the appointing authority before the leave expires. If the term of the elective office exceeds six years, the employee's name shall be placed on a special reemployment list at the expiration of the six years.

2. The employee shall continue to accrue seniority in his or her permanent title for a maximum of six years.

3. An employee who had taken a promotional examination before being granted the leave may be appointed to the promotional title from the resulting list and shall begin the working test period upon return from the leave.

4. Any appointments to fill the position of the employee during the leave shall be made from appropriate eligible lists, but any such appointments shall be interim and shall terminate upon the return of the employee on such leave to the permanent title.

4A:6-1.18 Leave for emergency civilian duty: State service

(a) State employees in the career or senior executive service shall be given time off with pay to perform emergency civilian duty in relation to national defense or other emergency when so ordered by the Governor or by the President of the United States.

(b) Unclassified State employees may be granted such leave with or without pay at the discretion of the appointing authority.

4A:6-1.19 Leave for jury duty: State service

(a) State employees in the career or senior executive service shall be granted leave with pay for the time required to attend jury duty that is scheduled during work hours. Time required for jury duty includes actual time spent in commuting.

(b) Employees who are required to attend jury duty during the work shift immediately preceding or following his or her scheduled work shift wholly within the same day shall be excused from the scheduled work shift. If the employee's scheduled work shift extends from one day to the next and does not immediately precede or follow the period during which an employee must attend jury duty, the employee shall choose and be granted leave from his or her work shift that is scheduled either before or after jury duty.

(c) Employees shall be granted up to their normal number of work hours in any one day to attend jury duty. Employees who do not work on a fixed workweek schedule may be granted up to eight hours leave in any one work day.

(d) Employees shall submit to their appointing authority written verification of attendance signed by a representative of the court.

(e) Unclassified State employees may be granted such leave with or without pay at the discretion of the appointing authority.

4A:6-1.20 Leave to appear as a witness: State service

(a) State employees in the career or senior executive service shall be granted time off with pay to appear as a witness or a party before a judicial or administrative body or legislature committee when such appearance is part of the job function. If an employee appears as a witness or a party during his or her normal day off, the employee shall be compensated on a time-for-time basis.

(b) When appearance before a judicial or administrative body is not part of the job function, a State employee in the career or senior executive service shall be granted time off with pay when summoned as a witness in a proceeding to which he or she is not a named party, and shall be granted time off without pay to appear at a proceeding to which he or she is a party. However, an employee is entitled to time off with pay to attend his or her workers' compensation proceeding.

(c) State unclassified employees may be granted such leave with or without pay at the discretion of the appointing authority.

SUBCHAPTER 2. HOURS OF WORK

4A:6-2.1 General provisions

(a) In local service, appointing authorities, subject to applicable negotiations requirements, may establish the hours of work.

(b) In State service, this subchapter applies to all employees in the career, senior executive or unclassified service.

1. The number of hours comprising the normal workweek for each job title shall be indicated in the State compensation plan.

2. For State overtime and holiday pay procedures, see N.J.A.C. 4A:3-5.1 *et seq.*

4A:6-2.2 Fixed workweek (35, 40, 3E or 4E) job titles: State service

(a) Job titles which meet all of the following criteria shall be assigned a fixed workweek of either 35 or 40 hours:

1. The work schedule is consistently regular, amenable to administrative control and determined by the direction of a supervisor rather than by the nature of the service and employees have minimal discretion over their work schedule;

2. The hours of work conform to a standard pattern of work time for the typical work location;

3. Employees normally work under direct supervision within a formal work program in a State office, location or place of business. Field work without direct supervision is minimal; and

4. An appointing authority can certify with assurance when an employee performs work beyond the normal workweek.

(b) Job titles which meet the criteria in (a) above are designated as 35 hours (35) or 40 hours (40), except those exempt from the Fair Labor Standards Act, 29 U.S.C. 20 *et seq.*, are designated exempt 25 hours (3E) or exempt 40 hours (4E).

4A:6-2.3 Non-limited (NL, NE or N4) job titles: State service

(a) Titles in the following categories shall be assigned a non-limited workweek:

1. Titles in which employees have direct or delegated responsibility for the management of a State governmental unit or a professional level program, including deputies, assistants and staff administrative titles at management levels who are authorized to assume many of the functions performed by their supervisor. This category could include supervisory professional titles above the level of crew leader and clerical supervisor;

2. Non-management titles which do not meet all of the criteria for a fixed workweek set forth in N.J.A.C. 4A:6-2.2(a).

3. Sworn unclassified employees of the State police;

4. Military titles in the Department of Defense in which employees are required to be on duty in support of National Guard units; and

5. Titles in which schedules of work vary considerably between a prime and a slack work season.

(b) Non-limited titles are those titles having irregular or variable work hours. Such titles shall be designated as follows:

1. Non-limited (NL) titles are those titles in which employees work at least a 35 hour workweek with occasional requirements for a longer workweek to complete projects or assignments.

2. Non-limited, 40 hour (N4) titles are those in which employees work at least a 40-hour workweek with occasional requirements for a longer workweek to complete projects or assignments.

3. Non-limited, non-exempt (NE) titles are those titles which are subject to the provisions of the Fair Labor Standards Act, 29 U.S.C. 201 et seq.

4A:6-2.4 Holidays: State service

(a) Holidays as authorized by law or Executive Order shall be allowed as days off with regular pay for full-time employees. Part-time employees who work a constant percentage of a full workweek shall receive holiday leave credit on a proportionate basis. Employees in intermittent titles shall receive holiday leave credit based on accumulated hours of work as determined by the Commissioner.

(b) When an authorized State holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. When an authorized holiday falls on a Sunday, the following Monday shall be observed as the holiday.

(c) Employees who are in pay status on the day immediately before an authorized holiday shall receive pay for the holiday.

4A:6-2.5 Inclement weather or emergency conditions: State service

(a) The Governor, the Commissioner of Personnel or their designees shall determine when inclement weather warrants the implementation of emergency procedures such as early release of employees, the closing of offices and the late opening of offices. The Commissioner or his designee shall notify all State departments when emergency procedures are to be implemented.

(b) Each State department shall maintain essential services and shall designate a coordinator who shall be responsible for:

1. Ensuring that department employees are advised of the emergency procedures;

2. Advising the Governor's office and the Commissioner of regional openings and closings;

3. Ensuring that employees are advised of a telephone number to call regarding implementation of departmental emergency procedures and a listing of the radio stations which will broadcast information concerning the implementation of State-wide emergency procedures.

(c) Employees who are required to work to maintain essential services while others are excused shall be given priority for release for the next emergency, where practicable.

4A:6-2.6 Flexitime programs: State service

(a) Appointing authorities may establish flexitime programs to accommodate operational and/or employee needs, and shall provide for:

1. Core time, which is the period of time during which all employees must be present;

2. Flexible time, which is the period of time before and after the core time in which the employees may choose, subject to appointing authority approval, time of arrival and departure;

3. A meal period which may be flexible in duration and scheduling.

(b) An appointing authority may limit participation in a flexitime program to selected groups of job titles, work units and/or work locations to accommodate operational needs.

(c) Department of Personnel assigned workweeks for affected titles, for example, 35 or 40 hours, shall be retained.

(d) Establishment, modification or termination of a flexitime program shall not become effective without the approval of the Commissioner. Requests for these actions shall be submitted at least 30 days in advance of the proposed effective date to the Department of Personnel and shall include:

1. Justification which relates the requested action to operational or employee needs;

2. Statement of impact on, services to the public or agency clientele

3. Details of the core time, flexible time and meal periods;

4. Groups of job titles, work units and/or work locations to be covered by the program;

5. Procedures governing employee participation in the program;

6. Approval procedures for individual flexitime schedules and change

7. Provisions for giving employees at least two weeks notice of termination of the program;

8. Monitoring and evaluation procedures; and

9. Name, address and telephone number of the program administrator

(e) An appointing authority may authorize a complete or partial temporary suspension of the flexitime program if required by operational needs. Within 10 days of the suspension of the program, the appointing authority shall submit to the Commissioner a fully detailed justification and specify the duration of the suspension.

(f) Appointing authorities should consult with affected negotiation representatives concerning flexitime programs before implementation.

(g) A description of an appointing authority's flexitime program shall be made available to employees upon request.

(h) Overtime compensation for employees in flexitime programs shall be regulated in the same manner as for all other employees.

4A:6-2.7 Alternative workweek programs: State service

(a) Appointing authorities may establish alternative workweek programs, such as a four day workweek, to accommodate operational and/or employee needs.

(b) A program may be developed for year-round use or for a specific portion of a year.

(c) An appointing authority may limit participation in an alternative workweek program to selected groups of job titles, work units and/or work locations to accommodate operational needs.

(d) Department of Personnel assigned workweeks for affected titles for example, 35 or 40 hours, shall be retained.

(e) Appointing authorities shall develop appropriate prorated sick vacation and administrative leave schedules for employees participating in an alternative workweek program.

1. A normal workday for four day workweek employees in 35 hour NL or NE workweek titles shall be eight and three-quarter hours a day exclusive of a meal period. A normal workday for four day workweek employees in 40 hour or N4 workweek shall be 10 hours a day, exclusive of a meal period.

2. All sick, vacation and administrative leave taken by employees participating in a four day workweek program shall be charged at the rate of one and one-quarter days for each day absent. Employees taking less than a full day's leave shall have their leave time prorated accordingly

(f) Since employees in an alternative workweek program have a longer or shorter workday than employees on a five day workweek schedule a time differential exists on holidays. This differential shall be equalized in a manner determined by the appointing authority. If a holiday occurs on an employee's regular day off, he or she shall be granted an additional day off consistent with operational needs.

(g) Establishment, modification or termination of an alternative workweek program shall not become effective without the approval of the Commissioner. Requests for these actions must be submitted at least 30 days in advance of the proposed effective date to the Department of Personnel and shall include the same items listed in N.J.A.C. 4A:6-2.6(d).

(h) An appointing authority may authorize a complete or partial temporary suspension of the alternative workweek program if required by operational needs. Within 10 days of the suspension of the program, the appointing authority shall submit to the Commissioner a fully detailed justification and specify the duration of the suspension.

(i) Appointing authorities should consult with affected negotiations representatives concerning alternative workweek programs before implementation.

(j) A description of an appointing authority's alternative workweek program shall be made available to employees upon request.

(k) Overtime compensation for employees in alternative workweek programs shall be regulated in the same manner as for all other employees.

4A:6-2.8 Adjusted hours of operation: State service

(a) Appointing authorities may adjust established hours of daily or shift operations to accommodate operational and/or employee needs.

(b) Department of Personnel assigned workweeks, for affected titles, for example, 35 or 40 hours, shall be retained.

(c) Except for emergency situations of limited duration, adjustments in hours of daily or shift operation shall not become effective without the approval of the Commissioner. Requests for these actions should be submitted at least 30 days in advance of the proposed effective date to the Department of Personnel and shall include:

1. Justification which relates the change to operational and employee needs;
2. Statement of impact on services to the public or agency clientele, employees and the community, that is, traffic flow;
3. Details of adjustments;
4. Work locations and approximate number of employees affected;
5. Provisions for giving employees at least two weeks written notice of adjustments; and
6. Name, address and telephone number of the program administrator.

(d) Appointing authorities should consult with affected negotiations representatives regarding adjustments in hours of daily or shift operations before implementation.

UBCHAPTER 3. SUPPLEMENTAL COMPENSATION ON RETIREMENT

4A:6-3.1 Eligibility: State service

(a) The following employees shall be eligible for supplemental compensation on retirement ("SCOR"):

1. State employees in the career service and employees in the senior executive service with underlying permanent career service status;
2. State employees in job titles in the senior executive service without permanent career service status and in the unclassified service who have been granted sick leave under the following standards:
 - i. All employees in that job title are granted sick leave days in the same number and manner as set forth for State career service employees in N.J.A.C. 4A:6-1.3;
 - ii. Sick leave for all employees in that job title is used, reported, and subject to verification in the same manner required for State career service employees in N.J.A.C. 4A:6-1.4 and 1.5.
3. Employees of Rutgers, the State University; the New Jersey Institute of Technology; and the University of Medicine and Dentistry of New Jersey, who perform services similar to those performed by employees of the New Jersey State Colleges who are in the career service, or who have been granted sick leave under the standards set forth in (a)2 above.

(b) Employees in the categories in (a) above shall be eligible for SCOR upon separation from employment based on retirement from a pension system administered by the State of New Jersey.

1. Employees removed for cause after an opportunity for a hearing, who retire in lieu of removal, or who retire under circumstances which would warrant removal, shall not be eligible for SCOR. However, the Commissioner may allow SCOR in such cases where removal was based on a medical disability or where the Commission finds sufficient mitigating circumstances to warrant supplemental compensation.

2. Employees who retire as a result of accidental or ordinary disability, and who meet all other applicable rules, shall be eligible for SCOR.

3. Employees of the University of Medicine and Dentistry of New Jersey who are members of the Newark Employees' Retirement System, and who meet all other applicable rules, shall be eligible for SCOR.

4. Employees who elect deferred retirement, or whose separation from employment is not based on retirement, shall not be eligible for SCOR.

5. Faculty members of the State Colleges; Rutgers, the State University; the New Jersey Institute of Technology; and the University of Medicine and Dentistry of New Jersey who have served in an administrative capacity only. Such employees, if deemed eligible, shall be entitled to payment based on sick leave and salary earned while serving in an administrative title.

4A:6-3.2 Break in service: State service

(a) Employees who incur a break in service due to resignation, retirement or removal shall have sick leave computed for SCOR purposes only from the date of return to employment.

1. Employees who have retired and received the maximum SCOR payment shall not be eligible for further supplemental compensation.

2. Employees who have retired and received less than the maximum SCOR payment shall be eligible for an amount no greater than the difference between the payment received and the maximum payment upon reentering State employment and again retiring from State service.

(b) Employees who incur a break in service due to layoff shall be credited for SCOR purposes with sick leave accrued both before separation and after return to employment.

4A:6-3.3 Computation of payment: State service

(a) SCOR shall be computed at the rate of one-half the employee's daily rate of pay for each day of earned and unused accumulated sick leave at the effective date of retirement. The daily rate of pay shall be based upon the average annual compensation received during the last full year of active employment prior to the effective date of retirement.

1. Overtime pay or other supplemental pay shall be excluded from the computation.

2. Periods of leaves of absence without pay shall be excluded from the computation.

(b) If an employee changes from 12 month to 10 month employment during the last year of employment, the average compensation must be weighted accordingly.

(c) Ten month employees who have received sick leave without proration shall have their unused accumulated sick leave reduced by one-sixth for purposes of calculating SCOR.

(d) The maximum amount of SCOR for any employee shall be \$15,000.

4A:6-3.4 SCOR procedures: State service

(a) An employee may file an application form DPF-279, within one year of the effective date of retirement, requesting supplemental compensation after receiving a copy of the official notice of retirement approval issued by the appropriate pension board or authority.

(b) The appointing authority shall not process the SCOR application form until it has received the employer's copy of the notice of the retirement approval. If the appointing authority has not received the employer's copy of the notice of retirement approval, it shall, within 45 days after receipt of the employee's application form DPF-279, notify the employee accordingly.

(c) After receipt of the notice of retirement approval and SCOR application, the appointing authority shall forward to the Department of Personnel within 45 days:

1. A personnel action request certifying the number of days of earned and unused accumulated sick leave and the amount of SCOR to be paid;
2. A copy of the notice of retirement approval; and
3. Completed application form DPF-279.

(d) The Department of Personnel shall review the request to ensure that eligibility criteria as set forth in N.J.A.C. 4A:6-3.1 have been met.

1. If eligibility criteria have been met, the request shall be approved.
2. If eligibility criteria have not been met, the request shall be disapproved and the employee shall be provided written notice of the reasons for disapproval and the right to appeal to the Commissioner.

(e) Following approval of the SCOR application, payment shall be made by the appointing authority in accordance with established payroll procedures. The appointing authority shall be responsible for withholding payment should the employee cancel the retirement.

(f) In the event of an employee's death after the effective date of retirement but before payment of SCOR is made, payment shall be made to the employee's estate.

(g) Payment of SCOR shall in no way affect any pension or retirement benefits for which a retired employee is eligible under any other program.

SUBCHAPTER 4. HUMAN RESOURCE DEVELOPMENT: TRAINING AND EDUCATION PROGRAMS

4A:6-4.1 General provisions

(a) In local service, appointing authorities may implement Human Resource Development (HRD) programs and may, subject to the terms and approval of the Commissioner, participate in programs set forth in this subchapter.

(b) In State service, the Commissioner may establish HRD programs and shall review and approve appointing authority programs.

4A:6-4.2 Department of Personnel functions: State service

(a) The Commissioner shall supervise a State training center which, among other things, shall:

1. Serve as a central resource and maintain a central registry for HRD programs including types, sources, schedules and costs of such programs;
2. Provide varied training courses with fee schedules for State employees;
3. Develop and provide particular training for which State appointing authorities may be assessed such as:
 - i. Supervisory and management training (see N.J.A.C. 4A:6-4.7);
 - ii. Human resource management and development training;
 - iii. Support staff training; and
 - iv. Other programs in consultation with the HRD Committee (see N.J.A.C. 4A:6-4.4) as determined by the Commissioner.

(b) The Department of Personnel shall:

1. Coordinate a State program for employees seeking agency, career or location changes and for employees affected by job displacement.

2. Encourage and provide assistance to State appointing authorities for employee development programs that assist employees in advancing in their current career or movement to a new career.

3. Provide guidance and consultation to agencies in the choice, implementation and evaluation of HRD programs.

4A:6-4.3 Agency Human Resource Development Plan: State service

(a) Each State department or agency shall establish HRD programs under an HRD professional and prepare an annual plan to be submitted to, and approved by, the Department of Personnel based on a comprehensive needs analysis.

1. In developing the HRD plan, a department or agency should evaluate the results and effects of HRD programs provided to its employees to determine whether the programs are contributing to the achievement of the agency mission and goals and review:

i. The extent to which HRD programs produce desired changes in employee knowledge, skills, attitudes and performance;

ii. The extent to which HRD programs that are provided cover the areas of greatest need;

iii. Any necessary modification in the coverage or conduct of HRD programs and methods to increase the value and benefits of programs; and

iv. HRD priorities, funding and future programs.

2. The plan shall be in such form and detail and submitted according to such time schedules as prescribed by the Department of Personnel.

3. The plan shall generally include but not be limited to a listing and description of programs in the following areas:

i. Employee orientation;

ii. Performance Assessment Review (see N.J.A.C. 4A:6-5.1 et seq.);

iii. Career development (see N.J.A.C. 4A:6-4.5);

iv. Retirement planning;

v. Other programs; and

vi. Such additional categories as required by the Department of Personnel.

3. The plan shall include a listing of human resource development funds, their sources, and the distribution of such funds.

(b) Each State department or agency shall submit to the Department of Personnel for approval blanket or individual HRD requests on Form DPF-94. Such requests shall be reviewed in accordance with the department or agency plan and such additional information as provided.

(c) The Department of Personnel may require additional reports, information or audits of a department or agency's HRD programs as it deems necessary.

4A:6-4.4 Human Resource Development Committee: State service

(a) The Commissioner shall establish and appoint a Human Resource Development Committee from among State HRD professionals to advise and assist the Department of Personnel in establishing and implementing procedures for State employee training and education and such other HRD advisory groups as the Commissioner shall deem necessary.

(b) The Department of Personnel shall provide necessary assistance to the Committee.

4A:6-4.5 Career development programs: State service

(a) State departments and agencies shall implement HRD programs that assist employees in supplementing or acquiring knowledge, skills and abilities for the performance of their work responsibilities.

(b) Departments or agencies may, consistent with their goals, workforce planning and technological changes, also implement programs that allow employees to move to new assignments or career opportunities.

(c) Career development programs include, but are not limited to, tuition aid (see N.J.A.C. 4A:6-4.6); interchange (see N.J.A.C. 4A:6-4.8); interships (see N.J.A.C. 4A:6-4.9) and specific training or education courses.

4A:6-4.6 Tuition aid program: State service

(a) Each State department or agency, subject to available appropriations, shall establish a tuition aid program, available to eligible employees to complete undergraduate, graduate, technical or supplemental coursework at an accredited educational institution which relate to current or planned job responsibilities.

(b) The tuition aid program may be submitted for approval as part of the HRD plan (see N.J.A.C. 4A:6-4.3) or as a separate plan for approval by the Department of Personnel and shall include:

1. Employee eligibility criteria and acceptable grades and course completion for reimbursement;

2. Amount of funds allocated for tuition aid;

3. Name of the individual charged with administering the program

4. Amount and form of reimbursement; and

5. Procedures for notifying employees of approval or disapproval an for reimbursement.

(c) Any amendment to the [plan] **tuition aid program** must be submitted for approval at least one month prior to implementation.

(d) No employee shall receive tuition aid per semester in an amount that exceeds the cost of six credits at a New Jersey State College or Rutgers, the State University, whichever is higher.

(e) Reimbursement shall be made upon evidence of satisfactory completion of the courses as determined by the department or agency.

(f) Notice, eligibility and application procedures for tuition aid shall be posted throughout the department or agency.

(g) Each State department or agency shall also submit semi-annual reports to the Department of Personnel in such form and detail as according to such time schedule as the Department shall prescribe and include:

1. Names and titles of all employees receiving tuition aid;

2. Amount of aid received by each employee;

3. Equal employment and affirmative action data;

4. Information relating to the course and educational institution; and

5. Other information as may be requested by the Commissioner.

4A:6-4.7 Certified Public Manager Program: State service

(a) A Certified Public Manager Program (CPM) for supervisors and managers shall be administered by the Department of Personnel.

1. The program shall consist of progressive levels of instruction jointly conducted by the Department and Rutgers, the State University.

2. Each department or agency shall be assessed costs to be transferred to the Department of Personnel for participation of their employees for supervisory training. For that part of the program for managerial training, the employee shall be responsible for 25 percent of the cost and the department or agency for 75 percent of the cost.

(b) The Commissioner shall be the chief administrative officer and set the participation criteria, courses and costs.

(c) The Commissioner shall appoint a CPM Policy Board, consisting of representatives from State government, private industry and academia, which will set overall program policy.

4A:6-4.8 Employee interchange program

(a) The Commissioner may approve an Employee Interchange Program that is intended to improve the management of government through shared experience, communication and learning among public, private and academic organizations. See N.J.S.A. 52:14-6.10 et seq. and N.J.S.A. 11A:2-11j.

(b) An appointing authority is authorized to participate, either as a sending or receiving agency, in an interchange program with any federal, State or local governmental or private sector entity.

(c) An interchange program shall provide that:

1. The length of any interchange shall not be more than 12 months or less than two months. The Commissioner may approve an assignment of less than two months in emergency situations. The Commissioner may extend an interchange for up to an additional six months to complete work in progress.

2. The participating employee shall remain an employee of the sending agency from which he or she shall receive salary and all benefits.

i. A receiving agency may reimburse the employee for travel expenses.

ii. The sending agency may receive reimbursement from the receiving agency for the salary and benefits of the employee. Such reimbursement shall be determined by agreement between the sending and receiving agencies. The agencies may also agree to provide housing or relocation assistance for the employee.

3. No interchange may be initiated without written consent of the participating employee.

4. A participating employee shall remain in the employ of the sending agency for a period of at least one year after the end of the interchange.

(d) An employee may not be assigned to an interchange program for more than 12 months in any 36-month period, unless the length of the interchange is extended by the Commissioner pursuant to (c)1 above.

(e) An employee interchange may be terminated by either the receiving or sending agency by giving 30 days written notice to the other agency, the employee and the Department of Personnel.

(f) The New Jersey Conflict of Interest Law (N.J.S.A. 52:13D-12 et seq.) shall be applicable to all participating State employees and to Federal, local or private sector employees serving with a State agency.

6-4.9 Internship programs: State service

a) Internship programs include:

. Programs limited to full time students of participating accredited institutions of higher education who are performing services for a State department or agency directly related to their course of study;

. Fellowships in managerial assignments to selected individuals based on established educational and career achievements; and

. Educational or apprenticeship programs for State employees intended for career change or advancement or due to job displacement.

b) A proposed internship program must be submitted in writing to the Commissioner by the agency head and include a detailed description of the program, its benefits, program participants, program costs and relevant data. The Commissioner may request additional information and may approve, disapprove or modify the request.

6-4.10 Employee Advisory Service: State service

a) The Department of Personnel shall establish an Employee Advisory Service (EAS) to provide access to counseling, rehabilitative and/or community services for a State employee who:

. Has received an annual performance rating at the lowest level. See N.J.A.C. 4A:6-5.1 et seq.

. Has received performance rating which is below the mid-point on multi-level scale and an improvement plan has not been effective;

. Is experiencing personal problems which affect job performance; or

. Has a family member who is experiencing personal problems which affect the employee's job performance.

b) Employees may voluntarily contact EAS or may be referred to EAS by the appointing authority. If the employee consents, he or she may be referred by a union or association representative.

c) Except as conditioned below or where there is an overriding health and safety need, all EAS information regarding an employee is confidential.

. An employee may authorize in writing the release of all or part of his information.

d) In appointing authority referrals, the appointing authority may be informed:

. Whether an individual has been accepted for a program;

i. Whether or not an employee has kept his or her appointments;

ii. The dates and times of future appointments with either EAS or outside agency; and

v. The estimated amount of time needed to complete the program if reasonably ascertainable.

d) Appointments for appointing authority referred employees shall be scheduled through the personal office.

. An employee shall be given time off with pay for the intake and evaluation visits. For other situations and visits, arrangements shall be made by the employee and appointing authority, which may include use of available sick or other leave.

2. When an appointing authority referred employee fails to keep a scheduled appointment or does not accept a referral from EAS, the appointing authority shall be notified of the matter by EAS.

e) EAS shall monitor the progress of all employees. To maintain active merit status, an employee must follow the prescribed EAS program.

f) An appointing authority that is informed that an employee is receiving services through EAS, shall consult with the EAS prior to seeking removal of the employee.

g) State health or other benefit programs may be utilized where applicable.

JBCHAPTER 5. PERFORMANCE EVALUATION

4A:6-5.1 General provisions

(a) In local service, an appointing authority may establish an employee performance evaluation program. A performance evaluation system must be reviewed and approved by the Department of Personnel in order to be used in promotions or layoff.

(b) In State service, a Performance Assessment Review (PAR) program shall apply to all employees in the career service, and those in unclassified classes as designated by particular departments or agencies.

1. The PAR program shall use a multi-level rating scale and a standardized form to be designated by the Department of Personnel.

2. Annual PAR ratings will be based on an evaluation of performance over the preceding 12-month period, with interim ratings assigned at the end of six months and final ratings assigned and recorded at the end of the year.

(c) Each appointing authority shall maintain an employee's PAR evaluations in his or her personnel records and shall submit reports to the Department of Personnel on all final PAR ratings of its employees on a form prescribed by the Department.

(d) The Commissioner may modify the PAR program based on specific employee or agency needs.

4A:6-5.2 PAR procedure: State service

(a) An employee and his or her supervisor shall jointly develop a job performance plan consisting of work assignments together with measurable performance standards. The employee shall be provided with a copy of the performance plan once established.

(b) At the end of six months and at the end of one year, the employee and the supervisor shall review the employee's performance and the supervisor shall designate a performance rating.

1. Where there are changes in the supervisor or job assignment during the evaluation period, the performance plan shall be modified accordingly and the rating will be a proration of the ratings by all supervisors for that period.

2. Where appropriate, performance improvement plans shall be set at each review.

3. The employee shall be entitled to a copy of the rating.

(c) Where a rating below the mid-point on the multi-level scale is received, a performance review shall be conducted after three months or such shorter period of time as determined by the supervisor.

(d) New employees shall receive a performance plan within a reasonable time after appointment.

(e) The Department of Personnel may require additional reports, information or audits of an agency's PAR program.

4A:6-5.3 PAR use and review: State service

(a) If there is more than one level below the mid-point, an employee may not receive successive annual ratings which are immediately below the mid-point. Any employee who has failed to improve his or her performance after such rating during the next annual review period shall receive the lowest PAR rating.

(b) An employee receiving an annual PAR rating at the lowest level shall be denied an anniversary date increment.

1. An appointing authority may request an anniversary date increment for an employee who was denied an increment but whose performance has subsequently improved. If approved by the Department of Personnel, such increment shall not be effective until at least 90 days after the employee's anniversary date.

2. An employee who receives an annual rating at the lowest level shall be referred by the appointing authority to the Employee Advisory Service. See N.J.A.C. 4A:6-4.10.

(c) An employee who has received an annual PAR rating at the lowest level may appeal such rating through departmental noncontractual grievance procedures. See N.J.A.C. 4A:2-3.1 et seq. In addition to the grievance procedure requirements, all appeals shall be accompanied by a copy of the PAR evaluation.

(d) An employee may appeal the final departmental decision to the Merit System Board within 20 days of receipt of the decision.

1. The appeal shall be in writing and include a copy of the written departmental decision and the basis for the appeal.

2. The employee shall have the burden of proof to establish that the actions of the supervisor in assigning the rating were arbitrary, unreasonable or induced by improper motives.

3. The Board shall render a final administrative decision upon the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1.

(e) An employee who disagrees with his or her PAR job performance plan may utilize the noncontractual grievance procedures. The Department of Personnel may designate a person to aid in the resolution of such matters.

(f) In a disciplinary action, an employee may challenge the basis of any rating that is an issue in the proceeding.

(g) Performance rating may be used as a factor in promotion (see N.J.A.C. 4:1-9.5) and layoff (N.J.A.C. 4A:8-2.2(c)4).

(a)

NEW JERSEY EMPLOYEE AWARDS COMMITTEE

Awards Program

Proposed New Rules: N.J.A.C. 4A:6-6

Proposed Repeals: N.J.A.C. 4:4

Authorized By: New Jersey Employee Awards Committee,
Department of Personnel.

Authority: N.J.S.A. 11A:6-29 through 11A:6-32.

Proposal Number: PRN 1987-409.

The New Jersey Employee Awards Committee will hold **public hearings** on proposed new rules N.J.A.C. 4A:6-6 on:

October 20, 1987 at 5:30 P.M.

Office of Administrative Law
9 Quakerbridge Plaza, 1st Floor
Trenton, NJ

October 21, 1987 at 9:30 A.M.
Merit System Board Meeting Room
Department of Personnel
Front and Montgomery Streets
Trenton, NJ

October 22, 1987 at 6:30 P.M.
Pennsauken Middle School
Auditorium
8201 Park Avenue
Pennsauken, NJ

October 29, 1987 at 6:30 P.M.
Essex Catholic Boys High School
Cafeteria
135 Glenwood Avenue
East Orange, NJ

Please contact Ms. Dolores Carvill at 609-292-6568 if you plan to attend and to be included on the list of speakers.

Submit written comments concerning the proposed new rules by November 4, 1987 to:

William G. Scheuer, Executive Secretary
New Jersey Employee Awards Committee
Department of Personnel
CN 318
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In response to the adoption of N.J.S.A. 11A:1-1 et seq. (the Civil Service Act), the entire Title 4 of the New Jersey Administrative Code is being revised to incorporate changes made by the reform legislation and to reflect needed changes in language, organization and policy. In this proposal, N.J.A.C. 4:4 concerning rules on the New Jersey Employee Awards Program are proposed for repeal and N.J.A.C. 4A:6-6.1 et seq. proposed in their place.

Proposed N.J.A.C. 4A:6-6.1 is a brief overview of the scope and applicability of the New Jersey Employee Awards Program. It establishes three major categories of state-wide award programs: employee recognition, suggestions, and longevity of service. Further, a fourth category is established for departmental incentive programs.

N.J.A.C. 4A:6-6.2, which replaces several existing rules, set forth the organization and authority of the New Jersey Employee Awards Committee and describes the responsibilities of the departmental awards committees. N.J.A.C. 4A:6-6.3 is a codification of the requirements for the maintenance of public information and records.

N.J.A.C. 4A:6-6.4 establishes a new overall awards category entitled Recognition Awards. Four sub-categories of awards are provided: heroism, exceptional service, professional achievement, and community service. The proposed rule sets forth the eligibility requirements and nomination procedures for this new category.

N.J.A.C. 4A:6-6.5 through 4A:6-6.7 provide a simplified version of the existing rules concerning the Suggestion Award Program. In three concise but comprehensive rules, the new proposal provides the eligibility requirements, processing methods and award calculations governing this program. These rules cover material now contained in nine lengthy and often confusing rules.

N.J.A.C. 4A:6-6.8 concerns the third major category of awards: those pertaining to years of service and retirement. This proposed rule is similar

in substance to the three current rules in this area, but organization and language changes have allowed a streamlined version. N.J.A.C. 4A:6-6.9 is an entirely new rule which provides guidelines for the establishment of departmental awards programs within each State agency. Finally, N.J.A.C. 4A:6-6.10 provides a uniform appeals procedure applicable to all awards programs.

Social Impact

This proposal broadens the current awards program by establishing a new state-wide category of awards for employee recognition and providing for departmental programs. Awards for employee recognition will be given for acts both in and out of the workplace for heroism, exceptional service, professional achievements, community service, and work place improvement. The departmental program provision allows each agency in State government to tailor award programs to fit special needs. The changes will have an overall positive social impact, resulting in a more productive state work force through greater employee incentives.

The other major change from the current rules is that this proposal is written in a simple, clear, and organized manner, especially with regard to the Suggestion Awards, and therefore allows for the rules to be read easily and correctly applied.

Economic Impact

There may be a small cost incurred for additional awards under the newly developed "Employee Recognition" designation. Otherwise, the new proposal will follow existing practices under the new Title 11A and current rules, thereby not materially increasing costs.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since this proposal will have no effect upon small businesses.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 4:4.

Full text of the proposed new rules follows.

CHAPTER 6

**LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT
SUBCHAPTER 6: AWARDS PROGRAM**

OLD CITATION	NEW CITATION	OLD CITATION	NEW CITATION
4:4-1.1	4A:6-6.2	4:4-3.6	4A:6-6.10
4:4-1.2	4A:6-6.1	4:4-3.7	4A:6-6.7
4:4-2.1	4A:6-6.2	4:4-3.8	4A:6-6.7
4:4-2.2	4A:6-6.2	4:4-3.9	4A:6-6.6
4:4-2.3	4A:6-6.2	4:4-4.1	4A:6-6.4
4:4-3.1	4A:6-6.5	4:4-4.2	4A:6-6.4
4:4-3.2	4A:6-6.5	4:4-4.3	4A:6-6.4
4:4-3.3	4A:6-6.5	4:4-5.1	4A:6-6.8
4:4-3.4	4A:6-6.6	4:4-5.2	4A:6-6.8
4:4-3.5	4A:6-6.3	4:4-5.3	4A:6-6.8

SUBCHAPTER 6. AWARDS PROGRAM

4A:6-6.1 General provisions

(a) In local service, appointing authorities may establish and administer awards programs.

(b) In State service, the following types of award programs are established:

1. Awards for Recognition;
2. Awards for Suggestions;
3. Awards for Service;
4. Other awards programs as the New Jersey Employee Awards Committee may establish; and
5. Department or agency awards programs approved by the New Jersey Employee Awards Committee.

(c) The awards program applies to all employees in the executive branch of State government, whether in the career, senior executive or unclassified service, including autonomous agencies within executive departments; applicable employees in the Judiciary; and all employees of the Office of Legislative Services.

4A:6-6.2 New Jersey Employee Awards Committee: State service

(a) The New Jersey Employee Awards Committee (Committee) shall be established in the Department of Personnel under the supervision of the Commissioner. The Committee shall consist of seven persons, each of whom shall be employed in a different department in the Executive Branch.

1. Committee members shall be appointed by the Governor upon nomination by the Commissioner, for staggered terms of three years or until a successor is appointed. If a vacancy on the Committee occurs by reason other than expiration of term, the vacancy shall be filled for the expired term. No member shall serve more than two consecutive full terms.

2. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses.

3. The Committee shall meet and organize as soon as practicable after its annual appointment of new members and select a Chairperson from among its members. The Committee shall hold a regular meeting at least once each month and special meetings at the call of the Chairperson.

4. The Committee shall submit monthly reports to the Commissioner concerning operations of the Awards Program, which shall include data on activity level, processing time, and program benefits to the State. This data will also be furnished to each agency's chief executive officer. The Committee shall submit an annual report to the Governor through the Commissioner.

5. The administrative work of the Committee shall be performed by the Executive Secretary (Secretary) and other necessary staff designated by the Commissioner.

(b) Departmental committees shall be established in each agency operating under the Awards Program, under the supervision and direction of the Committee. Divisional and institutional award subcommittees may be established within agencies, but the responsibility for the agencies' activities will remain with the departmental committees.

1. The departmental committees shall include at least three members appointed by the agency's chief executive officer for a term of one year, effective each May 18. Departmental committee members shall be employees who are responsible for evaluation and analysis of the agency's programs. The chairperson of the departmental committee shall be an individual who has direct access to the chief executive officer.

2. Departmental committees shall meet at least monthly and shall establish procedures for the processing of awards within their agencies, in accordance with the rules in this subchapter and with the approval of the Committee.

3. Departmental committees shall be responsible for objectively and impartially investigating and evaluating each proposed award furnished to them by the Committee and returning a timely and documented recommendation to the staff of the Committee.

4. Departmental committees shall be responsible for suitable ceremonies for the presentation of awards to their employees and shall use available means, as the Committee may propose, to promote employee participation in the awards program.

5. Departmental committees shall report their activities to the Committee through their chairpersons.

4A:6-6.3 Records: State service

(a) The Committee shall maintain the following records:

1. Official copies of the minutes of all meetings and all other official communications which are public information.

2. Copies of all suggestions, as defined in N.J.A.C. 4A:6-6.5, received by the Committee, along with supporting documents and recommendations from departmental committees.

(b) The departmental committees shall maintain the following records:

1. Official copies of the minutes of all meetings and all other official communications which are public information.

2. Copies of each suggestion, as defined in N.J.A.C. 4A:6-6.5, which are referred by the Committee, with supporting documentation and the recommendation of the departmental committee.

3. Records of all transactions and supportive documentation for Open No. 2 suggestions as defined in N.J.A.C. 4A:6-6.6.

(c) Records shall be retained after the final action by the Committee in accordance with each department's record retention schedule. See N.J.A.C. 15:3-2.1 *et seq.*

4A:6-6.4 Recognition awards: State service

(a) Recognition Awards shall be established in, but not limited to, the following four categories:

1. Heroism Awards may be made to employees who perform acts of bravery or personal sacrifice above and beyond the duties and responsibilities of the employee's position and which reflect credit upon the State of New Jersey, whether or not the act was performed during working hours.

2. Exceptional Service Awards may be made to employees for outstanding acts of public service above and beyond the duties and responsibilities of the employee's position and which reflect credit upon

the State of New Jersey, whether or not the act was performed during working hours.

3. Professional Achievement Awards may be made to employees in recognition of meritorious or distinguished accomplishments which need not fall entirely within the scope of normal duties. An award may be made to an employee who has:

i. Initiated and successfully established new and outstanding methods, practices, plans or designs in such fields as, but not limited to, administration, engineering, law, medicine or environmental sciences;

ii. Achieved honors from professional societies, educational institutions or recognized groups for outstanding performance in his or her field; or

iii. Provided key assistance to the recipient of an award.

4. Community Service Awards may be made to employees who have made outstanding contributions to the communities in which they live or to the State as a whole through organizational activities outside the workplace.

(b) Employee recognition awards may be made to an employee or a group of employees.

(c) A nomination for an employee recognition award may be submitted by an employee or by any resident of New Jersey to the Committee along with supporting information.

1. Nominations in the heroism category must be submitted within one year of the specified act.

2. Upon receipt, the nomination will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

3. The departmental committee shall make a thorough investigation of the nomination and thereafter, by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the nomination shall be returned to the Secretary with an explanation of the reasons for disapproval, along with any supporting documents. If the departmental committee recommendation is for approval, the nomination with recommendations and supporting documentation shall be forwarded to the department's chief executive officer for endorsement. The nomination, with recommendations and supporting documents, shall then be returned to the Secretary.

4. The Committee shall consider the nomination and the departmental committee's recommendation and decide whether or not an award should be made and the type of award. The Secretary shall advise the nominator, in writing, of the action of the Committee. Presentation ceremonies shall be arranged by the Secretary.

4A:6-6.5 Suggestion Award Program standards: State service

(a) A suggestion is a written proposal which will produce notable economy or improvement in an operation of State government or one which will improve service to the public, employee safety or employee welfare.

(b) To be considered for a suggestion award, the following requirements must be met:

1. The suggestion must be original, or propose a new application of an old idea;

2. The suggestion must be implemented or ordered implemented by a State agency; and

3. There must be a causal relationship between the suggestion and implementation of the improvement.

(c) The following suggestions are not eligible for an award:

1. A suggestion which represents a part of an employee's duties and which the employee has the authority to change or the responsibility to bring to the attention of his or her supervisor;

2. A suggestion by an employee whose primary duty is research and planning unless the suggestion concerns a matter which is clearly unrelated to the employee's assignment or primary duty;

3. A suggestion which was initially disapproved, unless the idea is implemented as a result of the suggestion within two years from notice of disapproval and is subsequently approved by the Committee;

4. A suggestion which is received by the Committee more than six months (excluding necessary trial period) after it has been placed in use;

5. A suggestion concerning routine maintenance of buildings, equipment or grounds, which should be normally reported. Where sustained complaints have not resulted in correction, the Committee may consider such a suggestion for an award;

6. A suggestion involving new structures, equipment, materials and procedures during the initial period of trial, experiment or development, the length of which is considered reasonable by the Committee;

7. A suggestion which simply involves instituting or raising fees or taxes levied by the State;

8. A suggestion to transfer programs or activities from one level of government to another, unless the transfer of the program or activity effectuates a savings or improvement of services;

9. A suggestion to recoup owed funds from another agency or political subdivision of the State; or

10. Any idea or improvement which no State agency is authorized to perform, or which requires legislative or regulatory changes or the enforcement of a law or regulation.

(d) All persons employed in State government at the time of submission are eligible, except members of the Committee or a departmental committee, the Secretary, or the staff of the Awards program.

4A:6-6.6 Suggestion Award Program procedures: State service

(a) Suggestions shall be submitted on a form prescribed by the Committee, which shall include:

1. A brief statement describing the present condition, method or practice, and where it exists.

2. A specific statement of what is suggested and how it can be accomplished. Sketches, charts, samples and additional data may be included.

3. A concise statement of the benefits which will accrue and the name of the organization or organizations which will benefit.

4. The name, home mailing address, social security number, title of present position, salary range, and department and division of the suggester.

(b) Suggestions may be submitted through one of two options at the discretion of the suggester:

1. Option 1 suggestions are suggestions sent to the Committee, which then refers them to the appropriate departmental committee(s).

2. Option 2 suggestions are suggestions sent to the Committee to ensure that the suggestion is recorded as the suggester's property. Thereafter, the suggester directly works with the suggester's supervisor and the departmental committee to develop and refine the suggestion.

(c) The Committee and the departmental committees shall utilize the following procedures in processing suggestions:

1. For Option 1, the departmental committee shall make, within 45 days of receipt of the suggestion from the Committee, an evaluation and a recommendation to the Committee.

2. For Option 2, the departmental committee shall make arrangements with the suggester and appropriate supervisory personnel to develop and refine the suggestion. This departmental committee shall, within a reasonable time, make an evaluation and recommendation to the Committee.

3. The Secretary shall make the initial review of all proposed award recommendations from the departmental committees. When the recommendation from the departmental committee is for disapproval, the Secretary shall, from the evidence presented, determine if the disapproval should be upheld. When the recommendation is for approval and the recommended amount of the award is \$100.00 or less, the Secretary may authorize the award.

4. The Committee shall review evaluations from departmental committees when the recommendation is for approval and the recommended amount of the award is more than \$100.00. Following review, the Committee shall either accept, reject or modify the recommendation.

5. If the Committee determines that it is necessary to use outside consultants in the development of evaluation of a suggestion, the costs may be offset against any award.

6. Suggestions which are disapproved by the departmental committee, may be reviewed by the Committee on its own motion, or be referred back to the departmental committee for reconsideration.

7. The Secretary shall notify the suggester of the disposition of the suggestion within 60 days of receipt of the departmental committee's recommendation, and whether there will be a trial period and the length of such period.

(d) After approval of a suggestion award, the Secretary shall make arrangements for the issuance of a check, less appropriate payroll deductions, to be drawn upon the funds appropriated to the Department of Personnel for the payment of awards.

1. The check will then be forwarded to the departmental committee for presentation, except when the Committee elects to arrange a special ceremony.

2. Awards involving vacation options under N.J.A.C. 4A:6-6.7(a)2 will be arranged between the employee's Personnel Officer and the Secretary on a case by case basis.

4A:6-6.7 Suggestion Award Program types and amounts of awards: State service

(a) Awards for suggestions shall be in cash or additional paid vacation time-off in lieu of cash under certain circumstances.

1. Cash awards shall be no less than \$25.00 nor more than \$10.00 for each approved suggestion.

2. A time-off option in lieu of a cash award will be calculated as follows:

i. One day of additional time-off in lieu of an award from \$50.00 to \$75.00;

ii. Two days of additional time-off in lieu of an award from \$75.00 to \$150.00.

(b) When a suggestion is adopted primarily because it will result or has resulted in saving money, the amount of the award shall be 10 percent of the estimated net annual savings in the first year of operation, up to the \$10,000 maximum. Under exceptional conditions, the Committee may select a typical year or may average several years to determine an award.

(c) When a suggestion is adopted primarily upon the basis of improvements in such areas as safety, health, welfare and morale, or it is otherwise not possible to determine monetary savings, the departmental committee shall recommend and the Committee shall determine the amount of the award base on the following factors:

1. Effectiveness of solution offered by suggesters;

2. Seriousness of present problem in terms of money or other factors;

3. Extent of problem;

4. Probability of problem actually happening; and

5. Ingenuity of the solution.

(d) A suggester shall receive the full amount of the award when the suggestion is implemented. Where implementation is not complete but specific steps have been taken, a partial award may be paid at the Committee's discretion. It shall be the responsibility of the departmental committee to inform the Secretary when a suggestion has been placed into operation. Disputes regarding the date of implementation shall be resolved by the Committee.

(e) A cash or other award shall be in addition to the regular compensation of the recipient. The acceptance of such award shall constitute an agreement that the use of the suggestion by the State or its subdivision or independent authorities shall not form the basis of a further claim for any additional award, compensation or payment by the employee, his or her heirs, or assignees.

(f) Persons who leave State service after having submitted a suggestion are still eligible for an award. In the case of death, the award shall be paid to the suggester's estate.

(g) Departmental awards consisting of plaques may be presented to the department or autonomous agency with the best record of employee participation during the fiscal year for the:

1. Highest number of suggestions approved per one hundred employees.

2. Highest dollar savings to the State realized through implementation of suggestions from their employees.

(h) Special awards consisting of plaques will be presented to suggesters whose accumulated awards total \$10,000 or result in savings to the State of \$100,000. In addition, the suggesters become members of an Advisory Board to the Committee. The Advisory Board may be called upon to comment and make recommendations on policy and program promotion.

(i) State "Suggester of the Year" will be selected by the Committee from among the successful submissions of the previous calendar year and will be suitably recognized as determined by the Committee. The selection from nominations submitted by the Secretary will be based on:

1. Importance of the suggestion on a State and national level;

2. Savings and/or other benefits;

3. Public relations aspects and compatibility of the selection with the character and goals of the program.

(j) Departmental "Suggester of the Year" may be nominated by each department or autonomous agency. The nomination shall be made by the departmental committee with approval of the chief executive officer. The nomination must be approved by the Committee which will designate a uniform award and arrange for its procurement and presentation. Standards in selecting the nomination will be:

1. The suggestion(s) must have been approved during the previous calendar year;

2. The suggestion(s) must be of importance or value to the agency;

3. The suggester must be an employee of the agency as of the date nominated.

A:6-6.8 Service Awards Program: State service

(a) Awards for length of service shall be given to all employees upon completion of each five years of employment.

1. Service shall include employment in the career, senior executive or classified service in either a regular, provisional or temporary capacity.
2. Years of employment shall be determined in the same manner used to compute annual vacation leave. See N.J.A.C. 4A:6-1.2.

3. Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

4. It shall be the responsibility of each agency to determine the employees eligible for length of service awards.

(b) Retirement awards shall be given at the time of retirement to all those who have retired from any pension system administered by the State, regardless of the amount of service time. Only one retirement award shall be presented to any employee.

1. Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

2. It shall be the responsibility of each agency to determine the employees eligible for retirement awards.

(c) Each department shall review personnel records prior to the close of the fiscal year to determine employees who will be eligible for length of service and/or retirement awards. Presentation ceremonies shall be the responsibility of each department and shall be conducted at least on a quarterly basis.

(d) Length of service and retirement awards may consist of letters of commendation, certificates, citations, plaques, medals, gift items, or such other awards as the Committee shall determine.

A:6-6.9 Departmental awards programs: State service

(a) All State departments and agencies are encouraged to establish and maintain programs for recognition of their own employees for, but not limited to:

1. Attendance;
2. Safety;
3. Productivity;
4. Customer service; and
5. Employee of the year, employee of the month, or similar programs.

(b) Proposals for departmental programs shall be submitted to the committee, which may approve, disapprove or modify the proposals. Proposals shall describe in detail the categories of awards, eligibility standards, procedures and types and amounts of awards to be given selected employees. Approval shall generally be for a specific duration, after which time the department or agency may seek approval for continuing the programs.

A:6-6.10 Appeals: State service

(a) Any appeals to the Committee which involve matters under this subchapter, including denial of a suggestion award by a departmental committee, shall be filed with the Secretary.

1. All appeals shall be in writing, signed by the person appealing (appellant) or his or her representative and must include the reason for the appeal and the specific relief requested.

2. Unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation or action being appealed.

3. The appellant must provide any additional information that is requested, and failure to provide such information may result in dismissal of the appeal.

4. Except where a hearing is required by law or these rules, or where the Committee finds that a material and controlling dispute of fact exists that can only be resolved by a hearing (see N.J.A.C. 1:1-1.1 et seq. for NJAL hearing procedures), an appeal will be reviewed on a written record.

5. A party in an appeal may be represented by an attorney, authorized non representative or authorized appointing authority representative. See N.J.A.C. 1:1-5.4 for contested case representation at the Office of Administrative Law.

(b) The Committee may reopen final decision if new evidence and/or new argument is presented which, if accepted, would change the outcome. Before reopening is considered, the appellant must satisfy the Committee that it was impossible to present these matters during the original appeal.

(c) If a suggestion is disapproved, and within a two-year period from notice of disapproval appears to have been subsequently implemented, the suggester may appeal the original determination. See N.J.A.C. A:6-6.5(c)3.

(d) The Committee shall render the final administrative decisions, which shall not be subject to further appeal to the Commissioner or the Merit System Board.

(e) When an agency recommends disapproval of a suggestion award on the basis of absence of causal relationship between the suggestion and implementation, the burden of proof in an appeal shall be on the agency. In all other appeals, the burden of proof shall be on the appellant.

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND DEVELOPMENT

For the following proposals, submit comments by November 4, 1987 to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing and Development
CN 804
Trenton, NJ 08625

(a)

Homelessness Prevention Program Eligibility; Period of Assistance

Proposed Amendments: N.J.A.C. 5:12-1.1, 2.1 and 2.4

Authorized By: Leonard S. Coleman, Jr., Commissioner,
Department of Community Affairs.

Authority: N.J.S.A. 52:27C-24 and 52:27D-280.

Proposal Number: PRN 1987-401.

The agency proposal follows:

Summary

The rules for the Homelessness Prevention Program are amended so as to more precisely set forth the standards for eligibility for the temporary assistance which the program is intended to provide. The causes of income loss which are recognized as bases for eligibility are listed. Standards for disqualification are established which include previous delinquency with the Program; fraud or abuse in connection with any other public assistance program; material misrepresentations made to the Program; current participation in another housing subsidy program; rental of a dwelling unit for a rent that exceeds 120 percent of HUD Fair Market Rental limitations; and probable inability to pay shelter costs once assistance from the Program ceases. The proposed amendments specify that assistance to persons facing foreclosure must be in the form of a mortgage loan for not more than an amount equal to six months' HUD Fair Market Rental and that the monthly payment for all mortgages and property taxes must not exceed 120 percent of the Fair Market Rental. Also, the Program will not pay more than three months' rental arrears in the absence of extenuating circumstances as determined by the Bureau of Housing Services.

Social Impact

The amended rules will benefit all concerned with the Homelessness Prevention Program to the extent that they clarify requirements. By clarifying eligibility standards, the Department increases the likelihood that the funds available for the Program will be distributed in the most appropriate manner to persons who can be helped to overcome temporary setbacks and remain in their homes or find new homes. The Program is not intended to assist those with no short-term prospects of economic recovery with this assistance and its funding reflects its limited goal.

Economic Impact

If persons who do not qualify under the amended rules are denied assistance, more money will be available to assist those who do qualify. The economic impact will obviously be detrimental to the first group, assuming they might have qualified without the new standards, and favorable to the second.

Regulatory Flexibility Statement

The Homelessness Prevention Program which these proposed amendments address does not affect small businesses since it provides direct governmental assistance to individuals threatened by homelessness.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

5:12-1.1 Title; purpose

(a) (No change.)

(b) The purpose of these regulations is to implement the "Prevention of Homelessness Act (1984)" and, in so doing, to provide temporary assistance to persons who are homeless, or face imminent loss of their homes by eviction or foreclosure, because they are without adequate funds for reasons beyond their control.

5:12-2.1 Eligibility

(a) To be eligible for assistance under the Homelessness Prevention Program, a person or household must be either homeless or in imminent danger of losing their home as a result of eviction for non-payment of rent, or mortgage foreclosure, or some other cause which the Bureau of Housing Services determines to be comparable.

1.-3. (No change.)

(b) No person or household shall be eligible for assistance if their annualized current income (that is, 52 times current weekly income) exceeds [80 percent of current median income for residents of the county in which application is made] the upper limit of "moderate income" as defined in guidelines published annually by the United States Department of Housing and Urban Development.

(c) (No change.)

(d) No person or household having a delinquent loan with the Program or which has caused the Program to forfeit a security deposit shall be eligible for additional assistance.

(e) No person or household found in any administrative or legal proceeding to have committed fraud or abuse in another governmental assistance program, including, without limitation, other programs providing rental subsidies, or have made any material misrepresentation to the Program, shall be eligible for assistance. This provision shall not apply, however, to any case in which a finding of fraud, abuse or material misrepresentation has been reversed on final appeal.

(f) No person or household already receiving a housing subsidy under any other program shall be eligible for assistance.

(g) No assistance shall be provided for the rental of any dwelling unit when the amount of the monthly rental exceeds 120 percent of the appropriate Fair Market Rental for the region in which the unit is located, as determined in accordance with guidelines published annually by the United States Department of Housing and Urban Development.

(h) No person or household determined by the Bureau of Housing Services to be unlikely to be able to pay shelter costs after the period of assistance has ended shall be eligible for assistance.

(i) To be eligible for assistance, a person or household must have experienced an uncompensated loss of income, which must be documented, for one or more of the following reasons:

1. Loss of employment;
2. Medical disability or emergency;
3. Loss or delay in receipt of other benefits;
4. Natural or man-made disaster;
5. Substantial and permanent change in household composition;
6. Any other condition which, in the judgment of the Bureau of Housing Services, constitutes a severe hardship comparable in its effect to the causes listed in (i)1-5 above.

(j) Assistance to any person or household facing foreclosure as a result of mortgage or property tax arrearages shall be in the form of a loan which shall be secured by a recorded mortgage.

1. No person or household shall be eligible for a mortgage loan unless the home was owned for at least one year prior to falling into arrears on the mortgage or property taxes and unless there are no liens other than a first mortgage.

2. No mortgage loan shall be given unless the total monthly payment for all mortgages and for property taxes does not exceed 120 percent of the Fair Market Rental for the region in which the property is located, as determined in accordance with guidelines published annually by the United States Department of Housing and Urban Development. The total amount of any mortgage loan shall not exceed an amount equal to 120 percent of the said Fair Market Rental for a six month period.

5:12-2.4 Period of assistance

(a) (No change.)

(b) No person shall continue to receive assistance under the Homelessness Prevention Program for more than six months, nor shall any person receive assistance to pay more than three months' rental arrears, unless the Bureau of Housing Services finds there to be sufficient extenuating circumstances to justify an extension.

(c) (No change.)

(a)

**Uniform Construction Code
Commercial Farm Buildings**

Proposed Amendment: N.J.A.C. 5:23-3.2

Authorized By: Leonard S. Coleman, Jr., Commissioner,
Department of Community Affairs and Arthur R. Brown, Jr.,
Secretary of Agriculture.

Authority: N.J.S.A. 52:27D-123.2.

Proposal Number: PRN 1987-400.

The agency proposal follows:

Summary

The proposed amendment changes the Uniform Construction Code a mandated by P.L.1986, c.119, which requires the Departments of Agriculture and Community Affairs to jointly promulgate separate construction criteria for commercial farm buildings.

Social Impact

The proposed amendment is intended to ensure that the development of commercial farms in the State is not impeded by overly restrictive construction criteria, while still protecting the health, safety and welfare of the public.

Economic Impact

The proposed amendment will have a significantly favorable impact upon New Jersey agriculture. The changes are certain to foster the expansion of the agricultural sector that heretofore was hampered by the requirements of the Uniform Construction Code. The proposed amendment will reduce expenditures by farmers related to design and construction modifications. Adoption of this proposed amendment would allow New Jersey farmers to construct larger, more economically efficient structures without applying for variances. It will also allow for increased competition with growers and producers in other states, who have built state of the art structures that allow them to produce and ship commodities and finished products into the Northeast consumer market.

Regulatory Flexibility Statement

All farms in New Jersey may be considered small businesses for the purpose of this analysis. There are approximately 8,300 farms of various sizes in the State.

The proposed amendments will impose no annual reporting or recordkeeping requirements. To the contrary, the proposed amendment will reduce the volume of paperwork submitted to various agencies. This rule change will eliminate the need for submission of additional documentation and/or redesigned blueprints to code enforcement officials for commercial farm buildings with low occupancy that are not open to the public.

Additionally, the proposed amendment will reduce the number of variances requested to construct commercial farm buildings that do not comply with the Uniform Construction Code, but which can be built in other agricultural states without such relief.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

5:23-3.2 Matters covered; exceptions

(a) Except as is otherwise provided in (b), (c) and (d) below, the provisions of this subchapter shall apply uniformly throughout the State. Any other standards other than those provided herein are void and of no effect.

(b) Rules concerning exceptions in health care facilities are as follows:
1. (No change.)

[2.] (c) (No change in text.)

(d) Commercial farm buildings shall be constructed in accordance with the following criteria.

1. A commercial farm building means any building located on a commercial farm which produces not less than \$2,500 worth of agricultural or horticultural products annually which building's main use or intended use is related to the production of agricultural or horticultural products produced on that farm.

2. Commercial farm buildings shall be classified as Use Group S of the building subcode of the Uniform Construction Code, and shall include, but not be limited to the following: stall barns, milking parlors, poultry housing, horse arenas, farrowing houses, greenhouses, storage buildings for raw products and storage buildings for farm machinery and farm equipment.

3. Buildings containing any of the following uses are not included in the definition of a commercial farm building: residential structures; high hazard facilities, such as grain storage silos; processing facilities; mercantile structures, such as farm retail markets or nursery and greenhouse sales areas; and offices with 11 or more occupants. Buildings containing any of these uses must provide fire separation and be constructed in accordance with the building subcode of the Uniform Construction Code.

4. Construction, height and allowable area requirements for commercial farm buildings and structures shall be there for one of the types of construction specified in the building subcode and shall not exceed the area or height limitations of Table 501.

i. Exceptions to the requirements in (d)4 above are as follows:

(1) The area of a one-story commercial farm building of any type of construction shall not be limited if the building is entirely surrounded and joined by open space on the same lot not less than 100 feet in width.

(2) The area of a two-story commercial farm building of any type of construction shall not be limited if the building is entirely surrounded and joined by open space on the same lot not less than 100 feet in width and provided with an approved automatic fire suppression system throughout, conforming to the Uniform Construction Code.

5. Rules concerning other requirements for commercial farm buildings are as follows:

i. The maximum distance of travel from any point in the building to an exit shall not exceed 150 feet.

ii. One exit is required for each 15,000 square feet of floor area and action thereof.

iii. Exit signs must be posted.

iv. Occupancy is limited to 30 people.

v. Lightning protection, fire extinguishers and no smoking signs shall be provided.

vi. Offices with 10 or fewer occupants shall be considered incidental to the structure, if direct exit to the exterior is provided. Offices with 11 or more occupants must provide fire separation and be constructed in accordance with the building subcode of the Uniform Construction Code.

HUMAN SERVICES

The following proposals are authorized by Drew Altman, Commissioner, Department of Human Services.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Independent Laboratory Manual; Hearing Aid Manual

Health Insurance Claim Form

Proposed Amendments: N.J.A.C. 10:61-2.4 and 2.5; 10:64-1.4, 2.1, 2.2, 2.5 and 2.6

Proposed Repeal and New Rule: N.J.A.C. 10:64-3.5

Authority: N.J.S.A. 30:4D-6a(3)b(12), 7 and 7a, b and c; 30:4D-12.

Proposal Number: PRN 1987-395.

Submit comments by November 4, 1987 to:

Henry W. Hardy, Esq.
Administrative Practice Officer
Division of Medical Assistance and Health Services
CN-712
Trenton, NJ 08625

The agency proposal follows:

Summary

These proposed amendments concern claim form submittal by independent laboratories and hearing aid providers. Note that the proposed amendments to N.J.A.C. 10:64-2.1, 2.5 and 2.6 are based upon the language of those rules as amended by an adoption published elsewhere in this issue of the Register.

Independent laboratories will use the 1500 N.J. claim form instead of the MC-13AC2 form. The procedures for reporting services on the claim form are referenced at N.J.A.C. 10:61-2.5. Subsection (e) has been amended to indicate that when the service laboratory elects to bill for procedures done by the reference laboratory, there must be an entry which

includes the name of the reference laboratory on item 24D of the 1500 N.J. claim form.

Hearing aid providers will use the 1500 N.J. form instead of the MC-11-C4. The proposed amendment also deletes the current instructions in N.J.A.C. 10:64-3.5 and includes new instructions for completing the 1500 N.J. claim form.

The use of the 1500 N.J. claim form is in response to instructions issued by the Federal Department of Health and Human Services, Health Care Financing Administration, requiring a standardized claim form.

Social Impact

These proposed amendments have minimal social impact. Medicaid patients are required to sign the claim form. Independent laboratories and hearing aid providers are required to complete the claim form accurately and submit it timely in order to be reimbursed by the New Jersey Medicaid program.

Economic Impact

There is minimal impact on the Division from the proposed amendments because there are small administrative costs for printing the form.

There is no economic impact on providers, who can obtain the 1500 N.J. claim forms from the Prudential Insurance Company of America, acting as Fiscal Agent for the Division.

Providers who submit the 1500 N.J. claim form will be reimbursed in accordance with Medicaid policies, procedures, and fee schedules.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required. These proposed amendments do not impose any additional reporting, recordkeeping and other compliance requirements. Providers are already required to keep and maintain such individual records as are necessary to fully disclose the name of the recipient to whom the service was rendered, the date of the service rendered, the nature and extent of each such service rendered, and any additional information required by rule, pursuant to N.J.S.A. 30:4D-12(d).

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated by brackets [thus]).

10:61-2.4 **Health Insurance** [Independent Laboratory] Claim [f]Form

(a) The [Independent Laboratory] **Health Insurance Claim [f]Form (1500 N.J.)** is to be used for billing for covered independent laboratory services.

(b) [In order to m]Mail[, send] the original [(contractor's copy)] form to:

The Prudential Insurance Company of America
P.O. Box 1900
Millville, New Jersey 08332

[(c) Retain the second copy (provider copy) for your records.]

10:61-2.5 Report of services

(a)-(d) (No change.)

(e) When the service laboratory elects to bill for procedures done by the reference laboratory, a note indicating "Performed by reference lab" (name of laboratory) must accompany the identifying tests or procedures in item [11c] **24D** of the [independent laboratory] claim form [MC-13AC2] **1500 N.J.**

10:64-1.4 Prior authorization for a hearing aid

(a) New and replacement hearing aids require prior authorization by the [local] **Medicaid District Office [m]Medical [c]Consultant.**

(b) The hearing aid dispenser (provider) completes all applicable items except [i]Items [15] **12**, [18] **25** and [19] **34** of the [Medical Supplies and Equipment] **Health Insurance Claim Form [(MC-11)] (1500 N.J.)** and submit the form [in triplicate] to the appropriate Medicaid [d]District [o]Office for prior authorization, along with the nursing home hearing aid screening form, if applicable, and the otologic and audiologic reports (see N.J.A.C. 10:64-1.7 concerning policies on replacement of hearing aids).

(c) The [local] **Medicaid District Office [m]Medical [c]Consultant** review the otologic and audiologic reports along with the nursing home screening form, if applicable.

1. Claims for CROS, BICROS, [binaural] **BINAURAL**, and reconditioned aids will be reviewed by the audiology consultant before authorization is determined.

(d) Authorization for a hearing aid is indicated by the [local medical consultant's] signature of the **Medicaid District Office Medical Consultant** in [i]Item [15] **34** of the [Medical Supplies & Equipment] **Health Insurance Claim[,] Form [MC-11] (1500 N.J.)**.

(e) The Medicaid [d]District [o]Office returns the [provider's and contractor's] original copy[ies] of the claim form to the dispenser and retains [the Medicaid district office] a copy of the claim form, the nursing home hearing aid screening report, and the otologic and audiologic examination reports. The dispenser may then proceed to supply the authorized item to the recipient (see [s]Subchapter 2 for billing procedures). If the request is denied, "Authorization denied" will be indicated in Item 34 of the 1500 N.J. form and the dispenser will receive a [n LD-29] notification letter from the Medicaid [d]District [o]Office.

10:64-2.1 General billing policy

(a) (No change.)

(b) The [Medical Supplies and Equipment] Health Insurance Claim Form [(MC-11-C4)] (1500 N.J.) (see Exhibit V) is to be used for billing of hearing aids and equipment. For hearing aids which require prior authorization, [i]Item [15] 34 must be signed and dated by the [local] Medicaid District Office [m]Medical [c]Consultant before the claim may be considered for payment. Before billing the [contractor] fiscal agent the dispenser shall have the recipient sign [i]Item [18] 12 (Patient [Certification] 's or Authorized Person's Signature), and the dispenser shall sign [i]Item [19] 25 ([Provider Certification] Signature of Physician or Supplier).

10:64-2.2 Procedures for the billing of hearing aids

(a) The procedure for the billing of hearing aids shall be as follows:

1. The dispenser shall attach one copy of Form FD-244 (Follow-Up to Hearing Aid Examination) to the [contractor's] original copy of the claim form ([Form MC-11-C4]1500 N.J.) when submitting the claim to the [contractor] fiscal agent for payment.

2.-3. (No change.)

4. When billing the [contractor] fiscal agent for a reconditioned hearing aid, the dispenser shall attach to the claim form the following:

i. A copy of the invoice or sales document showing the acquisition cost of the aid, if any; and/or

[i.ii. A copy of the factory or laboratory invoice showing the cost of reconditioning.

10:64-2.5 Billing for repairs

(a) Billing for repairs shall be as follows:

1. The dispenser shall attach one copy of the factory or laboratory invoice to the [contractor's copy of the] claim form ([Form MC-11-C4] 1500 N.J.) when billing the [contractor] fiscal agent.

2. (No change.)

10:64-2.6 Mailing instructions

(a) Mailing instructions are as follows:

1. Mail the original copy [(Fiscal Agent)] to:

The Prudential Insurance Company of America
P.O. Box 1900
Millville, New Jersey 08332

[2. Retain the second copy (Provider) for your records.]

[3. The third copy (Medicaid District Office) for all authorized claims.

For claims not requiring prior authorization, the provider may destroy the third copy.]

[10:64-3.5 Instructions for completion of "Medical Supplies and Equipment Claim" (Form MC-11)

(a) Instructions for completing the Medical Supplies and Equipment Claim (Form MC-11) are as follows:

1. Items 1 through 4: Copy patient's name, health services program case number and patient person number exactly as it appears on the monthly validation form;

2. Items 5 through 6: Self explanatory;

3. Item 7:

i. Check appropriate block to indicate whether the patient has other health insurance, liability coverage, or no fault auto coverage;

ii. If yes, you must attach a copy of the decline notice or a copy of the explanation of payment from the carrier, if any;

iii. When the recipient is covered by both Medicare and Medicaid, see Subchapter 2, 2.6, of your Medicaid Medical Supplier Manual:

4. Item 8: Check as appropriate. If patient's illness or injury is work related, enter name and address of employer.

5. Item 9: Name and address of provider—may be preprinted;

6. Item 10: Self-explanatory;

7. Item 11: Indicate whether a hearing aid prescription accompanies the claim when submitted for prior authorization;

8. Item 12: Enter diagnosis;

9. Item 13: Self-explanatory;

10. Item 14:

i. A: Date of service—Leave blank

ii. C: Description of item;

(1) For hearing aids:

(A) Manufacturer and model;

(B) If a replacement aid within 36 months, the notation "replacement aid;"

(C) If a reconditioned aid; the notation "Recon" and the notation "six month warranty;" and attach to the claim form, an invoice or sales document showing the acquisition cost of the aid, if any, and/or the factory or laboratory invoice showing the cost of reconditioning;

(D) Number of batteries and type;

(E) Type of custom fitted earmold;

(F) If applicable, receiver model, one cord and garment bag;

(2) For repairs:

(A) If originally dispensed as a new aid, the notation "Repair of new aid;"

(B) If a reconditioned aid is to be repaired, the notation "Repair of recon aid;"

(3) For replacement earmolds:

(A) Describe the earmold; and

(B) Attach a copy of the laboratory cost list or laboratory invoice to the claim form.

(4) For batteries and replacement parts: describe the item.

(A) Check whether the item is new or used (reconditioned);

(B) D: Enter quantity of item;

(C) E: Not applicable;

(D) F: Enter itemized charges (See N.J.A.C. 10:64-1.11 for reimbursement policies).

11. Item 15: Authorization signature (For hearing aids only): Forward claim to the Medicaid district office to obtain prior authorization before dispensing the aid. The Medicaid district office will sign this item if the claim is authorized and will return the claim to the provider.

12. Item 16: Prescribing Practitioner: Give the name and Individual Medicaid Practitioner (IMP) Number of the referring otologist;

13. Item 17: Long-term care: If the patient is confined to long-term care facility such as an extended care facility or nursing home, check the appropriate block and give the name and address of the facility in the space provided;

14. Item 18: Patient certification: Have patient sign here when the services have been received.

15: Item 19: Provider certification: Provider should sign here after providing the services.]

10:64-3.5 Instructions for completion of "Health Insurance Claim Form" (1500 N.J.)

(a) Instructions for completing the Health Insurance Claim Form (1500 N.J.) are as follows:

1. ITEM 1. Copy the patient's name EXACTLY as it appears on the Medicaid eligibility validation form.

2. ITEM 2. Indicate patient's date of birth. Use six digits (for example, September 10, 1980 is written 09/10/80). If only the year is known, enter the year. If birthdate is unavailable, submit claims without birthdate.

3. ITEM 3. Not applicable.

4. ITEM 4. Indicate patient's address and telephone number.

5. ITEM 5. Check appropriate block to identify patient's sex.

6. ITEM 6. Copy the patient's Health Insurance (Medicare) Claim Number as it appears on the Medicare Health Insurance card when the patient is covered by both Medicare and Medicaid.

7. ITEM 7. Not applicable.

8. ITEM 8. Copy the patient's Health Services Program (Medicaid) Case Number and Person Number EXACTLY as shown on the Medicaid eligibility validation form.

9. ITEM 8a. Not applicable.

10. ITEM 9. Check appropriate block to indicate whether the patient has other health insurance coverage. If yes, you must attach a copy of the explanation of payment or a copy of the decline notice from the other insurance coverage.

11. ITEM 10. Check as appropriate.

12. ITEM 11. Not applicable.

13. ITEM 12. Under ordinary circumstances, the patient must sign the claim form when services have been received. The claim form must indicate services rendered prior to presenting it to the patient for signature. Indicate in the blocks provided, the relationship of signer to the patient-recipient. If the patient's signature is unobtainable, refer to your Medicaid Provider Manual for procedures to follow.

14. ITEM 13. Not applicable.

15. ITEM 14. Not applicable.
16. ITEM 15. Not applicable.
17. ITEM 16. Not applicable.
18. ITEM 16a. Not applicable.
19. ITEM 17. Not applicable.
20. ITEM 18. Not applicable.
21. ITEM 19. Indicate the name of the prescribing practitioner unless patient is an MP Plan member in which case you MUST indicate the name of the MP Plan Physician Case Manager.
22. ITEM 19a. Enter the Individual Medicaid Practitioner (IMP) number of the practitioner or Case Manager whose name is entered in Item 19.
23. ITEM 20. Not applicable.
24. ITEM 21. Write in the name of the facility if place of service is other than the patient's home or provider's place of business (office, etc.). To be completed in addition to Item 24B.
25. ITEM 21a. Not applicable.
26. ITEM 22. Not applicable.
27. ITEM 23A. Enter diagnosis for all services identified in Item 24D.
28. ITEM 23B. EPSDT Program Referral: Complete this item for patients under 21 years of age. Ask the patient and/or referring physician at the clinic if this service is the result of an EPSDT screening.
29. ITEM 24A. Enter date(s) of each visit or service provided.
30. ITEM 24B. Identify place of service by selecting appropriate alpha code as listed on the reverse side of the 1500 N.J. form under "Place of service".
31. ITEM 24C. Not applicable.
32. ITEM 24D. Indicate the HCPCS code number for the service provided as listed in your Medicaid Provider Manual. Indicate the item number, model number, manufacturer's name, and sale amount. If there is no code in the manual to identify the service provided, enter a narrative description of the service. If a replacement within 36 months, add the notation "replacement aid". If a reconditioned aid, add the notation "Recon" and the notation "six months warranty" and attach to the claim form, an invoice or sales document showing the acquisition cost of the aid, any, and/or the facility or laboratory invoice showing the cost of reconditioning. Indicate the number of batteries and type of custom fitted earmold. If applicable, indicate the receiver model, one cord and garment bag. For repairs indicate "Repair of new aid" if originally dispensed as a new aid. Indicate "Repair of recon aid" for repair of a reconditioned aid. For replacement earmolds, describe the earmold and attach a copy of the laboratory cost list or laboratory invoice to the claim form. For batteries and replacement parts, describe the item.
33. ITEM 24E. Enter either the reference number or the diagnosis code from Item 23A that is related to the service provided.
34. ITEM 24F. Enter quantities or units.
35. ITEM 24G. Enter your usual and customary charge for each service.
36. ITEM 24H. Not applicable.
37. ITEM 24I. Not applicable.
38. ITEM 25. Read the Medicaid Provider Certification on the reverse side of the 1500 N.J. form carefully and sign and date the claim form accordingly.
39. ITEM 26. Not applicable.
40. ITEM 27. Enter the sum total of the individual charges indicated on Item 24G.
41. ITEM 28. Not applicable.
42. ITEM 29. Not applicable.
43. ITEM 30. Not applicable.
44. ITEM 31. If not preprinted, write provider name, address and provider number. Enter telephone number.
45. ITEM 32. Not applicable.
46. ITEM 33. Not applicable.
47. ITEM 34. For services requiring prior authorization the Medicaid District Office Medical Consultant will affix his/her signature, date the authorization and terms of authorization, that is, purchase or denial, and the provider must assure that Item 34 is complete before submitting the claim for payment.

DIVISION OF PUBLIC WELFARE

For the following proposals, submit comments by November 4, 1987 to:

Marion E. Reitz, Acting Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

(a)

Assistance Standards Handbook Initial Eligibility

Proposed Amendment: N.J.A.C. 10:82-2.6

Authority: N.J.S.A. 44:7-6 and 44:10-3; 45 CFR 233.20.

Proposal Number: PRN 1987-392.

The agency proposal follows:

Summary

The proposed amendment clarifies a technicality regarding the application of disregards in the determination of initial eligibility in the Aid to Families with Dependent Children (AFDC) program. Current rules provide that an applicant for AFDC must establish initial financial eligibility without the benefit of the earned income disregard of \$30.00 plus one-third, before a determination of the amount of the monthly grant can be made.

The proposed amendment provides that for purposes of determining initial financial eligibility, the earned income disregard of \$30.00 plus one-third does apply provided the assistance unit received assistance in one of the four months prior to the month of application.

Social Impact

The proposed amendment will benefit public assistance clients and provides a clear guideline in the determination of eligibility as set forth at N.J.A.C. 10:82-2.6.

Economic Impact

Little or no economic impact should be seen from the proposed amendment other than a very slight increase in the number of cases meeting eligibility criteria and the associated assistance costs.

Regulatory Flexibility Statement

The proposed amendment has been reviewed with regard to the Regulatory Flexibility Act, P.L. 1986, c.169, effective December 4, 1986. This action imposes no compliance requirements on small businesses, as the AFDC program is administered by county welfare agencies.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:82-2.6 Initial eligibility

(a) On all new applications, reapplications, or reopened applications, initial financial eligibility must be established before a determination of the amount of the monthly grant can be made. (For -N segment cases, see N.J.A.C. 10:82-2.11.) [For AFDC-C and -F cases, the earned income disregards apply, except that the disregard of the first \$30.00 of the remaining income plus one-third of the remainder does not apply. If total income equals or exceeds the public assistance allowance, the family is ineligible for assistance.]

1. Earned income disregards: For AFDC-C and -F cases when the eligible family received assistance in one of the four months prior to the month of application, all earned income disregards at N.J.A.C. 10:82-2.8 shall apply to the determination of initial financial eligibility. For AFDC-C and -F cases which have not received assistance in one of the four months prior to the month of application, the earned income disregards apply, except that the disregard of the first \$30.00 of the remaining income plus one-third of the remainder does not apply. If total income equals or exceeds the public assistance allowance standard, the family is ineligible for assistance. In the computation of the initial AFDC grant, applications of the \$30.00 and one-third earned income disregards is subject to the limitations at N.J.A.C. 10:82-2.8.

[1.] **2.** (No change in text.)

(a)

**Assistance Standards Handbook
Nonrecurring Lump Sum Income**

Proposed Amendment: N.J.A.C. 10:82-4.15

Authority: N.J.S.A. 44:7-6 and 44:10-3; Section 402(a)(17)(B)(iii)
of the Social Security Act.

Proposal Number: PRN 1987-396.

The agency proposal follows:

Summary

The proposed amendment modifies the text of N.J.A.C. 10:82-4.15 to comport with Federal regulations implemented by the Deficit Reduction Act of 1984. Federal regulation specifies that only medical expenses incurred and paid for by the eligible family in a month during the period of ineligibility caused by receipt of a lump sum payment can be used to offset the lump sum amount and thereby reduce the period of ineligibility.

Social Impact

The social impact of the proposed amendment should be minimal since the number of cases affected will be very small. Uniformity of administration of the Aid to Families with Dependent Children program will be enhanced inasmuch as an ambiguous area in the rules will be clarified.

Economic Impact

The economic impact of the proposed amendment will be slight in view of the small number of cases affected by this adjustment in regulation. A small decrease in expenditures for assistance may occur since the proposed amendment reduces the possibility of administrative error when determinations of offsets to lump sum amounts are undertaken.

Regulatory Flexibility Statement

This proposed amendment has been reviewed with regard to the Regulatory Flexibility Act, P.L. 1986, c.169, effective December 4, 1986. This rulemaking action imposes no compliance requirements on small businesses, as the Aid to Families with Dependent Children program is administered by county welfare agencies.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:82-4.15 Nonrecurring earned or unearned lump sum income

(a) When a recipient receives nonrecurring earned or unearned lump sum income including for AFDC, retroactive R.S.D.I. payments and other monthly benefits, and payments in the nature of a windfall, such as inheritances and lottery winnings, personal injury and worker compensation awards, to the extent it is not earmarked and used for the purpose for which it was paid (for example, monies for back medical bills resulting from accidents or injury, funeral and burial costs, replacement or repair of resources, and so forth) that income will be added together with all other income received that month by the eligible [unit] family after application of the disregards in N.J.A.C. 10:82-2.8 and 2.12 and the exemption of income in N.J.A.C. 10:82-2.7. The AFDC grant shall not be considered income. No portion of lump sum or other income may be applied toward the resource limit in the month of its receipt. When this total exceeds the AFDC allowance standards in Tables I or II as appropriate, the family will be ineligible for AFDC for the number of full months derived by dividing this total income by the allowance standard applicable to the eligible [unit] family. Any remaining income from this calculation is treated as if it is unearned income received in the first month following the period of ineligibility and is considered available for use at that time. SSI payments shall not be subject to lump sum treatment.

1.-3. (No change.)

4. The period of ineligibility applies to each individual in the eligible [unit] family at the time of receipt of the lump sum nonrecurring income. Other family members to whom the penalty does not apply, may be eligible as a separate assistance unit.

5. Once established, the period of ineligibility may be reduced only in the circumstances below. It is the responsibility of the former eligible [unit] family to provide all necessary information and documentation required to make a determination to shorten the period of ineligibility. The basis for a determination to shorten the period of ineligibility shall be thoroughly documented in the case record.

i. The period of ineligibility may be recalculated when AFDC allowance standards are increased. Upon request of a former AFDC eligible [unit] family, the period of ineligibility will be reduced as follows:

(1)-(3) (No change.)

ii. The period of ineligibility may be recalculated if the income used to determine such period becomes unavailable to the eligible [unit] family for reasons beyond the control of the [unit] family members. Acceptable reasons are limited to those below:

(1) Loss or theft of the income: The former eligible [unit] family shall thoroughly substantiate an allegation of loss or theft of part or all of the lump sum income and must provide the CWA with evidence that a police report of an incident of theft has been filed. Upon receipt of credible evidence of loss or theft of the income the CWA shall reduce the amount of the original lump sum by the amount of the loss or theft. Loss of the income, for the purposes of this section, shall include circumstances where a member of the former eligible [unit] family has absconded with the funds.

(2) Fire, flood, natural disaster, or other emergent situation: When the former eligible [unit] family incurs and pays verifiable expenses due to an emergent situation, for which, had the family been eligible, emergency assistance would have been authorized under N.J.A.C. 10:82-5.10, those expenses shall reduce the amount of the original lump sum.

iii. The period of ineligibility may be reduced if the family incurs, becomes responsible for, and pays medical expenses during the period of ineligibility. In such cases the original income used to compute the period of ineligibility shall be offset by verified medical expenditures. For this purpose, allowable medical expenses are as follows:

(1) (No change.)

(2) Hospitalization: Hospitalization or outpatient treatment, nursing care, and nursing home care, including payments by the household for an individual who was an eligible [unit] family member immediately prior to entering a hospital or nursing home, provided by a facility recognized by the State;

(3)-(10) (No change.)

(b)-(c) (No change.)

CORRECTIONS

(b)

THE COMMISSIONER

Classification Process

Discretion of Classification Committees: Factors to be Considered

Proposed Amendment: N.J.A.C. 10A:9-4.5

Authorized By: William H. Fauver, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Proposal Number: PRN 1987-397.

Submit comments by November 4, 1987 to:

Elaine W. Ballai, Esq.
Special Assistant for Legal Affairs
Department of Corrections
CN 863
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 10A:9-4.5(f)6 adds "the safety of the public at large or community" to the number of factors to be considered when decisions are made, by the Superintendent and Classification Committee, on increasing the custody status of inmates.

Social Impact

The proposed amendment will have no significant social impact because the amended rule codifies a long standing administrative practice of considering safety to the public or community when decisions on increasing the custody status of inmates are made.

Economic Impact

The proposed amendment will not have an economic impact because no additional costs are necessary to implement or maintain this rule.

Regulatory Flexibility Statement

The proposed amendment impacts on inmates and the Department of Corrections. Since small businesses are not affected by this amendment, a regulatory flexibility analysis is not required.

Full text of the proposal follows (additions indicated in boldface **thus**).

0A:9-4.5 Discretion of Classification Committees; factors to be considered

(a)-(e) (No change.)

(f) An inmate who has been granted reduced custody may have his or her custody increased for any of the following reasons, subject to confirmation by the Classification Committee.

1.-5. (No change.)

6. Any reason which, in the opinion of the Superintendent and Classification Committee, relates to the best interests of the inmate or the safe and orderly operation of the correctional facility or the safety of the public at large or community.

(g) (No change.)

INSURANCE

(a)

DIVISION OF ACTUARIAL SERVICES PROPERTY AND LIABILITY

Commercial Lines Insurance

Proposed Readoption: N.J.A.C. 11:13

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:29AA-1 et seq.

Proposal Number: PRN 1987-406.

Submit comments by November 4, 1987 to:

Verice M. Mason
Assistant Commissioner
Legislative and Regulatory Affairs
Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 11:13 expires on December 6, 1987. The Department of Insurance has reviewed these rules and has determined them to be necessary, reasonable and proper for the purpose for which they were originally promulgated.

The Department proposes to readopt N.J.A.C. 11:13. The Department finds that the rules continue to be necessary to provide rules for the implementation of the Commercial Lines Deregulation Act of 1982 (N.J.S.A. 17:29AA-1 et seq.) ("Act"). The Act establishes a separate rating law for commercial lines of insurance and exempts certain lines of commercial insurance from the provisions of the existing property/liability rating law (N.J.S.A. 17:29A-1 et seq.) except as specifically provided in the Act. By establishing a separate rating law for commercial insurance, the Act affords insurers greater flexibility in the underwriting and rating of commercial risks while maintaining appropriate regulatory oversight by the Department. The Commissioner of the Department of Insurance is empowered under the Act to promulgate rules and regulations in order to implement and enforce its provisions.

The rules proposed for readoption set forth those procedures which insurers must follow in submitting filings of rates, supplementary rate information and policy forms for commercial lines coverages not excepted by the Act. The rules proposed for readoption also incorporate by reference certain existing rules concerning the statistical plans used by insurers in recording and reporting loss and expense experience on commercial lines and the procedures applicable to consent to higher rate filings. With respect to a particular category of commercial risks designated in the Act as "special risks", the rules describe this category more specifically and set forth certain standards insurers must follow in maintaining statistical, financial and other records on such risks.

Social Impact

The proposed readoption of N.J.A.C. 11:13 to implement the Commercial Insurance Deregulation Act of 1982 will continue to enhance the ability of commercial insureds and insurers to effectively negotiate contracts, thereby stimulating competition and encouraging efficient rating and marketing practices.

While recognizing that many commercial insureds do not require the same degree of regulatory protection afforded to individual insureds, the requirements of the Act and the rules proposed for readoption ensure that the rights of such insureds are adequately protected.

Economic Impact

Since the proposed readoption of N.J.A.C. 11:13 represents no change in the existing Department rules, the Department foresees no additional economic impact. However, the present economic impact on the regulated parties will be continued by the readoption.

The prior approval process applicable to commercial lines filings under N.J.S.A. 17:29A-1 et seq. created a costly and time consuming process for insurers preparing and submitting such filings and for the Department in carrying out its review and approval responsibilities. The streamlining of this process which results from the Commercial Insurance Deregulation Act of 1982, and the rules' proposed readoption designed to facilitate its implementation, accordingly result in savings.

Insurance companies will incur no additional expenses because the rules' proposed readoption does not change the current rules. The Department will not incur additional expenses in connection with the proposed readoption of the current rules.

Regulatory Flexibility Statement

The proposed readoption of these rules will affect only commercial lines insurers. If there are small businesses, as that term is defined in the Regulatory Flexibility Act, P.L. 1986, c.169, in the commercial lines insurance industry, they can expect to incur no added costs because the proposed readoption does not change the current rules.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 11:13.

LAW AND PUBLIC SAFETY

(b)

BOARD OF ARCHITECTS

Rules of the Board of Architects

Proposed New Rules: N.J.A.C. 13:27-3 and 4

Authorized By: Board of Architects, James Gaspari, President.

Authority: N.J.S.A. 45:3-3 and 45:1-3.2.

Proposal Number: PRN 1987-408.

Submit comments by November 4, 1987 to:

Barbara Hall, Secretary-Director
State Board of Architects
1100 Raymond Boulevard, Room 511
Newark, New Jersey 07102

The agency proposal follows:

Summary

The Board of Architects is proposing new rules N.J.A.C. 13:27-3 and 4 which include, in N.J.A.C. 13:27-3.1, definitions of words used throughout the Board's rules. N.J.A.C. 13:27-4.1 discusses the scope of architectural practice, while N.J.A.C. 13:27-4.2 through 4.4 delineate when projects are considered to be primarily architectural or engineering in nature. N.J.A.C. 13:27-4.4 provides a table which classifies projects by use groups.

In addition, the Board is proposing N.J.A.C. 13:27-4.5, which was formerly N.J.A.C. 13:27-7.1, repealed effective January 5, 1987 at 19 N.J.R. 131(a). This rule explains the exemption contained in N.J.S.A. 45:3-10 which permits a person to design a single family residence to be constructed by that person solely as a residence for him or her or an immediate family member.

N.J.A.C. 13:27-4.6 and 4.7 describe the requirements for title blocks to be used by licensed architects on drawings, plans and specifications, replacing repealed rules N.J.A.C. 13:27-4.5, 4.6, 4.7 and 4.9. Requirements for form, lettering and reproducibility remain effectively unchanged. The provisions of former N.J.A.C. 13:27-4.5(f), forbidding the use of unlicensed persons' names, are omitted as unnecessary. Formats to be used by architects practicing as individuals, partnerships or professional service corporations are set out in proposed N.J.A.C. 13:27-4.7 but present provisions dictating the kinds of names to be used by firms are omitted. It is the view of the Board that so long as a firm name complies with the requirements of N.J.S.A. 14A:17-14, if it is a professional corporation, and with accepted professional standards for non-misleading firm names where architects practice as individuals or in partnerships, no explicit rule defining acceptable firm names is necessary. Also omitted as unnecessary are the provisions of former N.J.A.C. 13:27-4.10, referring to information to be included with license renewals.

N.J.A.C. 13:27-4.8, which permits architects to submit title blocks to the Board for approval, remains unchanged from the former rule.

N.J.A.C. 13:27-4.9 permits the use of engineers' secondary seals and title block for the engineering portion of building project plans, and the use of architects' seals and title blocks on any architectural portion of plans for an engineering or industrial project.

N.J.A.C. 13:27-4.10 provides that all original drawings and specifications shall be signed when prepared and that all copies shall be dated and sealed when submitted to a client or public agency.

N.J.A.C. 13:27-4.11 sets forth the requirement that a licensed architect be clearly identified when practicing architecture as a partnership involving another licensed professional.

N.J.A.C. 13:27-4.12 prohibits the use of impersonal names. This is an amended version of former rule N.J.A.C. 13:27-4.6.

N.J.A.C. 13:27-4.13 poses additional restrictions regarding titles for practicing architects. Although these restrictions have been enforced as Board policy for many years, the Board intends to clarify its position to licensees by incorporating it as a rule.

Social Impact

The definitions contained in N.J.A.C. 13:27-3 are all new, as are proposed new rules N.J.A.C. 13:27-4.1 through 4.4, 4.11 and 4.13. The clarification of the permissible scope of practice should prove beneficial to the Board's licensees. Likewise, N.J.A.C. 13:27-4.3 and 4.4 set out how one identifies an "engineering project" as referred to in N.J.S.A. 45:3-10.

There is no anticipated social impact regarding the reinstatement of the former rule on single family residence exemptions pursuant to N.J.S.A. 45:3-10.

With reference to the title block rules, a positive social impact is anticipated, in that the rules are informational and clearly set out the Board's requirements. Furthermore, by amending the Board's rules concerning title blocks to make the requirements for firm names consistent with the Professional Service Corporation Act, clarification of title block requirements is provided for those licensees practicing as professional corporations. Similarly, N.J.A.C. 13:27-4.11, 4.12 and 4.13 are informational insofar as they communicate to licensees the Board's restrictions regarding titles of architectural practices. Consumers will benefit by these restrictions, which mandate clear identification of the licensed professional in an architectural organization.

Economic Impact

It is anticipated that the proposed rules will have no economic impact on the Board, licensees or consumers.

Regulatory Flexibility Statement

The proposed new rules will apply to virtually all licensees of the State Board of Architects and thus, indirectly, will apply to all businesses both large and small. None of these rules, however, require any reporting or recordkeeping practices. N.J.A.C. 13:27-3.1 and 3.2 define and clarify terms used throughout the Board's rules. N.J.A.C. 13:27-4.1 through 4.4 delineate and clarify the scope of architectural practice.

The terms of N.J.A.C. 13:27-4.5 are directed specifically to individuals who are not licensees of the Board and who wish to design their own residence for personal use. The rule also sets out the requirements that any pre-prepared plans bear the certification of an architect licensed in any United States jurisdiction and that said plan be reviewed, signed, sealed and adapted to the specific site by a New Jersey licensed architect.

N.J.A.C. 13:27-4.6, 4.7, 4.8, 4.9 and 4.10 specifically delineate the required title block contents as well as explain when and how these title blocks must be used. These rules set standards for both individual licensees and non-licensees. N.J.A.C. 13:27-4.11, 4.12 and 4.13 clarify restrictions in the use of titles by architectural practices. None of these proposed new rules will necessitate the retention of any professional services by licensees and/or small businesses in order to comply with the requirements.

Full text of the proposed new rules follows.

SUBCHAPTER 3. DEFINITIONS

13:27-3.1 Words and phrases defined

The following are definitions of words or terms as used within the meaning and intent of this chapter.

"Aesthetic principles" include the concepts of order, balance, proportion, scale, rhythm, color, texture, mass and form as used in the design process.

"Architect" means an individual who through education, training, and experience, is skilled in the art and science of building design and has been licensed by the State Board of Architects to practice architecture in the State of New Jersey.

"Architect of record" means an architect as an individual or as a principal architect in a firm, who supervises the preparation of and signs and seals the designs, drawings, and specifications, and assumes responsibility for the project.

"Architecture" means the art and science of building design and particularly the design of any structure for human use or habitation. Architecture, further, is the art of applying human values and aesthetic principles to the science and technology of building methods, materials, and engineering systems required to comprise a total building project with a coherent and comprehensive unity of structure and site.

"Human use or habitation" pertains to the activities of living, including but not necessarily limited to: fulfilling domestic, religious, educational, recreational, employment, assembly, health care, institutional, memorial, financial, commercial, industrial, and governmental needs.

"Human values" includes the social, cultural, historical, economic and environmental influences that impact on the quality of life.

"Practice of architecture" within the meaning and intent of the licensing statute consists of the rendering or offering to render architectural services in connection with the design, construction, enlargement, or alteration of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human use or habitation. The services referred to in the previous sentence include planning, providing preliminary studies, designs, drawings, specifications, other technical documentation, and administration of construction contracts.

"Principal architect" means an architect who is a partner or a shareholder in a firm with more than one licensed professional.

"Uses incidental to" architectural projects and engineering projects are defined by the following provisions:

1. When the principal purpose of a building or structure is to enclose or accommodate human habitation or use, the engineering design of building systems or structures is considered incidental to the architectural project.

2. When the principal purpose of a building or structure naturally and reasonably appertains to an engineering facility, as part of an engineering project not included in Table 4.4 at N.J.A.C. 13:27-4.4, design of that building or structure is considered incidental to the engineering project.

13:27-3.2 Effect on other professions

(a) The use of the term "engineering systems" in the definition of architecture does not prohibit a professional engineer from designing the engineering portions of a building. An architect of record may provide engineering design or may contract with a professional engineer for engineering design services. An owner of the project, further, may contract separately with a professional engineer for engineering design services, as a component to be integrated into the architectural design.

(b) Nothing contained in these rules is intended to prohibit other legally recognized design professionals, specifically, professional engineers, landscape architects, professional planners, or land surveyors, from providing related professional services as regulated by their statutes or administrative code rules.

(c) Nothing contained in these rules is intended to prohibit a licensed professional engineer from providing general supervision of construction for the purpose of assuring compliance with the construction documents.

(d) Nothing contained in these rules shall prohibit a licensed architect from providing engineering design and engineering services necessary to an architectural project for which the licensee is the architect of record; except that site engineering design and services shall be subject to the provisions of N.J.A.C. 13:27-6.1 to 6.5, commonly known as the "site plan rule".

(e) No person, unless licensed as an architect, shall be permitted to practice architecture, use the title "architect" or otherwise represent to the public that he or she is registered to practice architecture in New Jersey.

SUBCHAPTER 4. ARCHITECTURAL PRACTICE

13:27-4.1 Scope

N.J.S.A. 45:3-1 et seq. regulates the practice of architecture and the licensure of architects which empowers them to prepare plans, specifications and preliminary data "for the erection or alteration of any building".

13:27-4.2 Preparation of building plans

Plans and specifications for any building project classified by the New Jersey Uniform Construction Code must be prepared by and contain the title block, seal and signature of an architect of record unless exempted by this subchapter.

3:27-4.3 Professional engineer exemption

(a) Pursuant to N.J.S.A. 45:3-10 of the Board of Architects' enabling legislation, licensed professional engineers may design buildings "incidental or supplemental to engineering projects".

(b) Pursuant to N.J.S.A. 45:8-28 of the Board of Professional Engineers and Land Surveyors' enabling legislation, professional engineers are licensed to plan and design "any public or private engineering or industrial project"; and further, the law contains a provision that allows "the employment of architects in connection with engineering projects."

(c) Professional engineer exemptions are established to provide for projects where a building is incidental or supplemental to the design of an engineering facility or an industrial project where manufacturing processes, machinery, materials handling, storage or operations take precedence and control the arrangement and design of the building and site. Projects considered as exempt are set forth in Table 4.4 at N.J.A.C. 3:27-4.4.

(d) Building alterations may be considered incidental to an engineering project when the purpose of the alteration is to install or modify mechanical, electrical or structural components rather than to change the arrangement or use of the space.

3:27-4.4 Use group classifications

All buildings and structures are classified by their use into "Use Groups" by the BOCA Basic Building Code, adopted as a subcode of the New Jersey Uniform Construction Code pursuant to N.J.A.C. 3:23-3.14. (See BOCA 1984 and 1986 supplement.) The following Table 4.4 designates projects by use groups and sets forth the uses that may be designed, prepared, signed and sealed by a licensed architect as an architectural project or by a licensed professional engineer as an exempt project.

Table 4.4 Building Design Categories

BOCA Use Group Classification	Architectural Projects	Professional Engineer Exemptions
A—Assembly	All	A-5 Outdoor Assembly Use Only. Grandstands, bleachers, tents, and similar structures. Stadiums or coliseums with media and service areas, but without other indoor human occupancy or use spaces.
B—Business	All	None other than Note 5
E—Educational	All	None
F—Factory and Industrial	All	All (See Note 1)
H—High Hazard	All	All (See Note 1)
I—Institutional	All	None
M—Mercantile	All	None
R—Residential	All	None
S—Storage	All	All (See Note 1)
U—Utility	All	All (See Note 1)

NOTE 1. Incidental Uses: Where the use is supplemental to the exempt use of the building and the area devoted to the supplemental use does not occupy more than 10 percent of the floor area, nor more than 2,000 square feet, whichever is the greater, the plans may be prepared, signed and sealed by a professional engineer.

NOTE 2. A licensed professional engineer may design, sign and seal the engineering portions of plans as a consultant on all projects.

NOTE 3. A licensed architect may design, sign and seal the architectural portions of plans as a consultant on exempt projects.

NOTE 4. Special Uses are as follows:

(a) Passenger terminals, such as airports, railroads, and bus terminals shall be designed, signed and sealed by an architect.

(b) Open parking structures as free standing structures or as part of an exempt project may be designed, signed and sealed by a licensed professional engineer.

NOTE 5. Specific professional engineering exemptions are as follows:

(a) Automobile and motor vehicle showrooms when incidental to a Use Group 5-1 motor vehicle repair shop project;

(b) Car wash facilities;

(c) Materials testing laboratories;

(d) Municipal garages; and

(e) Telephone exchanges and data processing relay or equipment facilities with little or no human occupancy and not accessible to the public.

13:27-4.5 Single family exemption

(a) In accord with N.J.S.A. 45:3-10, any person in this State may act as a designer of a detached dwelling and appurtenances thereto to be constructed by that person solely as a residence for that person or member of that person's immediate family.

(b) The person may design the dwelling and all appurtenances thereto, prepare the plans, then file the plans with an affidavit indicating that that person drew the plans.

(c) In lieu of personally preparing the plans, the person may utilize pre-prepared (commercially published, available to the public) plans which bear a certification that they were originally drawn by an architect licensed in any United States jurisdiction, provided that these plans are reviewed, signed, sealed and adapted to the specific site by a New Jersey licensed architect. By signing and sealing these plans, the New Jersey licensed architect assumes full responsibility, just as if the plans were prepared under the architect's direct supervision.

(d) The person, in lieu of personally constructing the residence, may engage others to perform the work.

13:27-4.6 Title block on drawings; form; removal

(a) Every architect shall provide a title block on all drawings (except renderings) and similar information on the title page of all specifications which are prepared and sealed by the architect.

(b) Such title block shall be in such form as the Board may adopt or approve.

(c) Such title block shall be distinct and separate from any other title block, box, plaque or any similar device of illustration or lettering.

(d) The title block shall be lettered on the drawing in such a manner as to reproduce clearly on all prints and reproductions thereof.

(e) No person shall remove a title block from any print or reproduction.

(f) No non-licensed person's name, other than the owner or lessee, shall be within the title block.

13:27-4.7 Title block contents

(a) When the architect practices as an individual, the title block shall contain:

1. The name and location of the project;
2. The full name of the architect;
3. The title "architect";
4. The certificate number and handwritten signature of the architect; and
5. The date when signed.

(b) When two or more licensed architects practice architecture as a firm or partnership, the title block shall contain:

1. The name and location of the project;
2. The firm name;
3. The title "architects";
4. The full name and certificate number of each partner named in the title block;
5. The handwritten signature of at least one of the partners; and
6. The date when signed.

(c) When professionals practice architecture as a professional service corporation organized under N.J.S.A. 14A:17-1 et seq., the title block shall contain:

1. The name and location of the project;
2. The professional service corporation name;
3. The full name and certificate number of the architect of record;
4. The handwritten signature of the architect of record; and
5. The date when signed.

(d) A similar title block shall be provided on a site plan which shall be included in any set of drawings of a building project.

(e) The title block may contain the initials of the draftsmen or checker, and dates, drawing numbers, revision numbers and such similar incidental items as is customary in architects' offices; provided, however, the name of the architect, whether for an individual firm, partnership or corporation, shall be the major size lettering within the heavy borderline of the title block.

13:27-4.8 Submission of title block form for approval

Any architect may submit a proposed form of title block to the State Board of Architects for approval.

13:27-4.9 Secondary seal/title block

(a) An architect may provide a sub-title block and then apply a secondary seal and signature for the architectural portion of an engineering or industrial project.

(b) An engineer may provide a sub-title block and then apply a secondary seal and signature for the engineering portion of any building project.

13:27-4.10 Sealing documents

All working drawings and specifications prepared by the architect or under his or her supervision shall be signed on the original with the personal signature of the architect. Thereafter, all copies of such drawings and specifications shall be dated and sealed prior to submission to the client or filing with a public agency.

13:27-4.11 Identification of licensed architect in partnership practicing architecture

A New Jersey licensed architect may form a partnership with a New Jersey licensed professional engineer, professional planner, land surveyor or landscape architect, provided that on all work product and related documents (including but not limited to letterheads, cards, signs, plans and specifications) the professional status of each partner is clearly identified; and that all plans, specifications and other documents of the practice which pertain to architecture are signed and sealed by the architect.

13:27-4.12 Impersonal names

Names such as "Design Associates", "Technical Group", "the ABC Company" or any other impersonal name shall not be used by individuals, firms, partnerships, associations or any other entities unless they have formed a professional service corporation as set out in N.J.S.A. 14A:17-1 et seq.

13:27-4.13 Restrictions in titles

(a) The term "Associates" when used officially in a title must refer only to existing individuals, licensed in this State as architects, or in a related licensed profession.

(b) A sole proprietorship shall not have a title which designates or suggests the existence of more than a single principal.

(c) When any partner, shareholder, associate or other licensed professional whose name is used in the title ceases to be a member of a corporation, firm, partnership or association for any reason including death or disability, then the title shall be changed within two years of this disassociation.

13:27-4.14 Notification of change of address; service of process

(a) A licensee of the Board of Architects shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

(a)

BOARD OF MEDICAL EXAMINERS

Prescribing of Amphetamines and Sympathomimetic Amine Drugs

Proposed Amendment: N.J.A.C. 13:35-6.7

Authorized By: Board of Medical Examiners, Edward W. Luka, M.D., President.

Authority: N.J.S.A. 45:9-2 and 45:1-13.

Proposal Number: PRN 1987-394.

Submit comments by November 4, 1987 to:

Charles A. Janousek, Executive Director
Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

The agency proposal follows:

Summary

This rule proposal amends the Board's rule regarding restrictions on the prescribing of amphetamines and sympathomimetic amines to expand the named medical conditions for which such prescribing is permissible to include attention deficit disorder (A.D.D.). It appears that amphetamines are a legitimate treatment for A.D.D. which may allow a number of patients to function in non-institutional settings. The rule is also being amended to codify the already existing responsibility of physicians to document that sufficient testing and consultation have been

performed prior to the prescribing of amphetamines and sympathomimetic amines where testing and/or consultation are appropriate. The proposed amendment also specifically requires independent consultation prior to prescribing such medications for A.D.D.

Social Impact

The anticipated social impact will be significantly positive. The Board is aware that the proposed use for amphetamines has been espoused by reputable practitioners and journal articles and does not wish to bar physicians from utilizing an apparently legitimate treatment. There is concern that expanding the conditions for which amphetamines may be prescribed may lead to expanded opportunity for drug abuse with its concomitant adverse social impact, especially since A.D.D. is usually diagnosed by patient history. This concern should be allayed by the requirement that A.D.D. must be confirmed by independent consultation in order to justify treatment with amphetamines, and that prescribing for the other specified conditions requires documentation of testing and consultation where appropriate.

Economic Impact

The anticipated economic impact is the decreased cost of care for individuals (borne both by individuals and the public) who will be able to function and may no longer need institutional care. Any increased cost due to the requirement of an independent consultation to confirm the diagnosis of A.D.D. or an independent consultation or testing as appropriate for the other conditions specified, is justified by the need to deter drug abuse.

Regulatory Flexibility Statement

The Board finds that insofar as the practice of medicine by the physician licensee might be defined as a "small business" for purposes of the Regulatory Flexibility Act, the following analysis is provided:

The number of physician licensees in the State is approximately 27,800. Although potentially any of these licensees could be affected by the rule proposed to be amended, it is expected that principally those physicians practicing psychiatry will treat A.D.D. It is also expected that as it is an uncommon ailment only a small number of licensees are likely to be affected by this aspect of the rule proposed to be amended. It is anticipated that a larger number of licensees will be affected by the proposed amendment requiring documentation of appropriate testing or consultation with respect of the other disorders; however, the proposed amendment merely codifies an existing obligation.

The proposed amendment expands the patient population for whom a physician may legitimately prescribe amphetamines. As with any other treatment or prescription, physicians will be obligated to keep appropriate patient records including justification for the treatment and prescription. In addition, this proposed amendment requires confirmation of the diagnosis of A.D.D. by independent consultation. This compliance requirement is considered necessary to safeguard against inappropriate amphetamine prescribing and abuse as A.D.D. is primarily diagnosed by patient history. As to the requirement of documentation of testing or consultation regarding the other specified disorders, physicians already have a responsibility to keep appropriate records and this proposed amendment imposes no additional obligation in that regard.

There should be no initial capital costs. Since a record-keeping system is already required for all medical treatment, the only additional cost would be that entailed in testing or independent consultation which would be borne by the patient. The costs should not be substantial, but the Board is unable to estimate them as they may vary from case to case. The costs should be the same regardless of the size or type of practice of the physician licensee.

There is no adverse economic impact anticipated on the physicians' practice, as the proposed amendment merely expands the class of patients for whom a physician may prescribe a particular class of drug and confirms the already existing recordkeeping obligations of physicians. In addition, the cost of independent consultation or testing will be borne by the patient.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

13:35-6.7 Prescribing of amphetamines and sympathomimetic amine drugs

(a) No physician shall prescribe, order, dispense, administer, sell or transfer any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II Controlled Dangerous Substance pursuant to the laws of New Jersey, to or for any person except:

1. For the treatment of[:] the following conditions. A patient's records all contain documentation to justify the prescribing including the use of appropriate testing, and with respect to those conditions which are not readily diagnosed by objective testing, documentation that appropriate consultation has been secured.

- i. Narcolepsy;
 - ii. Hyperkinesia;
 - iii. Drug induced brain dysfunction;
 - iv. Epilepsy;
 - v. Depression shown to be refractory to other therapeutic modalities;
 - vi. Senile apathetic behavior; [or]
 - vii. Attention Deficit Disorder confirmed by independent consultation; or 2.-4. (No change.)
- (b)-(d) (No change.)

(a)

STATE ATHLETIC CONTROL BOARD

Reporting for Duty; End of Round Knockout; Touching Boxers; "Break"

Proposed Amendments: N.J.A.C. 13:46-8.3, 8.12 and 8.13

Authorized By: The State Athletic Control Board,
Larry Hazzard, Commissioner.
Authority: N.J.S.A. 5:2A-7(c).
Proposal Number: PRN 1987-393.

Submit comments by November 4, 1987 to:
Larry Hazzard, Commissioner
State Athletic Control Board
CN 180
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The State Athletic Control Board is proposing three rule amendments or the purpose of clarifying its existing rules governing boxing and to better protect the health and safety of boxers. N.J.A.C. 13:46-8.12 currently permits a boxer to be "saved by the bell" when a knockdown occurs in the last round of the bout. There does not appear to be any sound policy or health reason for this rule. If a boxer scores a knockdown just prior to the final bell, he should not be deprived of the opportunity for a knockout just because the round ends before the 10-count can be concluded. More importantly, a boxer who is knocked out at the conclusion of the bout should be attended to immediately to protect his health; the ringing of the final bell should not toll the Board's responsibilities in this area. Therefore, the Board is proposing that N.J.A.C. 13:46-8.12 be amended to remove the "saving by the bell" provision for the final round of a bout.

The Board is also proposing that N.J.A.C. 13:46-8.13, governing the referee's duty to "break" boxers who have become entangled in a clinch, be amended to permit the referee to both audibly and physically command the boxers to break. The present wording of the rule limits the referee's vocal direction to the word "break" and restricts the referee from instinctively responding to situations that could result in an injury to the boxers or otherwise be detrimental to them.

Finally, the Board proposes to amend N.J.A.C. 13:46-8.3(b) to provide that at least three judges be assigned for each boxing show and to replace the term "Commission" in subsection (c) of the rule with the term State Athletic Control Board. This amendment will serve to clarify the existing rule.

Social Impact

The proposed amendments would have the positive social impact of clarifying the existing rules governing boxing and will also better protect the health and safety of boxers.

Economic Impact

It does not appear that there will be any measurable economic impact if the rule amendments are adopted. The amendments simply clarify and strengthen the existing rules.

Regulatory Flexibility Statement

Since the proposed amendments do not affect small businesses because they do not impose reporting, recordkeeping or other requirements on small businesses, a regulatory flexibility analysis is not required.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

13:46-8.3 Reporting for duty; number per show; restrictions

(a) (No change.)
(b) At least [T]three judges and at least two referees shall [will] be assigned for each show.

(c) Referees must first report to their dressing room; then to ringside; must stay at ringside when not officiating; and must [will] avoid conversation except with [Commission] State Athletic Control Board officials.

13:46-8.12 End of round knockout

When a round in any boxing contest, including [except] the last round, shall terminate before a contestant who has been knocked down shall have risen from the floor of the ring, the count for the knockdown [timekeeper's] and referee's count shall be continued, and, if the fallen contestant shall fail to rise before the count of [ten] 10, he shall be considered to have lost the bout by a knockout in the round last concluded.

13:46-8.13 Touching boxers; "break"

[The referee shall not touch the boxers, except on the failure of one or both to obey a command to "break."]

The referee may audibly or physically command boxers to "break", or use a combination of those commands, when clinches occur during the course of the contest.

(b)

**DIVISION OF CONSUMER AFFAIRS
OFFICE OF WEIGHTS AND MEASURES**

**Meat, Poultry, Fish and Shellfish Sold by Net Weight
Proposed Amendment: N.J.A.C. 13:47C-2.1**

Authorized By: Thomas W. Kelly, State Superintendent, Office of Weights and Measures.
Authority: N.J.S.A. 51:1-61.

Proposal Number: PRN 1987-399.

Submit comments by November 4, 1987 to:
Thomas W. Kelly, State Superintendent
Office of Weights and Measures
Division of Consumer Affairs
Department of Law and Public Safety
187 West Hanover Street
Trenton, New Jersey 08625

The agency proposal follows.

Summary

The proposed amendments to N.J.A.C. 13:47C-2.1, which prescribes the methods of sale for various foodstuffs, establish standard methods for the sale of specialty, convenience, and seafoods by the retail food industry.

Social Impact

The proposed amendments will benefit both the field weights and measures officer and the general public by setting forth standard methods of sale to be utilized by the retail food industry when specialty, convenience and seafoods are offered and exposed for sale to the general public.

Economic Impact

The proposed amendments will economically benefit the general public in that standard methods of sale will set forth clear criteria for the sale of foodstuffs that, due to modern packaging techniques, are presently packaged, offered, or exposed for sale in a variety of ways.

Regulatory Flexibility Statement

The proposed amendments will relieve the small businessman from the task of registering many of the listed foodstuffs offered and exposed for sale as combination packages with the State Superintendent, thus lessening recordkeeping requirements for small businesses.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets ([thus])).

13:47C-2.1 [Meat and poultry sold by net weight.] **Meat, poultry, fish, and/or shellfish sold by net weight; methods of sale**

(a) All meat, [and/or] poultry, **fish and shellfish** offered for sale or sold in the State of New Jersey shall be offered for sale or sold on the basis of net weight only, **except as provided in (b) through (e) below.** [and every

person, firm, co-partnership or corporation selling or offering for sale any meat and/or poultry, shall at the time of delivery thereof weigh the quantity of meat and/or poultry, sold or delivered and for such purpose shall use a scale tested and sealed by the State Office of Weights and Measures or by any county or municipal superintendent or assistant superintendent of weights and measures.]

(b) Shellfish, except as provided in (e) below may be sold by weight, measure and/or count.

(c) When meat, poultry, fish or seafood is combined with some other food element to form a distinctive food product, the representation of quantity may be in terms of the total weight of the combined product and a representation of quantity need not be made for each element.

(d) Labels on ready-to-cook stuffed fish, seafood, poultry, or meat products must show the total net weight of the stuffed fish, seafood, poultry, or meat product.

(e) Clams, mussels, oysters, and crabs shall be offered for sale in the following manner:

1. Processed clams, mussels, or oysters on the half shell, fresh or frozen, shall be sold by net weight excluding the weight of the shell.

2. Canned (heat-processed) mussels, clams, or oysters shall be sold by net weight:

i. A maximum of 41 percent free liquid by weight is permitted for canned oysters.

3. Fresh oysters, clams, or mussels removed from the shell and placed in a container shall be sold by liquid volume. A maximum of 15 percent free liquid by weight is permitted.

4. Whole clams, oysters, mussels and crabs in the shell, fresh or frozen, shall be sold by the following methods, and size designations may be provided:

i. Weight, including the shell but not including any liquid or ice packed with the clams, oysters, mussels, or crabs;

ii. Dry measure (for example, bushel); and/or

iii. Count.

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules

Limitations on Entering or Starting Nerved Horses

Proposed Amendment: N.J.A.C. 13:70-20.11

Authorized By: New Jersey Racing Commission,

Charles K. Bradley, Deputy Director.

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1987-403.

Submit comments by November 4, 1987 to:

Charles K. Bradley, Deputy Director

New Jersey Racing Commission

Justice Complex

CN-088

Trenton, New Jersey 08625

The agency proposal follows:

Summary

This proposed amendment was originally published on June 1, 1987 in the New Jersey Register at 19 N.J.R. 918(a). However, because of written comments received, substantive changes have been made concerning format, and general medical terminology has been changed to more precise and medically correct terms. The rule is now being repropounded in order to clarify this change. This proposed amendment will clarify anatomically where a horse can be nerved. It also broadens the responsibility of reporting the nerved horses to include the trainer of the horse, since, in many instances, the owner is not present when it is determined by the trainer and the veterinarian that the nerving would be beneficial to the horse.

Social Impact

The social impact of the proposed amendment will be a positive benefit for both the wagering public and the participants in the race. The proposed amendment clarifies where horses can be nerved in order to insure that the horse has feeling in his feet, and will not be a hazard on the racetrack. Should this proposed amendment be adopted by the Commission, the Commission will mandate that all horses that have been nerved in conformance with the amended rule be designated in the program so that the public is aware that a horse has been nerved.

Economic Impact

The economic impact of the proposal will be minimal to the industry and the public.

Regulatory Flexibility Statement

While the majority of owners of horses affected by this proposed amendment come within the Regulatory Flexibility Act's definition of a small business, the proposed amendment is directed towards maintaining the integrity of racing in New Jersey and the well being of the horse: participating, rather than to any compliance action on the part of owners. To achieve its purpose, the proposed amendment cannot establish standards for the treatment of horses based upon the business character of the owner.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

13:70-20.11 Limitations on entering or starting

(a) A trainer shall not enter or start a horse that:

1.-6. (No change.)

[7. Has been nerved above the fetlock. A horse which has been nerved below the fetlock (digital nerves) may be permitted to start, but it shall be the responsibility of the trainer to report all nerved horses to the State and/or track veterinarian.]

(b) Blocking of nerve functions via surgical neurectomy, cryogenic techniques, or any other desensitizing means, whether permanent or temporary is defined as "nerving" and is subject to the following restrictions in New Jersey:

1. Only posterior digital "nerving" will be permitted on horses to be raced. The procedure must be performed posterior to the first phalanx a level below the base of the sesamoid bones.

2. Horses that are "nerved" above the area specified in this subsection will not be permitted to race in New Jersey.

3. It shall be the responsibility of the trainer to report all "nerved" horses to the State Veterinarian or Associate State Veterinarian.

4. A list of all "nerved" horses shall be posted on the bulletin board at the entry room by the State Veterinarian.

(b)

DIVISION OF CRIMINAL JUSTICE

Arson Investigators: Training Requirements

Proposed Amendments: N.J.A.C. 13:76-1.3, 3.1, 3.2 and 5.1

Authorized By: Donald R. Belsole, Director, Division of Criminal Justice.

Authority: N.J.S.A. 40:14-7.1 and 52:17B-97 et seq., Executive Directive No. 83-1.

Proposal Number: PRN 1987-402.

Submit comments by November 4, 1987 to:

Donald R. Belsole, Director

Division of Criminal Justice

Richard J. Hughes Justice Complex

25 Market Street

CN 085

Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.A.C. 13:76 provides that an individual, prior to assignment to an arson investigation unit, must first have successfully completed the "Basic Police Course for Arson Investigators," or an equivalent course, and the "Basic Arson Investigation Course," or an equivalent course. The proposed amendments substitute the "Basic Course for Investigators," offered through the Division of Criminal Justice, for the "Basic Police Course for Arson Investigators."

Social Impact

The proposed amendments will benefit arson investigators by improving the quality of their training in many ways. The Basic Course for Investigators will be presented two to three times each year and will be better able to meet the existing demand for the training of arson investigators. In addition, the Basic Course for Investigators will provide arson investigators with more investigative training than was provided in the Basic Police Course for Arson Investigators. Finally, the Division's

Basic Course for Investigators includes an approved Police Training Commission (P.T.C.) Basic Firearms Course. As a result, arson investigators attending this course who carry firearms will receive the training required by the recent amendments to the Gun Control Act.

Economic Impact

The proposed amendments to N.J.A.C. 13:76 are strictly procedural and have no fiscal implications or economic impact other than administrative and operational costs. The staff required to implement the proposed amendments are operational and any costs that may be incurred or saved is too negligible to be calculated as having any economic impact.

Regulatory Flexibility Statement

No regulatory flexibility analysis is necessary because the rules proposed to be amended apply only to municipalities assigning fire department members to an arson investigation unit, and not to small businesses.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

13:76-1.3 Definitions

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Arson Investigator" means any full-time paid member of a paid or part-paid municipal fire department or force, assigned full-time or part-time to an arson investigation unit who has received a certification in accordance with these provisions.

"Basic [Police] Course for [Arson] Investigators" means the curriculum prescribed by the Police Training Commission, **and sponsored by the Police Services Section, Division of Criminal Justice, Department of Law and Public Safety**, as an appropriate course of training for arson investigators.

"Basic Arson Investigation Course" means the curriculum prescribed and sponsored by the Training Section, Division of Criminal Justice, Department of Law and Public Safety, as an appropriate arson investigation course.

"In-Service Training" means the curricula prescribed and sponsored by the Training Section, Division of Criminal Justice, Department of Law and Public Safety, to provide selected advanced arson investigation training as may be deemed necessary.

"Equivalent Course" means a course of instruction recognized by the Police Training Commission as being acceptable in lieu of the Basic [Police] Course for [Arson] Investigators, or a course of instruction recognized by the Training Section, Division of Criminal Justice, as being acceptable in lieu of the Basic Arson Investigation Course or In-Service Training.

"Certification" means a course of instruction recognized by the Director of the Division of Criminal Justice acknowledging that an individual has complied with the prerequisite training provisions for Arson Investigators.

13:76-3.1 Prerequisite requirements

(a) Prior to assignment to an arson investigation unit, an individual must first have successfully completed:

1. The Basic [Police] Course for [Arson] Investigators, or an Equivalent Course; and
2. The Basic Arson Investigation Course, or an Equivalent Course.

13:76-3.2 Certification procedures

(a) (No change.)

(b) The governing body of any municipality shall apply in writing, through the County Prosecutor of the county in which the municipality is located, for the certification of a proposed member of a paid or part-paid fire department or force as an Arson Investigator, by affirming the date, location and evidence of successful completion of:

1. The Basic [Police] Course for [Arson] Investigators, or an Equivalent Course; and
 2. The Basic Arson Investigation Course, or an Equivalent Course.
- (c)-(f) (No change.)

13:76-5.1 Municipal costs and expenses

The municipality having created and established an arson investigation unit shall be responsible for all costs and expenses for the enrollment and attendance of their personnel in the Basic [Police] Course for [Arson] Investigators, and the Basic Arson Investigation Course and any In-Service Training.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Uniform System of Accounts

Proposed New Rule: N.J.A.C. 14:10-1.16

Authorized By: Board of Public Utilities, Barbara A. Curran,
President.

Authority: N.J.S.A. 48:2-16.

BPU Docket Number: TX87080794.

Proposal Number: PRN 1987-398.

Submit comments by November 4, 1987 to:

Heikki Leesment, Director
Division of Telecommunications
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

The agency proposal follows:

Summary

The Board of Public Utilities (Board) is considering the adoption of Title 47, Part 32 of the Code of Federal Regulations, the new Uniform System of Accounts (USOA) for Telephone Companies prescribed by the Federal Communications Commission (FCC) effective January 1, 1988. The present Uniform System of Accounts for class A and B telephone companies contained in Parts 31 and 33 of the Code of Federal Regulations, adopted by the Board in its order dated November 18, 1937, will be replaced by Part 32.

The Board's adoption of Part 32 of the Code of Federal Regulations would be pursuant to N.J.S.A. 48:2-16, which states in part that, "The board may, upon notice, by order in writing require every public utility: System of accounts. (a) To keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business and to that end require every public utility of the same class to adopt a uniform system of accounting. Such system shall conform, insofar as in the judgment of the board is practicable, to any system adopted or approved by any Federal regulatory agency having jurisdiction."

The Board, at its public meeting held on August 20, 1987, approved for publication in the New Jersey Register this proposed adoption of Part 32 of the Code of Federal Regulations. Due to the volume of material, the entire text of Part 32 is not reprinted herein. A copy is available for inspection at the Board's Offices at Two Gateway Center, Newark, New Jersey, during normal business hours.

Social Impact

The proposed new rule will avoid the keeping of two sets of accounting records by telephone companies, one for the Board and another for the FCC and will enable comparison of financial statements of New Jersey companies with those in other states. It is also contemplated that adoption of the new USOA will foster the efficiency of regulating the telecommunications industry.

Economic Impact

Continuing the keeping of only one set of accounting records for the State and Federal regulatory agencies will help reduce the recordkeeping costs of telephone companies which will ultimately benefit their ratepayers. In addition, annual reports are filed with the Board in accordance with the Uniform System of Accounts, which are available for public inspection and are used in rate proceedings and financing matters.

Regulatory Flexibility Statement

The proposed new rule will have an indirect impact on all telephone ratepayers within the State since the regulated telephone utilities provide service to them. By adopting the USOA prescribed by the FCC rather than the State implementing its own Uniform System of Accounts, the costs of regulating the telephone companies and the telephone companies' cost of recordkeeping would be reduced which would benefit ratepayers.

Full text of the proposed new rule follows:

14:10-1.16 Adoption by reference of the Uniform System of Accounts

The Board adopts by reference the Uniform System of Accounts for Telephone Companies that has been promulgated by the Federal Communications Commission in Part 32 of the Commission's Rules and

(CITE 19 N.J.R. 1790)
PUBLIC UTILITIES

Interested Persons see Inside Front Cover

PROPOSAL:

Regulations, as well as all present and subsequent amendments, revisions, deletions and corrections which the Federal Communications Commission may adopt insofar as they relate to telephone utilities subject to

the jurisdiction of the Board and are in accordance with the Board's policies and procedures. _____

RULE ADOPTIONS

BANKING

(a)

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Adopted New Rules: N.J.A.C. 3:38

Proposed: July 20, 1987 at 19 N.J.R. 1261(a).

Adopted: September 8, 1987 by Mary Little Parell, Commissioner, Department of Banking.

Filed: September 11, 1987 as R.1987, d.396, without change.

Authority: N.J.S.A. 17:1-8.1 and 17:11B-5 and 13.

Effective Date: October 5, 1987.

Expiration Date: October 5, 1992.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the expired rules readopted as new appears in the New Jersey Administrative Code at N.J.A.C. 3:38.

COMMUNITY AFFAIRS

(b)

OFFICE OF THE COMMISSIONER

Rules of Administration

Debarment and Suspension from Contracting

Adopted New Rules: N.J.A.C. 5:4-2

Proposed: July 20, 1987 at 19 N.J.R. 1261(b).

Adopted: August 31, 1987 by Leonard S. Coleman, Jr., Commissioner, Department of Community Affairs.

Filed: September 2, 1987 as R.1987, d.389, without change.

Authority: N.J.S.A. 52:27D-3.

Effective Date: October 5, 1987.

Expiration Date: October 5, 1992.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

SUBCHAPTER 2. DEBARMENT AND SUSPENSION FROM CONTRACTING

5:4-2.1 Definitions

When used in this subchapter, the following terms shall have the following meanings.

"Affiliates" means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another.

"DCA" means the Department of Community Affairs.

"Debarment" means an exclusion from DCA contracting for reason of a demonstrated lack of responsibility as evidenced by one or more incidents involving an offense or failure or inadequacy of performance within a period of time that is reasonable in light of the seriousness of the offense or the failure or inadequacy of performance.

"DCA contracting" means any arrangement giving rise to an obligation to supply anything to, or perform any service for, DCA or any public or private entity or person purchasing the supply or service with funds provided by DCA where DCA retains the right to approve or disapprove the nature or quality of the supplies or services or the persons who may provide or perform the same.

"Person" means any natural person, company, firm, association, corporation or other entity.

"Suspension" means an exclusion from DCA contracting for a temporary period of time, pending the completion of an investigation or legal proceedings.

5:4-2.2 Causes for debarment

(a) In the public interest, DCA may debar a person for any of the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.

3. Violation of Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276b and c).

4. Violation of any Federal or State law governing the conduct of elections.

5. Violation of the Law Against Discrimination (P.L. 1945, c.169, as supplemented by P.L. 1975, c.127) or of any other Federal or State law against discrimination in employment.

6. Violation of any law governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.

7. Violation of any law governing the conduct of an occupation, profession or regulated industry.

8. Violation of any other law which may bear upon a lack of responsibility or moral integrity.

9. Willful failure to perform in accordance with contract specifications or within contractual time limits.

10. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred.

11. Violation of contractual or statutory provisions regulating contingent fees.

12. Any other cause affecting responsibility as a DCA contractor of such serious and compelling nature as may be determined by DCA to warrant debarment, even if such conduct has not been or may not be prosecuted as being a violation of such laws or contract.

13. Debarment by some other department or agency in the Executive branch.

14. Debarment by any department, agency or instrumentality of any other state or territory or of the United States of America.

5:4-2.3 Conditions affecting debarment

(a) Debarment pursuant to this subchapter shall be made only upon approval by the Commissioner.

(b) The existence of any of the causes set forth in N.J.A.C. 5:4-2.2 shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Commissioner and shall be rendered in accordance with the best interests of the State.

(c) In determining the seriousness of the offense or failure or inadequacy of performance, and whether disbarment is warranted, the Commissioner shall give consideration to any mitigating factors.

(d) The existence of a cause set forth in N.J.A.C. 5:4-2.2(a)1 through 8 shall be established upon the rendering of a final judgment of conviction by, or the entry of a plea of guilty or nolo contendere in, a court of competent jurisdiction or an administrative agency empowered to render such judgment. In the event of a successful appeal of a judgment of conviction, the debarment shall be removed unless other cause for debarment exists.

(e) The existence of a cause set forth in N.J.A.C. 5:4-2.2(a)9 through 12 shall be established by evidence which the Commissioner determines to be clear and convincing in nature.

(f) Debarment for one of the causes set forth in N.J.A.C. 5:4-2.2(a)13 and 14 shall be proper, provided that one of the causes set forth in N.J.A.C. 5:4-2.2(a), or an equivalent cause under the law of another jurisdiction, was the basis for debarment by the original debarring agency. Such debarment may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

5:4-2.4 Procedures; period of debarment; scope of debarment

(a) Any division within DCA seeking to debar a person or his affiliates shall furnish such person with a written notice which shall:

1. State that debarment is being proposed;
2. Set forth the reasons for the proposed debarment;
3. Indicate that the person is entitled to contest the proposed action in an administrative hearing to be conducted by the Office of Administrative Law in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq. provided that a request for such a hearing is made within 15 days of receipt by the person of notice of the proposed debarment, and that hearing requests are to be sent to the Hearing Coordinator, Department of Community Affairs, CN 800, Trenton, New Jersey 08625.

(b) Debarment shall be for a reasonable, definitely stated period of time which shall not, without good cause, exceed five years. Debarment for an additional period of time shall be permitted, provided that notice of the intention to impose an additional period of debarment is provided to the person and the person is afforded an opportunity to contest the proposed further debarment in accordance with the Administrative Procedure Act in the manner set forth in (a) above.

(c) Except as may otherwise be provided by law, a debarment may be removed, or the period of debarment reduced, by the Commissioner upon submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the cause(s) for which debarment was imposed.

(d) A debarment may include all known affiliates of a person, provided that each affiliated person shall have the right to contest a proposed debarment in accordance with the Administrative Procedure Act in the manner set forth in (a) above.

5:4-2.5 Causes for suspension

In the public interest, the Commissioner, after consultation with the Division of Law, may suspend a person for any cause set forth in N.J.A.C. 5:4-2.2, or upon a reasonable suspicion that such cause exists.

5:4-2.6 Conditions for suspension

(a) Suspension shall be imposed only by the Commissioner after consultation with the Division of Law, except as may otherwise be provided by law.

(b) The existence of any cause for suspension shall not require that suspension be imposed. A decision to suspend shall be made at the discretion of the Commissioner and shall be rendered in the best interests of the State.

(c) Suspension shall be based only upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists and shall not be based upon any unsupported accusation. In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence that is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.

(d) Reasonable suspicion of the existence of a cause described in N.J.A.C. 5:4-2.2(a) through 8 may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did, in fact, occur.

(e) A suspension imposed by another agency for any of the causes described in N.J.A.C. 5:4-2.2 may be the basis for the imposition of a concurrent suspension by DCA, which suspension may be imposed when found to be in the best interest of the State.

5:4-2.7 Procedures; period of suspension; scope of suspension

(a) The Commissioner, after consultation with the Division of Law, may suspend a person or his affiliates, provided that within 10 days after the effective date of the suspension, the Commissioner provides each affected person with a written notice which shall:

1. State that a suspension has been imposed and set forth its effective date;
2. Set forth the reasons for the suspension to the extent that the Division of Law determines that such reasons may properly be disclosed;
3. State that the suspension is for a temporary period of time pending the completion of an investigation and such legal proceedings as may ensue; and
4. Indicate that, if such legal proceedings are not commenced or the suspension removed within 60 days of the date of such notice, the person will be given an opportunity to contest the suspension in accordance with the Administrative Procedure Act in the manner set forth in N.J.A.C. 5:4-2.4(a).

(b) A suspension shall not continue beyond 18 months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period or unless debarment action shall have been initiated. Whenever civil or criminal prosecution or debarment action shall have been initiated, the suspension may be continued until all legal proceedings shall have been completed.

(c) A suspension may include all known affiliates of a person, provided that each affected person shall have the right after 60 days from the date of the notice of suspension to contest the suspension in accordance with the Administrative Procedure Act in the manner set forth in N.J.A.C. 5:4-2.4(a).

5:4-2.8 Extent of debarment and suspension

Exclusion from DCA contracting by virtue of debarment or suspension shall extend to all contracting and subcontracting within the control or jurisdiction of DCA, including any contracts which utilize funds granted or loaned by DCA. When determined by the Commissioner, after consultation with the Division of Law, to be essential to the public interest, an exemption from total exclusion may be made with respect to a particular contract.

5:4-2.9 Lists of debarred and suspended persons

(a) DCA shall supply to the State Treasurer a monthly list of all persons who are currently debarred or suspended, including the effective date and term, if determined, of such debarment or suspension. Such list shall at all times be available for public inspection.

(b) Insofar as may be practicable, prior notice shall be given to the Attorney General and to the Treasurer of any proposed debarment or suspension.

5:4-2.10 Discretion

Nothing contained in this subchapter shall be construed to limit the authority of DCA to contract or to refrain from contracting within the discretion allowed by law.

5:4-2.11 Lists of other agencies

Notwithstanding the failure of DCA to debar or suspend any person pursuant to this subchapter, whenever DCA shall participate in any program financed, regulated or established by any department, agency, or instrumentality of the United States of America, it may rely on and distribute lists of persons suspended or debarred by such department, agency, or instrumentality and prevent any listed person from participating in that program.

5:4-2.12 Information concerning criminal conduct and records

To the extent permitted by State and Federal law, as determined by the Attorney General, DCA may seek to obtain, use and disclose information concerning the criminal conduct or criminal record of any person engaged in, or seeking to be engaged in, DCA contracting.

DIVISION OF HOUSING AND DEVELOPMENT

(a)

Fire Safety Code

Exemption of One and Two-Family Residences;

Boarding House Fire Suppression Systems

Adopted Amendment: N.J.A.C. 5:18-4.1

Proposed: July 20, 1987 at 19 N.J.R. 1263(a).

Adopted: August 31, 1987 by Leonard S. Coleman, Jr.,

Commissioner, Department of Community Affairs.

Filed: September 2, 1987 as R.1987, d.388, **without change**.

Authority: N.J.S.A. 52:27D-198.

Effective Date: October 5, 1987.

Expiration Date: February 1, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

5:18-4.1 Code adopted/scope

(a)-(c) (No change.)

(d) All buildings for which requirements are established in this subchapter and which are not listed in (b) or (c) above shall be in compliance with such applicable requirements of this subchapter except N.J.A.C. 5:18-4.13 by June 16, 1989.

1. Exception to (d) above: Owner-occupied buildings used exclusively for dwelling purposes and containing fewer than three dwelling units shall be exempt from the provisions of this subchapter.

(e) (No change.)

(a)

**DIVISION OF HOUSING AND DEVELOPMENT
Uniform Construction Code
Energy Subcode; Solar Energy Property Tax
Exemptions**

Adopted Amendments: N.J.A.C. 5:23-3.18 and 6.1

Adopted New Rules: N.J.A.C. 5:23-6.2 and 6.3

**Adopted Repeal: N.J.A.C. 14A:3-4.1 through 4.6;
14A:4-1.1 through 3.1**

Proposed: March 16, 1987 at 19 N.J.R. 433(b).

Adopted: August 28, 1987, by Leonard S. Coleman, Jr.,
Commissioner, Department of Community Affairs.

Filed: September 1, 1987 as R.1987 d.387, with substantive changes
not requiring additional public notice and comment (see
N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 52:27D-124; Reorganization Plan
No. 001-1986; N.J.S.A. 52:27F-11q.

Effective Date: October 5, 1987.

Expiration Date: April 1, 1988.

Summary of Public Comments and Agency Responses:

A comment was received from the New Jersey Builders Association expressing concern that the proposal, if adopted would improperly introduce substantive changes into the Energy Subcode, since it contains provisions at variance with the BOCA/National Energy Conservation Code, the adopted model code. The Department's response is that this proposal is a recodification of rules already previously adopted by the Department of Energy, over which the Department of Community Affairs now has jurisdiction as a result of Reorganization Plan No. 001-1986, and that such power as the Department of Energy had under its enabling act to modify the energy subcode is included within the power transferred to the Department of Community Affairs. The present proposal makes no changes in the energy subcode not previously made and the transfer of certain regulatory provisions from one chapter of the New Jersey Administrative Code to another is of no substantive consequence.

The N.J.B.A. also protested removal of the provision authorizing use of the "Small Dwelling Energy Subcode Compliance Manual." Inasmuch as this manual, although not now available, is in the process of being revised, and the revised version will be available in the near future, the Department has agreed not to delete the provision authorizing its use.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*).

5:23-3.18 Energy Subcode

(a) Rules concerning the Energy Subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c.217 as amended, the commissioner hereby adopts the model code of the Building Officials and Code Administrators International, Inc., known as the BOCA Basic/National Energy Conservation Code/1984, including all subsequent revisions and amendments thereto, as well as the Illuminating Engineering Society's standard known as LEM-1, 1982, "IES Recommended Procedure for Lighting Power Limit Determination," including all subsequent revisions and amendments thereto.

i. Copies of the BOCA Basic/National Energy Conservation Code/1984 may be obtained from the sponsor at: BOCA, 4501 West Flossmoor Road, Country Club Hills, Illinois 60477.

ii. Copies of LEM-1, 1982, "IES Recommended Procedure for Lighting Power Limit Determination," may be obtained from the sponsor at IES, 345 East 47th Street, New York, New York 10017.

2. The model code and standard listed above, including (where appropriate) all subsequent revisions and amendments thereto, may be known and cited as the "energy subcode."

***3. One and two-family homes may comply with the Energy Subcode by meeting the requirements, adhering to calculation procedures, employing the reference data or utilizing the standard building envelopes contained in the**

"Small Dwelling Energy Subcode Compliance Manual" which is available from the Bureau of Construction Code Enforcement, Department of Community Affairs.*

(b) The following chapters or articles of the energy subcode are amended as follows.

1. The following amendments are made to Article 1 of the Energy Subcode entitled "Scope and Application":

i. Section E-100.1 is amended to delete Exception 4.

2. Article 2 of the Energy Subcode, entitled "Definitions", Section E-201—General Definitions, is amended to add the following definitions:

i. "Bin, Degree Day Methods" means—Simplified methods for calculating the heating or cooling load are treated as an instantaneous function of the difference between indoor and outdoor temperatures. The Degree Day method uses the actual temperature difference while the bin method categorizes those differences into "bins" covering a range of five degrees (e.g., from 20-25 degrees difference).

ii. "Boiler Capacity" means—The rate of heat addition in BTU/hr. (watts) measured at the boiler outlet at design temperature and pressure and rated input.

iii. "Building Envelope" means—The walls, roof and floor of a building through which heat may be transferred to or from the exterior from non-conditioned spaces. The above elements are to be considered as comprising a building envelope for all conditioned spaces that they enclose.

iv. "Cut on Temperature" means—The temperature at which a piece of mechanical equipment will automatically begin operation.

v. "Design Parameters" means—The conditions of temperature and humidity which form the basis for the mechanical system design.

vi. "Dry Bulb Temperature" means—The atmospheric temperature as indicated by an ordinary thermometer.

vii. "Dual Duct/Multi-Zone Systems" means—Mechanical systems in which the entering air is divided into two flows. The first is heated to the highest temperature required in the building. The other stream is cooled to the lowest temperature anywhere in the building. These two air streams are then mixed in varying proportions to provide the correct air temperature for each zone of the building.

viii. "Economizer Cycle" means—The use of uncooled outside air for cooling purposes when it will result in an energy savings.

ix. "Enthalpy" means—The amount of internal energy (heat) in a mixture of air and water vapor.

x. "Fenestration" means—The window area of the wall.

xi. "Heated Space" means—Space within a building which is provided with heat input from a heating system to maintain an air temperature of 50 degrees F. (10 degrees C.) or higher.

xii. "Latent Heat" means—Heat which does not change the temperature of substance but which changes its state. That is, latent heat addition could change a solid to a liquid or a liquid to a gas. Latent heat removal could change a gas to a liquid or a liquid to a solid.

xiii. "New Energy" means—Energy which has not been recovered from mechanical systems within the building and is used for heating and cooling. This energy might be electrical, solar, or result from combustion of fuels.

xiv. "97 1/2 percent temperature" means—The hourly temperature which is exceeded 97 1/2 percent of the time during a year. That is, it is colder than this only 2 1/2 percent of the time.

xv. "Overall Thermal Transmittance Value (OTTV)" means—A measure of heat transmission for cooling purposes measured in units of BTU/hr. transferred through a one square foot area of a substance in the cooling season.

xvi. "Part Load Profile" means—The compilation of operating characteristics of a piece of mechanical equipment when operated over the ranges from zero to full load.

xvii. "Power Factor" means—The proportion of total power in an electric circuit which is available as usable energy.

xviii. "Recooling Systems" means—Mechanical systems which heat all entering air to the highest temperature required anywhere in the building. The air is then re-cooled to the temperature necessary for other parts of the building.

xix. "Recovered Energy" means—Energy utilized which is obtained by recovery of useful energy from other mechanical devices in the building which would otherwise be wasted.

xx. "Reheat Systems" means—Mechanical systems which cool all entering air down to the coolest temperature required for the building. The air is then reheated to the temperature necessary for other parts of the building.

xxi. "Relative Humidity" means—The ratio of the amount of water vapor in the air to the maximum amount of water vapor the air can hold at that temperature.

xxii. "Sensible Heat" means—Heat which changes the temperature of a substance when added or removed.

xxiii. "Source Energy" means—The energy obtained from a given source such as electricity, oil, gas, solar, etc.

xxiv. "Spill Light" means—Light which illuminates an area for which it is not intended or needed.

xxv. "Standby Loss" means—The amount of energy lost from a system over a period of time when there is no demand placed on it for energy.

xxvi. "TDEQ (Equivalent Temperature Difference)" means—A temperature to be utilized in calculating the design load for cooling systems. It is designed to account for the lag in wall temperature use due to the mass of the walls. Heavier walls heat up more slowly.

xxvii. "2 1/2 percent temperature" means—The hourly temperature which is exceeded 2 1/2 percent of the time during a year. That is, it is cooler than this 97 1/2 percent of the time.

xxviii. "Veiling Reflection" means—A reflected glare which obscures vision and reduces ability to see details.

xxix. "Wet Bulb Temperature" means—A temperature which reflects the amount of moisture which may be evaporated into the atmosphere. When the relative humidity is 100 percent, the dry bulb temperature is equal to the wet bulb temperature. When the relative humidity is lower, moisture can evaporate into the atmosphere, thus cooling a thermometer. The greater the difference between the wet and dry bulb temperatures, the dryer the air.

3. The following amendments are made to Article 3 of the Energy Subcode entitled "Building Envelope":

i. In Section E-301.2.1, delete the words "those specified in Figure E-301.2.1a" and add the words "0.135 Btu/hr.-ft.² °F."

ii. Delete Figure E-301.2.1a.

iii. In Section E-301.2.1, delete exceptions 1 and 2 and Figures E-301.2.1b and E-301.2.1c.

iv. In Section E-301.2.2, delete the words "as specified in Table E-301.2.2" and add the words "not exceeding 0.03 Btu/hr.-ft.² °F." Delete Figure E-301.2.2. In Exception 1 to Section E-301.2.2, delete the word "deck" and substitute the word "assembly."

v. In Section E-301.2.3, delete the words "combined thermal transmittance value U° as specified in Figure E-301.2.3" and add the words "maximum allowable transmittance value U° of 0.052 Btu/hr.-ft.² °F." Delete the words "meet the same requirements as for roofs in Section E-301.2.2 and add the words "be 0.045."

vi. Delete Figure E-301.2.3.

vii. In Section E-301.2.4, delete the words "those specified in Figure E-301.2.4" and add the words "6.7 if the slab is heated, or 4.5 if the slab is unheated."

viii. Delete Figure E-301.2.4.

ix. In Section E-301.3.1, delete the words "those specified in Figure E-301.3.1" and add the words "0.345 Btu/hr.-ft.² °F. for buildings over three stories, and 0.285 Btu/hr.-ft.² °F for buildings of three stories and under."

x. Delete Figure E-301.3.1.

xi. In Section E-301.3.2, delete the words "those specified in Figure E-301.3.2" and add the words "0.080 Btu/hr.-ft.² °F."

xii. Delete Figure E-301.3.2.

xiii. In Section E-301.3.3, delete the words "those specified in Figure E-301.2.3" and substitute "0.080 Btu/hr.-ft.² °F."

xiv. In Section E-301.3.4, delete the words "Figure E-301.2.4" and add the words "Section E-301.2.4".

xv. In Section E-301.3.5, delete the words "those specified in the following Figure E-301.3.5" and add the words "33.5 Btu/hr.-ft.² °F."

xvi. Delete Figure E-301.3.5.

xvii. In Section 301-3.7, delete the words "those specified in Figure E-301.2.3" and substitute "0.045 Btu/hr.-ft.² °F."

4. The following amendments are made to Article 4 of the Energy Subcode entitled "Warm Air Heating, Ventilating and Air Conditioning Systems and Equipment":

i. In Section E-401.1.1, delete "Except where established by local weather data, outdoor design temperature shall be selected for listed locations in the ASHRAE Handbook, Fundamentals Volume, listed in Appendix A, from columns of 97 1/2 percent values for heating and 2 1/2 percent values for cooling. A list of selected locations may also be found in Appendix B." and substitute the words "Design temperatures shall be as follows: Winter 14°F.; Summer DB 90°F.; Summer WB 76°F."

5. The following amendments are made to Article 5 of the Energy Subcode entitled "Plumbing Systems":

i. In Section E-503.1.1, delete the numbers 15 and 47 and substitute the numbers 13.6 and 43, respectively.

ii. Add Section E-504.0 SWIMMING POOLS as follows:

(1) E-504.1 Pool Heaters.

(A) E-504.1.1 All pool heaters shall be equipped with an ON-OFF Switch mounted for easy access to allow shutting off the operation of the heating without adjusting the thermostat setting and to allow re-starting without relighting the pilot light.

(B) E-504.1.2 All gas and oil fired pool heaters shall have a thermal efficiency of 75 percent when tested in accordance with ANSI Z21.56-1975.

(C) E-504.1.3 Active solar heating systems shall be used to supply a portion of the pool heating requirements when conditions permit their cost-effective installation.

(2) E-5.4.2 Pool Covers. Heated swimming pools shall be equipped by the builder with a pool cover.

(A) Exception: Outdoor pools deriving over 20 percent of the energy for heating from non-depletable sources (computed over an operating season) shall not be required to be equipped by the builder with a pool cover.

(3) E-504.3 Time Clocks. Time clocks shall be installed so that the pump can be set to run in the off-peak electric demand period and can be set for the minimum time necessary to maintain the water in a clean and sanitary condition, in keeping with applicable health standards.

6. The following amendments are made to article 7 of the Energy Subcode entitled "Alternative Systems":

i. Section 700.1 is amended to delete the words "this code" on line 6 and, in lieu thereof, substitute "the energy subcode."

7. The following amendments are made to section 2 of standard LEM-1 of the energy subcode, entitled "Scope":

i. Delete the first paragraph in the section and in lieu thereof, substitute "These provisions regulate the amount of power which may be utilized by a building for lighting. No building shall employ more power for lighting than that determined through the use of the criteria and calculated procedures contained herein."

(c) The requirements of the Energy Subcode shall apply as follows:

1. The thermal efficiency standards of the Energy Subcode shall apply to all newly constructed and renovated buildings.

2. The lighting efficiency standards of the Energy Subcode shall apply to all newly constructed and renovated buildings in use groups A, B, E, F, H, I, M, R, S and U as defined in the Building Subcode.

3. As used in this section, "newly constructed" means built in its entirety in accordance with a construction permit as required by this chapter and "renovated" means having changes made to the structure of an existing building in accordance with a construction permit as required by this chapter.

5:23-6.1 Solar energy systems: administrative requirements

(a)-(e) (No change.)

5:23-6.4 Automatic fire suppression systems

(a)-(e) (No change.)

5:23-6.2 Technical standards for solar energy systems: general provisions

(a) These technical sufficiency standards for solar energy systems in buildings are designed to establish minimum performance standards for the purpose of obtaining a property tax exemption pursuant to P.L. 1977, c.256 (N.J.S.A. 54:4.3.113 et seq.) as amended by P.L. 1983, c.44.

(b) Sections 5:23-6.2 and 5:23-6.3 shall be liberally construed to permit the commissioner to effectively carry out his statutory functions and to insure the maximum conservation of energy sources within the State.

(c) Definitions: The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Active solar systems" means those systems which convert the sun's energy into thermal energy, and transport this energy to a storage device through the use of a heat transport medium such as air or a liquid. At this point, the heat is withdrawn and utilized for the purpose for which the system was designed. "Active solar systems" also means those systems which convert energy directly derived from solar flux into electricity which can then be used in thermal applications.

"Active system" means a solar energy system which converts solar radiation into thermal energy, and mechanically transfers the energy through the use of pumps and fans for the purpose of heating, cooling or general needs of a building.

"Administrator" means the Commissioner of the Department of Community Affairs or his designee.

"Building" means any residential, commercial or industrial structure.

"Collector" means a device that collects, absorbs and converts solar radiation into thermal energy and commonly includes glazing and/or other optical elements.

"Collector kit" means a collector supplied unassembled to the end user that includes all the component parts necessary to assemble the collector.

"Concentrating collector" means a solar collector that contains reflectors, lenses, or other optical elements to concentrate the energy falling on the aperture onto a heat exchanger or surface area smaller than the aperture.

"Cost" means the purchase price and the cost of construction or installation.

"Direct gain" means the transmission of solar radiation directly into the space to be heated wherein the solar radiation is converted to thermal energy by absorption into the interior surfaces.

"Distribution system" means that portion of a solar energy system which transfers thermal energy from the point of collection, through pipes or ducts and/or, from the point of collection to end-use, and where applicable, includes a fan and/or pump, reverse flow protection, and an automatic airpurging valve.

"Eligible" means that a system or component thereof qualifies for an exemption pursuant to N.J.A.C. 5:23-6.2 and 5:23-6.3.

"Eligible solar energy system" means equipment assembled as subsystems and components of a system necessary to convert solar energy into thermal or electrical energy for thermal end uses.

"Flat plate collector" means a device consisting of an absorptive plate, which may be flat, corrugated or grooved, to which tubes or fins are attached as a means of conducting or directing the heat transfer medium. This assembly is surrounded by a casing and one or more sheets of glazing material. This device is used to intercept radiation and convert this radiation into usable thermal energy.

"Glazing" means a transparent or translucent material which transmits solar radiation and minimizes loss of thermal energy, including glass, fiberglass, plastics and window films.

"Heat transportation systems" means that portion of a solar energy system used to transfer heat (and complete return cycle) from point of collection, through pipes in liquid systems or ducts in air systems, and/or cooling distribution system or, where appropriate, directly to thermal end use.

"Hybrid system" means a solar energy system that combines passive and active characteristics.

"Insulating device" means a fixed or movable exterior or interior device which prevents loss of thermal energy at night and in cold weather through glazing or vents, including insulating shutters, thermal curtains, window films and glazing.

"Passive solar energy systems" means those systems which utilize the architecture of a building to maximize solar heat gains during the cold seasons and minimize heat gain in the hot seasons.

"Passive system" means a solar energy system which utilizes natural convection or thermal radiation to maximize gains of thermal energy for heating and to minimize gains of thermal energy for cooling.

"Photovoltaic cell" means a device which converts solar radiation to electrical energy.

"Shading device" means a device which prevents direct solar gain, including overhangs, shades and window films.

"Site-built collector" means a collector which must be assembled on-site and is not supplied as a collector kit.

"Solar domestic hot water system" means a system which converts solar radiation into thermal energy for the purpose of heating potable water.

"Solar energy" means energy which has recently originated in the sun, including direct and indirect solar radiation and intermediate solar energy from sources such as wind and sea thermal gradients.

"Solar energy system" means a system or component thereof which uses solar energy to provide all or a portion of the heating, cooling or general energy needs of a building.

"South" means falling within the 60 degree envelope from 30 degrees East to 30 degrees West of true South.

"Storage device" means a device which stores solar energy.

"Sunspace" means a collector which also serves as a living space, including a sunroom, solarium, atrium, attached greenhouse and Florida room.

"Thermal contact ceiling" means a combined roof and heating and/or cooling system composed of containers filled with a liquid solution placed above the roof beams of a building, and is utilized as a heat sink for solar radiation or heat transfer medium from building to atmosphere for cooling during the daylight hours and as a thermal storage insulator during the nocturnal hours. Movable insulation is placed over the water filled containers at night and during cold weather as a means of retaining the absorbed heat.

"Thermal storage wall" means a wall of massive material, such as masonry or water in containers, placed between the glazing and the heated space, including a trombe wall and water wall.

"Trombe wall" means a south facing wall of the building envelope composed of a mass wall surface with exterior glazing. The mass wall functions as a heat storage device and exterior wall.

"Wind system" means a device which converts wind energy into usable electrical and mechanical energy.

5:23-6.3 Eligibility criteria for solar energy systems

(a) The following solar energy systems shall be eligible for an exemption from property taxes. The exemption shall be for 100 percent of the tax due on the cost unless stated otherwise.

1. Passive and hybrid systems of the following types, provided that the systems generate a net positive gain of thermal energy for heating and a net loss of thermal energy for cooling in the building.

i. Sunspace and direct gain devices. The following components shall be eligible, provided that the sunspace or direct gain device contains, at a minimum, (1) through (5) below:

- (1) South facing glazing;
- (2) Distribution systems;
- (3) Insulating devices having an R value of 4.0 or greater;
- (4) Shading devices;
- (5) Storage devices; including

(A) Thermal storage walls: Load bearing thermal storage walls shall be eligible for an exemption for 50 percent of the tax due on the cost thereof; non-load bearing thermal storage walls shall be eligible for an exemption of the tax due on the cost thereof in accordance with the formula two square feet of slab for every one square foot of south facing glazing, not to exceed the wall area of the sunspace or room in which the direct gain device is located;

(B) Mass floors: Such floors shall be eligible for an exemption of the tax due on the cost thereof in accordance with the formula two feet of slab for every one square foot of south facing glazing, not to exceed the floor area of the sunspace or room in which the direct gain device is located.

(6) Equipment used solely as bracing or fastening for south facing glazing;

(7) Skylights and roof glazing.

2. Active systems and solar domestic hot water systems of the following types:

i. Collectors:

(1) Commercially manufactured collectors which meet the standards set by a nationally-recognized testing organization, such as the Air-conditioning and Refrigeration Institute (ARI); Solar Rating and Certification Corporation (SRCC); Florida Solar Energy Center (FSEC); or the International Association of Plumbing and Mechanical Officials (IAPMO);

(2) Collector kits which meet the standards specified in N.J.A.C. 5:23-6.3(a)2.i.(1);

ii. Distribution systems;

iii. Storage devices.

3. Solar electric generating systems of the following types:

i. Photovoltaic cells, including mounting racks, arrays, wires, batteries, meters, switches, miscellaneous electrical equipment and other devices required for the installation.

4. Wind systems: The following components shall be eligible:

i. Structural parts, including towers and supporting pads;

ii. Electrical equipment, including alternators, generators, inverters, meters, batteries, controls and circuits;

iii. Mechanical equipment, including gearboxes, heads, transmissions, pumps, and shafts;

iv. Interconnecting devices, including wire and conduits used to connect the wind system to the electric service panel, and equipment required to complete the installation and interconnection of the wind system to the utility.

(b) The following shall not be considered eligible for an exemption from property taxes:

1. Building insulation used to reduce heat loss through walls, roofs, slabs and foundations;
 2. Uninsulated skylights;
 3. Heat storage devices or delivery systems which are also utilized for other means of heating and/or cooling, including back-up systems;
 4. Bracing equipment used as building structural members such as columns, beams and studs;
 5. Devices such as draperies, venetian blinds, and curtains which are not part of the solar energy system and do not meet the definition of insulating devices and/or shading devices pursuant to N.J.A.C. 5:23-6.2(c);
 6. Heat pumps and other refrigerators;
 7. Devices used to extract and store heat generated by organic waste piles;
 8. Trees, shrubbery, and other forms of vegetation.
- (c) If a solar energy system is neither specifically eligible nor ineligible for exemption, or if eligibility is in dispute, or in the case of site-built collectors, the Administrator shall examine said system to determine its eligibility.
1. The applicant for an exemption shall submit information required by the Administrator or submitted at the time of application for a construction permit.
 2. The Administrator shall issue a ruling as to the system's eligibility within 20 working days of receipt of the request for a determination and shall communicate the ruling to the construction official with jurisdiction.
 3. The Administrator shall notify all construction officials as to his rulings. Rulings of the Administrator are prospective and shall apply to all future exemption applications for systems of that type.
 4. If a determination is not issued within 20 working days of receipt of the request, the system shall be deemed eligible for a full exemption in this case. This will not affect the eligibility of future systems of the same type.
 5. The determination of the Administrator shall constitute final agency action concerning the system's eligibility.

Chart B

Population	Number of Full-Time Professionals
0- 9,999	0
10,000- 19,999	1
20,000- 29,999	2
30,000- 39,999	3
40,000- 49,999	4
50,000- 69,999	5
70,000- 89,999	6
90,000-109,999	7
110,000-129,999	8
130,000 and over	9 plus one additional full-time professional for each additional 20,000 population.

EDUCATION

(a)

STATE BOARD OF EDUCATION

Adopted Amendment: N.J.A.C. 6:68-1.4

Proposed: July 6, 1987 at 19 N.J.R. 1128(a).

Adopted: September 10, 1987 by State Board of Education; Saul Cooperman, Secretary.

Filed: September 14, 1987 as R.1987, d.398, **without change**.

Authority: N.J.S.A. 18A:1-1, 4-15 and 74-3.

Effective Date: October 5, 1987.

Expiration Date: April 12, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

6:68-1.4 Employees

(a) All libraries established pursuant to N.J.S.A. 40:54-1 et seq. and N.J.S.A. 40:33-1 et seq. (municipal, joint, association and county) shall meet the following minimal requirements based on the population of the area from which the library receives tax support:

1. (No change.)

2. Professional staff:

i.-ii. (No change.)

iii. Libraries serving populations over 50,000 must employ a minimum of one full-time professional librarian or the full-time equivalent for every 10,000 population up to 50,000 and one additional full-time professional librarian or the full-time equivalent for each 20,000 population over 50,000 as set forth in Chart B annexed hereto and made a part thereof.

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

(a)

Flood Hazard Area Redelineation of Raritan River Adopted Amendment: N.J.A.C. 7:13-7.1

Proposed: July 20, 1987 at 19 N.J.R. 1277(a).

Adopted: September 14, 1987 by Richard T. Dewling,

Commissioner, Department of Environmental Protection.

Filed: September 14, 1987 as R.1987 d.400, **without change**.

Authority: N.J.S.A. 13:1B-3, 13:1D-2 et seq. and 58:16A-50 et seq.

DEP Docket Number: 027-87-06.

Effective Date: October 5, 1987.

Expiration Date: May 4, 1989.

Summary of Public Comments and Agency Responses:

Notice of the proposed amendment was published on July 20, 1987 in the New Jersey Register at 19 N.J.R. 1277. The notice also advised that a public hearing had been scheduled for August 5, 1987 at 1:00 at the New Jersey Records Storage Center, 2300 Stuyvesant Avenue, Trenton, New Jersey to afford the public an opportunity to be heard on the proposed action by the Department. In addition, the Department issued a notice of public hearing on June 24, 1987 which was published in the Messenger Gazette. Both notices invited written comments to be submitted on or before August 19, 1987. Four people were in attendance at the hearing.

No comments were received.

Full text of the adoption follows.

AGENCY NOTE: Maps and associated flood profiles, showing the location of the revised delineated flood hazard areas, may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey, and at the Department of Environmental Protection, Bureau of Flood Plain Delineation, 1911 Princeton Avenue, Lawrenceville, New Jersey.

HEALTH

(b)

HOSPITAL REIMBURSEMENT

Graduate Medical Education

Cost Per Case; Adjustments; Appeal and Review

Adopted Amendments: N.J.A.C. 8:31B-3.22, 3.31 and 3.51

Proposed: April 20, 1987 at 19 N.J.R. 605(a).

Adopted: September 11, 1987 by Molly Joel Coye, M.D., M.P.H., Commissioner, Department of Health (with approval of the Health Care Administration Board).

Filed: September 14, 1987 as R.1987 d.402, **with substantive changes** not requiring additional public notice (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 26:24-1 et seq., specifically 26:2H-5b and 26:2H-18d.

Effective Date: October 5, 1987.

Operative Date: January 1, 1988.

Expiration Date: October 15, 1990.

Summary of Public Comments and Agency Responses:

COMMENTOR: Our Lady of Lourdes Medical Center

COMMENT: The rules under "Changes in Scope of Teaching" reference the special needs of hospitals operated by medical schools. These rules give preference to programs affiliated with the University of Medicine and Dentistry of New Jersey (UMDNJ). The proposed amendments represent continued efforts to make it increasingly difficult for non-UMDNJ affiliated programs to remain viable, thus presenting a contradiction to the freedom of choice that medical centers are entitled to enjoy in selecting the programs which suit the needs of the institutions and the public they serve.

RESPONSE: N.J.A.C. 8:31B-3.51(b)2i "Changes in scope of teaching . . ." does not reference the special needs of hospitals operated by medical schools. The proposed amendments do not favor any particular group of hospitals, but simply require that the graduate medical education programs of all hospitals meet certain minimal accreditation standards in order to be eligible to receive reimbursement through the hospitals' schedules of rates.

COMMENTOR: Our Lady of Lourdes Medical Center

COMMENT: The proposed amendments do not offer a hospital the opportunity to improve or restructure its education program in a fashion necessary to ensure its integrity and provide services to the patients in an appropriate environment conducive to good medical standards.

RESPONSE: There is nothing in the proposed amendments which limits a hospital from restructuring its educational program. For example, under this program, a hospital could increase residency slots in one program and decrease residency slots in another in order to build on its strengths and eliminate weaknesses. If, however, a hospital cannot recruit a sufficient number of qualified residents, it is not in the interests of patients to have their rates include payment for unqualified residents or for the costs of unaccredited programs.

COMMENTOR: Warren Hospital

COMMENT: Warren Hospital is being unfairly singled out by the continued freeze on allowing hospitals to move to a higher peer group status.

RESPONSE: N.J.A.C. 3:31B-3.31(c), which provides that an increase in residents by transfer cannot result in a change to a higher peer group status, was not addressed in the proposal. This hospital's views on the need to allow hospitals to appeal to change peer groups has no bearing on the appropriateness of the proposed amendments now being presented for final adoption.

COMMENTOR: Our Lady of Lourdes Medical Center

COMMENT: "Nursing is greatly dependent upon the immediate and necessary access to train(ed) medical personnel to assist them at critical times when their skills and abilities are pushed to the maximum. In this day of diminishing accessibility of qualified nursing personnel, it is important that the continuation of medical support programs, such as residencies, are maintained . . ."

RESPONSE: While it may be useful for nurses to have access to trained medical personnel, unqualified residents do not qualify as such personnel.

COMMENTOR: Our Lady of Lourdes Medical Center

COMMENT: "The proposal of the Department that limits the appealable amount of revenue from excluded residency costs insures a savings to the consumer, but does not correlate to the fact that there would be a reduction in the quality of care offered to the public."

RESPONSE: An educational program is a relatively expensive way to provide care. Beyond residents' salaries, there are faculty and administrative costs, as well as increased direct patient care costs due the relative inefficiency of residents in providing care. There is no reason patients' services cannot be maintained at a cost not exceeding the cost of residents.

COMMENTORS: Our Lady of Lourdes Medical Center, Robert Wood Johnson University Hospital

COMMENT: Indirect costs are associated with residency programs and support the program as a whole, not individual residents and, therefore, such costs should not be excluded from reimbursement. Our Lady of Lourdes further agrees that these costs do not vary with a 15 to 20 percent change in the number of residents.

RESPONSE: Under the New Jersey Hospital reimbursement system, indirect costs are defined as all costs not directly related to patient care. These costs include residents' salaries, fringe benefits, and malpractice costs, as well as costs associated with faculty salaries and supplies. A

decrease in even one resident does result in a cost decrease in the fringe benefits, salaries and supply costs for that resident. Removal of costs associated with faculty and administration would only be recommended to the extent that these costs could be reduced and still allow the remaining residency program to meet the ratios necessary to maintain accreditation.

COMMENTORS: New Jersey State Board of Medical Examiners, Health Insurance Association of America

COMMENT: We support the Department's proposed amendments as written.

RESPONSE: The Department agrees with this comment.

COMMENTOR: Hunterdon Medical Center

COMMENT: This commenter wished to know if it was correct to assume that residents do not have to meet the licensure requirement of successful completion of residency training.

RESPONSE: This assumption is correct.

COMMENTOR: New Jersey Hospital Association

COMMENT: The Department should allow any hospital which might move from a teaching peer group with a higher rate of reimbursement to a peer group with a lower rate of reimbursement as a result of these proposed amendments to appeal this peer group change.

RESPONSE: The proposed amendments allow hospitals to appeal for all costs necessary to maintain patient services up to the amount previously reimbursed for residency costs. This is a sufficient appeal mechanism to maintain quality of care and public access to services.

COMMENTORS: Robert Wood Johnson University Hospital, Our Lady of Lourdes Medical Center

COMMENT: Graduate Medical Education in New Jersey should have the potential to expand. Any freeze on program expansion will simply continue the decline of this State as a medical leader and also as a provider of quality hospital care to its citizens.

RESPONSE: At a time when the New Jersey State Department of Higher Education's Advisory Graduate Medical Education Council (AGMEC) is advising a 22 percent reduction in the number of residency positions over the next five years. The Department's proposed amendment to eliminate expansion beyond the current Statewide number is appropriate. Individual programs, as they relate to specialties in need of additional physicians, may expand as long as the expansion is matched by a reduction in oversupplied or unqualified programs. Further, based on the responses of a number of hospitals to these proposed amendments, it appears doubtful that New Jersey hospitals can maintain the number of residents now approved for reimbursement; any expansions of residency slots to unqualified residents does not improve the access of citizens to quality care. An expansion of unqualified residents would cause a decline in the medical leadership of the State.

COMMENTORS: Elizabeth General Medical Center, Our Lady of Lourdes Medical Center

COMMENT: Any reduction of residents in inner-city hospitals will jeopardize the competitive position of inner-city hospitals and negatively impact the populations served by these institutions.

RESPONSE: The Department of Health does not and will not encourage a policy of providing services to inner-city dwellers through use of unqualified residents and interns. The Department instead has provided an appeal mechanism to hospitals unable to recruit qualified residents to recoup reimbursement dollars needed to provide services to the population of their service areas.

COMMENTOR: New Jersey Medical Center

COMMENT: The Department is relying on a report by AGMEC which is only a draft report.

RESPONSE: The AGMEC report referred to by the Department is not a draft report. This report resulted from the work of an AGMEC task force which met from November 1985 through July 1986. The report of this task force was subject to public hearings held on September 3, 1986 and December 17, 1986. All New Jersey teaching hospitals were invited to both public hearings. At the end of the second public hearing, AGMEC met and formally adopted the report.

COMMENTOR: University of Medicine and Dentistry of New Jersey

COMMENT: "Clarification as to how the determination will be made that a hospital has a vacancy due to its inability to recruit residents would strengthen the criterion and prevent arbitrary decisions from being made."

RESPONSE: N.J.A.C. 8:31B-3.51(b)2i(4) is intended to set the standard rather than specify enforcement techniques. The Department's plans in this regard are to review the number of approved residency slots of any hospital which is reporting significantly fewer residents than are approved for reimbursement. If such a hospital cannot testify that these

vacancies are not the result of a failure to attract minimally qualified residents, the Department will remove reimbursement approval for the unfilled slots.

COMMENTOR: Elizabeth General Medical Center

COMMENT: "It is unreasonable to choose a fiscal year July 1, 1985 through June 30, 1986 as the appropriate year to determine the number of approved FTE residents without providing data as to the number of FTE's in that year compared to the number of FTE's in the base year of 1982.

RESPONSE: The Statewide number of residents approved for reimbursement in 1982 was 2,277.8. By 1985, the statewide number of residency slots approved for reimbursement through hospital rates was 2,500 (based on fiscal years 1982-83, 1984-85, and 1985-86), a 9.8 percent increase.

COMMENTORS: Raritan Bay Medical Center, New Jersey Hospital Association

COMMENTS: The proposed amendments do not include language specifying how new approved programs would be staffed. Would these programs be from vacant positions taken from other hospitals, as a result of these rules, or would positions be created in excess of the statewide freeze on positions?

RESPONSE: Any new positions would have to be a result of reduction in other positions: either voluntarily relinquished by other hospitals or denied for reimbursement as a result of these rules, (that is, an unqualified resident or unaccredited program). This approach is the only appropriate one at this time given that AGMEC has recommended a decrease in the number of residency slots.

COMMENTOR: Elizabeth General Medical Center

COMMENT: "It is unreasonable to publish regulations which will have the retrospective effect of denying previously approved revenue (direct or indirect) without dealing the specific methodology by which a hospital can calculate the specific effect upon its operation."

RESPONSE: The Department has no way of knowing how many residents any given hospital might lose as a result of these proposed amendments and, therefore, cannot predict the impact. Further, the proposed amendments are not retrospective, in any way. The Department is simply proposing that from this time forward, if a hospital can no longer recruit the approved number of qualified residents or maintain appropriate accreditation for its residency programs which were included in the 1982 base year costs, then these costs should be removed from those costs receiving reimbursement through patient rates.

COMMENTORS: Robert Wood Johnson University Hospital, Elizabeth General Medical Center, Jersey City Medical Center

COMMENT: Given the timetable for making commitments to residents, these amended rules are retrospective.

RESPONSE: The Department is willing to delay implementation of these amended rules until 1988.

COMMENTOR: Elizabeth General Medical Center

COMMENT: Attempting to regulate the practice of selecting residents by denying reimbursement to unqualified residents in unaccredited programs usurps management's authority.

RESPONSE: The Department's primary responsibility is to the citizens of New Jersey. While these proposed amendments may limit the action of hospital administrators, the Department does not believe that it is in the public interest to encourage, through reimbursement, hospitals to recruit unqualified residents to treat the state's citizens.

COMMENTOR: Robert Wood Johnson University Hospital

COMMENTS: The Department should only exclude direct costs associated with residents not meeting minimum requirements and these costs should be included during those years when the positions are filled again.

RESPONSE: It is assumed that the commentator is referring to the Federal definition of "direct costs" which under New Jersey's system are defined mainly as indirect costs. Using New Jersey's terminology, indirect costs include all the other costs associated with residents, such as their salaries and fringe benefits. It is appropriate to remove such indirect costs when the residency slot is no longer filled. At a time when cuts in the number of residency slots are being recommended and when other hospitals are expressing concern about the ability to start new programs, it is inappropriate to allow a hospital which cannot at this time attract sufficient numbers of qualified residents to retain permanent priority for these slots.

COMMENTOR: Hunterdon Medical Center

COMMENT: "(The Hospital is) concerned with exclusion of costs should a first year position not be filled. Does this mean that failure to fill results in an immediate loss of those positions for subsequent years?"

There are certain times where the Program Director might choose to leave that position unfilled rather than accept a less than desirable candidate. This is more apt to happen at an advanced level in the residency program than at the first-year level. At these advanced levels, vacancies are more apt to be related to a resident not doing an adequate job or leaving because of personal or family reasons. Such reasons would not be a reflection of quality. Would the program then be penalized for such actions by losing positions?

RESPONSE: The Department does not wish in any way to encourage hospitals to accept or keep residents which in their judgement do not meet appropriate standards. This comment suggests that there are several reasons why a hospital would have a decrease in the number of residents. The only reason which would result in a decrease in the number of residency slots approved for reimbursement would be if the reduction is due to an inability to recruit minimally qualified residents.

COMMENTOR: University of Medicine and Dentistry of New Jersey
COMMENT: "With regard to the requirement that costs be subtracted for 'residents in programs which have lost accreditation as defined in N.J.A.C. 8:31B-3.22(b)(7)'. Clarification is necessary to explain that, at times, accrediting bodies place programs on probation or disapproval, but allow and often encourage an appeal process during which period the program can still accept residents, and residents part-way through can complete their training.

RESPONSE: A program would not be considered to be non-accredited while an appeal process was in progress.

COMMENTOR: Raritan Bay Medical Center
COMMENT: "The Department is proposing to disallow costs associated with first-year residents that do not meet minimum accreditation criteria effective July 1, 1987. We feel that there should be a transitional period for this part of the regulation change."

RESPONSE: The Department will not implement this part of the regulatory change until 1988.

COMMENTORS: Raritan Bay Medical Center, Elizabeth General Medical Center, Jersey City Medical Center

COMMENT: Using various arguments, all these commenters felt that hospitals should be able to appeal for revenue lost due to a decline in the number of residents or residency programs under the accept option as opposed to the conditionally accept option. Raritan Bay Medical Center and Jersey City Medical Center argue that the proposed amendment would constitute a legal change and therefore should be appealable under the accept option.

RESPONSE: If the revenue lost through this change is none or minimal, any additional costs of maintaining patient services can be funded from the one percent increase in direct patient care costs. Should the appeal be more significant, it will require significant review. The intent of the accept option is to award one percent in consideration of the hospital's general acceptance of its rates and to recognize appeals for small amounts of revenues. Therefore, to allow hospitals to appeal any loss due to this proposed amendment under the accept option would violate that intent.

Regarding the "legal change" aspect of these comments, the Department does not recognize these changes as "legal changes". The specification of appeal option would supercede any interpretation of "legal change".

COMMENTOR: University of Medicine and Dentistry of New Jersey
COMMENT: The proposed rate change requires that in order for residents to be eligible for approval for reimbursement, they must have met all the minimum criteria established by the New Jersey State Board of Medical Examiners required for a New Jersey medical license, with the exception of specific requirements for graduate medical education. One of the criteria for licensure is successful completion of the National Board or FLEX examinations. Virtually no foreign medical graduates complete either at the start of their training, but rather take the examinations at the end of the first year of their training. The proposed amendment to N.J.A.C. 8:31B-3.22(b)6 should be modified to reflect this practice.

RESPONSE: After consultation with the New Jersey Board of Medical Examiners, the Department will modify the proposed amendment accordingly and eliminate the requirement that PGY1 residents from foreign medical schools have passed National Boards, and substitute the requirement that to be eligible for funding for PGY3 these residents must have passed the National Boards and FLEX examinations.

COMMENTOR: Monmouth Medical Center
COMMENT: While most foreign medical graduates who have been recruited have passed the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS), in some instances, individuals with older

credentials who hold an Educational Commission for Foreign Medical Graduates (ECFMG) certificate (prior to FMGEMS), may have been recruited for the 1987 fiscal year, since there was no prior existing requirement for FMGEMS per se. The specific FMGEMS requirement should, therefore, be delayed until 1988.

RESPONSE: The Department will change the proposed amendment to require passage of FMGEMS or ECFMG certification within three attempts for 1987 PGY1 residents and in 1988 will require passage of FMGEMS within three attempts in order to be eligible for reimbursement through the New Jersey Rate Setting system.

Full text of the adoption follows (additions to the proposal shown in boldface with asterisks *thus*; deletions from the proposal shown in brackets with asterisks *[thus]*).

8:31B-3.22 Standard costs per case

(a) (No change.)

(b) Classification of Teaching (Major, Minor) and Non-Teaching Hospitals.

1.-5. (No change.)

6. All residents initially employed as first year residents (PGY 1) by hospitals on July 1, 1987 or later must meet either criteria *(b)6*i. and ii., or criteria *(b)6*i. and iii. listed below, in order to be included among those residents used to determine teaching categories described in *(b)* 1 and 2 above:

i. Meet all the minimum criteria established by the New Jersey State Board of Medical Examiners required for a New Jersey medical license, with the *[exception]* *exceptions* of specific requirements for graduate medical education *and that, if necessary, foreign medical graduates will be allowed to take the National Boards at the end of their first postgraduate year, the National Boards must be passed before the beginning of PGY3 in order to be counted in such graduates' PGY3.*

ii. Graduation from a medical or osteopathic school accredited by the LCGME or the AOA.

iii. Graduation from a foreign medical school and passage of the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS) within three attempts. *For residents beginning PGY1 in July 1987 only, an Educational Commission for Foreign Medical Graduates (ECFMG) certificate may be substituted for FMGEMS.*

7. For all Graduate Medical Education programs which are subject to accreditation by the LCGME, or AOA or, in the case of dental residents, the American Dental Association, accreditation must be maintained for residents in these programs to be used in determining the teaching categories described in *(b)*1 and 2 above.

(c)-(d) (No change.)

8:31B-3.31 Commission adjustments and approvals

(a) (No change.)

(b) The Commission shall approve adjustments to hospitals' Schedules of Rates for 1986 and subsequent years as necessary to subtract approved indirect costs associated with residents in excess of the number of residents approved by the Commission for reimbursement for the 12-month period beginning July 1, 1985. The Commission shall also approve adjustments to hospitals' Schedules of Rates for *[1987]* *1988* and subsequent years as necessary to subtract approved costs associated with residents not meeting the minimum requirements as defined in N.J.A.C. 8:31B-3.22(b)6 and for any costs associated with residents in programs which have lost accreditation as defined in N.J.A.C. 8:31B-3.22(b)7 and for any costs associated with previously approved but now vacant residency positions which are unfilled as a result of a hospital's inability to recruit residents meeting these minimum standards. This adjustment will be effective *[July 1, 1987]* *January 1, 1988*. These costs shall include, but not be limited to, resident salaries and fringes, faculty salaries, malpractice and supplies.

(c)-(d) (No change.)

8:31B-3.51 Notification appeal and review

(a) (No change.)

(b) Notification by hospitals: Within 45 working days of receipt of the Proposed Schedule of Rates issued pursuant to N.J.A.C. 8:31B-3.2 through 3.15, hospitals shall notify both the Commissioner and the Commission, in writing, of their decision to:

1. (No change.)

2. Conditionally accept the Certified Revenue Base: Conditional acceptance is contingent upon approval by the Commission of the Schedule of Rates. Subject to approval, conditional acceptance waives the right of the hospital to appeals set forth under N.J.A.C. 8:31B-3.53 through 3.54. Following Commission approval, rates conditionally accepted shall

be implemented as set forth in N.J.A.C. 8:31B-3.42 through 3.45. A hospital with an overall direct patient care disincentive will be required to present to the Hospital Rate Setting Commission a proposal to reduce its rates and have the Commission approve this proposal prior to the hospital being allowed to conditionally accept the Certified Revenue Base. The reduction in its rates will reflect the hospital's plans to eliminate inefficiencies. Rates conditionally accepted shall not include the additional one percent of all direct patient care costs. In evaluating appeals brought under this section the Commission shall consider the relative efficiency of the hospital in the Current Cost Base year, and the degree to which cost increases between the Current Cost Base and rate years in excess of the Economic Factor can reasonably be attributed to the expansion of teaching activities, considering the specific teaching programs involved and the cost centers they affect. The Commission shall also give consideration to the special needs of hospitals operated by medical schools. Hospitals may appeal the following items:

i. Changes in Scope of Teaching which is defined as:

(1)-(2) (No change.)

(3) An increase in the number of LCGME or AOA accredited residencies with at least five FTE residents participating in each additional program; or

(4) The case where a hospital has had its number of approved residency positions reduced as a result of its inability to hire residents meeting the criteria specified in N.J.A.C. 8:31B-3.22(b)6 and the hospital can demonstrate that a decline in the services needed by the area population will occur as the result of such reductions. In this case the hospital must present a plan to sustain the needed services and may appeal for the revenue necessary to implement the plan. In no case may the amount of revenue appealed for or the amount of revenue approved by the Hospital Rate Setting Commission exceed the amount of excluded costs due to a decrease in the number of approved residency positions.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Administration Manual and Other Manuals Listed Below

Timely Claim Submission

Adopted Amendments: N.J.A.C. 10:50-2.1;

10:51-2.1, 2.6, 2.8, 2.9, 5.1, 5.6, 5.9, 5.15, 5.17, 5.18, 5.19, 5.21, 5.26, 5.29, 5.30, 5.31 and 5.32;
10:54-2.3 and 2.5; 10:55-2.1; 10:56-2.3; 10:57-2.1;
10:58-2.1; 10:59-2.1; 10:60-3.1; 10:62-3.1;
10:63-2.6; 10:64-2.1 and 2.6; 10:65-2.1; 10:66-2.1;
10:67-2.1; 10:68-2.1

Adopted Repeal: N.J.A.C. 10:52-2.11

Adopted New Rules: N.J.A.C. 10:51-5.22 and Exhibit I; 10:56-2.2 and 2.4; 10:60-3.2, Exhibit II and Exhibit IV; 10:62-3.2; 10:64-2.3

Adopted Repeals and New Rules: N.J.A.C.

10:49-1.12; 10:50-2.2; 10:51-2.2; 10:52-2.1 and 2.2;
10:53-2.1 and 2.2; 10:54-2.1; 10:55-2.2; 10:56-2.1
and Exhibit I; 10:57-2.2; 10:58-2.2; 10:59-2.2;
10:61-2.1 and 2.2; 10:63-2.7; 10:65-2.2; 10:66-2.2;
10:67-2.2; 10:68-2.2

Proposed: July 6, 1987 at 19 N.J.R. 1155(a).

Adopted: September 11, 1987, by Drew Altman, Commissioner, Department of Human Services.

Filed: September 14, 1987 as R.1987 d.408, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 30:4D-6a(1)(2)(3)(4)(a), (5)b(1) through (16), 30:4D-7, a, b, c; 30:4D-12 and 24; 42 CFR 447.45(d).

Effective Date: October 5, 1987.

Expiration Dates:

MANUAL CITATION	EXPIRATION DATE
N.J.A.C. 10:49	August 12, 1990
N.J.A.C. 10:50	March 3, 1991
N.J.A.C. 10:51	October 28, 1990
N.J.A.C. 10:52	February 19, 1990
N.J.A.C. 10:53	April 29, 1990
N.J.A.C. 10:54	March 3, 1991
N.J.A.C. 10:55	March 11, 1990
N.J.A.C. 10:56	August 26, 1991
N.J.A.C. 10:57, 10:58, 10:59, 10:61, 10:62, 10:64 and 10:67	March 3, 1991
N.J.A.C. 10:60	August 27, 1990
N.J.A.C. 10:63	November 29, 1989
N.J.A.C. 10:65	November 5, 1989
N.J.A.C. 10:66	December 15, 1988
N.J.A.C. 10:68	July 7, 1991

Summary of Public Comments and Agency Responses:

No comments received.

Summary of Changes Between Proposal and Adoption:

The Division is adding additional language in N.J.A.C. 10:49-1.12 to indicate that long term care facilities (LTCFs) will be considered "institutional providers" for purposes of claim submittal, and that LTCFs will submit their claims to the Bureau of Claims and Accounts within the Division of Medical Assistance and Health Services. This is the current system of claim submittal for LTCFs. The time frame for claim submittal (for LTCFs) remains the same as presented in the proposal. Therefore, these changes are non-substantive in nature.

In addition, note that proposed amendments to N.J.A.C. 10:64-2.1, 2.5 and 2.6, are published elsewhere in this issue of the New Jersey Register.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

10:49-1.12 Timeliness of claim submission and claim inquiry

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

1. ***It is the responsibility of a long-term care provider to submit a claim to the Bureau of Claims and Accounts in the Division of Medical Assistance and Health Services in conformance with the time frames as indicated in this section.*** It is the responsibility of *[the]* ***all other*** provider*s* to submit a claim, make a follow-up inquiry, or supply information to the ***appropriate*** Fiscal Agent, in conformance with the time frames as indicated in this section.

i. A claim will not be reimbursed if submitted outside the prescribed time frame. This policy also applies to inquiries concerning a claim or claim related information supplied outside the prescribed time frames.

(b) The policy for submitting an institutional claim is as follows:

1. An institutional claim is a claim submitted by a hospital, a special hospital *[or]* ***a home health agency *or a long-term care facility***.

2. A claim for payment of an institutional service rendered to a Medicaid-eligible individual must be submitted to the appropriate Fiscal Agent, either Blue Cross and Blue Shield of New Jersey, Inc., or The Prudential Insurance Company of America, within:

i. One year of the date of discharge on an inpatient hospital claim; or

ii. One year of the date of service entered on an outpatient hospital claim or home health claim; or

iii. One year of the earliest date of service entered on an outpatient hospital claim or home health claim, if the claim carries more than one date of service.

3. All claims for services performed in skilled nursing facilities, intermediate care facilities, ICFs/MR and State and county psychiatric hospitals must be received by the Division of Medical Assistance and Health Services no later than:

i. Six months from the last day of the billing month in which services were initially provided; or

ii. Six months from the last day of the billing month in which an improperly submitted claim was rejected; but

iii. Never later than 11 months from the last day of the billing month in which services were initially provided.

(c) The policy for submitting a noninstitutional claim is as follows:

1. A noninstitutional claim is a claim submitted by all providers except a hospital, a special hospital, a home health agency or a long-term care facility.

2. A claim for payment of a noninstitutional service (excluding a pharmaceutical service) provided to a Medicaid-eligible individual must be submitted to the Fiscal Agent, The Prudential Insurance Company of America, within:

i. One year of the date of service; or

ii. One year of the earliest date of service entered on the claim form if the claim carries more than one date of service.

3. A claim for payment of a pharmaceutical service provided to a Medicaid-eligible individual must be submitted to the Fiscal Agent, Blue Cross and Blue Shield of New Jersey, Inc., within 180 days of the dispensing date.

(d) The policy for a claim that requires follow-up information is as follows:

1. A provider may inquire about a claim that has been paid or denied but must make the inquiry within 90 days of the date of adjudication as indicated on the Statement of Payment Voucher.

2. A provider may inquire about the status of a claim for which neither payment nor denial has been received. The inquiry may be made at any time after the claim is submitted, but not more than 90 days after the end of the timely submission period.

3. If additional information is required in order to process a claim, the provider should supply the information as soon as possible, but not more than 90 days after the end of the timely submission period.

CHAPTER 50 TRANSPORTATION SERVICES MANUAL

10:50-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information for the submission of a claim. Included is a sample claim form approved for use in submitting bills for covered services, and appropriate instructions for the proper completion of the form.

10:50-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 51 PHARMACY MANUAL

10:51-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information for the submission of pharmacy claims for Medicaid-eligible individuals. (See N.J.A.C. 10:51-3 for specific information on submitting claims for patients in a long-term care facility.) Included is a sample claim form approved for use in submitting bills for covered items or services and appropriate instructions for the proper completion of the claim form.

10:51-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

10:51-2.6 Instructions for completion of "Prescription Claim Form" (MC-6)

(a) A properly completed "Prescription Claim Form" (MC-6) must be submitted within the time frames specified in N.J.A.C. 10:49-1.12.

(b) The tissue copy of the claim form should be detached after the completion and retained as your record of the claim submitted to Blue Cross and Blue Shield of New Jersey, Inc. Please keep tissue copies in claim number order for quick referral.

(c) Claims must be mailed as follows.

1. All pharmacy providers in the State of New Jersey must submit Medicaid pharmacy prescription claim forms for processing to:

Blue Cross and Blue Shield of New Jersey, Inc.

P.O. Box 900

Newark, New Jersey 07101

2. (No change.)

3. Out-of-State pharmacy providers must submit Medicaid pharmacy prescription claim forms for processing to:

New Jersey Health Services Program

(Blue Cross and Blue Shield of New Jersey, Inc.)

P.O. Box 549

Newark, New Jersey 07101

(d) See Exhibit I at the end of this chapter, N.J.A.C. 10:51, for a copy of the "Prescription Claim Form" (MC-6) and the instructions for the proper completion of the form.

10:51-2.8 Claim Return Statement (Form FD-237)

(a)-(b) (No change.)

(c) A "Claim Return Statement" should be completed as soon as possible and submitted to Blue Cross and Blue Shield of New Jersey, Inc.; however, the time limitation for responding to the Fiscal Agent's inquiries will apply (see N.J.A.C. 10:49-1.12).

(d) Questions regarding the proper completion of the Claim Return Statement are to be directed to Blue Cross and Blue Shield of New Jersey, Inc., P.O. Box 549, Newark, New Jersey 07101, Attention: Claim Return Statements or call toll free (800) 242-0809 between 8:30 A.M. and 4:15 P.M. (Monday through Friday, except holidays).

(e)-(f) (No change.)

(g) Claim Return Statements must be mailed to:

New Jersey Health Services Program

Blue Cross and Blue Shield of New Jersey, Inc.

P.O. Box 549

Newark, New Jersey 07101

Attention: Claim Return Statement

10:51-2.9 Adjustment Request Form (FD-238)

(a) (No change.)

(b) Time limitation: Adjustment requests for all claims must be submitted to Blue Cross and Blue Shield of New Jersey, Inc., within the time frames specified in N.J.A.C. 10:49-1.12.

(c)-(f) (No change.)

(g) Mailing instructions:

1. The Adjustment Request Form consists of two parts; the copy indicated as the "Action Copy" is to be mailed to:

New Jersey Health Services Program

Blue Cross and Blue Shield of New Jersey, Inc.

P.O. Box 549

Newark, New Jersey 07101

2. (No change.)

10:51-5.1 Covered pharmaceutical services

(a) (No change.)

(b) All services in (a) above must be provided within the scope of the program policies and procedures and billed to the New Jersey Health Services Program (Blue Cross and Blue Shield of New Jersey, Inc.) on the "Prescription Claim Form" (MC-6), or by other approved billing methods.

10:51-5.6 Eligible PAAD beneficiary

(a) An eligible beneficiary is a permanent resident of the State of New Jersey, 65 years of age or older or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits with an annual income less than \$13,250 for a single person and less than \$16,250 in combined income for a married couple, and who possesses a current valid eligibility identification card (see N.J.A.C. 10:51-5.23).

1. Benefits are not payable in Long-Term Care Facilities (SNF, ICF), Hospitals or Special Hospitals by the PAAD Program during any period patients are covered for drug benefits by Medicaid, Medicare, Blue Cross and Blue Shield of New Jersey, Inc., or other insurance benefits or if such benefits are covered in the daily rate of the facility.

(b) (No change.)

10:51-5.9 Prescription drug policies

(a) The choice of prescription drugs, insulin, insulin syringes, needles and/or certain diabetic testing materials shall be at the discretion of the prescriber within limits of applicable laws and as listed herein.

1. (No change.)

(b)-(d) (No change.)

10:51-5.15 Prescription refill

(a) The pharmacist must initiate, complete and submit a "Prescription Claim Form" (MC-6) to Blue Cross and Blue Shield of New Jersey, Inc. for payment of an allowable refill.

(b) For noninstitutionalized PAAD beneficiaries the following instructions apply for allowable refills:

1.-2. (No change.)

3. Prescription refills shall not be dispensed until a reasonable quantity (approximately 75 percent) of the medication originally dispensed or refilled could have been consumed in accordance with the practitioner's written directions for use.

i. Exception: When medication has been destroyed (for example, broken container) the pharmacist may refill the prescription, but a note of explanation for the early refill must be stapled to the "Prescription Claim Form" (MC-6).

4. (No change.)

(c) For institutionalized PAAD beneficiaries, since refill instructions are not normally given on medication order sheets in Long-Term Facilities (SNF, ICF), Hospitals or Special Hospitals and stop order policies exist, an order for continuation of medication shall be deemed a new prescription for the purpose of reimbursement. Refills will not be allowed. A new written prescription and prescription number are required. Exception: When medication has been destroyed (for example, broken container) the pharmacist may refill the prescription, but a note of explanation must be stapled to the "Prescription Claim Form" (MC-6).

10:51-5.16 Pharmaceutical services not eligible for payment

(a) The following classes of prescription drugs will not be honored for payment:

1.-9. (No change.)

10. "Less than effective drugs" subject to a Notice of Opportunity for Hearing (NOOH) by the Federal Drug Administration (FDA).

i.-ii. (No change.)

iii. The initial list of drugs and related drug products classified as "less than effective" by the FDA pending outcome of the NOOH appears at 21 CFR 301.6. Subsequent revisions to this list which are adopted and incorporated by references hereby, will appear in the Federal Register. Payment will be governed by the regulation as cited in (a)10 above.

(b) (No change.)

10:51-5.17 Payment regulations for prescribed drugs

(a) Payment will be made to participating pharmacies for reimbursable drug products dispensed within Program limits to eligible recipients, by Blue Cross and Blue Shield of New Jersey, Inc. on behalf of the New Jersey Medicaid Program, only under the following conditions:

1. Upon receipt of a properly completed "Prescription Claim Form" (MC-6) or other approved hard copy, as shown in N.J.A.C. 10:51-2. The claim form may be completed manually or by computer, but only one prescription may be billed for on each claim form; or

2. (No change.)

10:51-5.18 Legend drugs

(a) (No change.)

(b) Maximum cost for each eligible prescription claim not covered by (a)1 above shall be subject to fiscal conditions based upon six categories, (b)2 through 7 below, as determined by the Division, based on the previous year's total prescription volume for each participating pharmacy. The categories shall be reviewed annually and adjusted as appropriate.

1.-6. (No change.)

7. Category VI: Pharmacies whose total prescription volume in the preceding calendar year was 50,000 prescriptions or more.

i. Pharmacy providers in this category shall receive reimbursement for Medicaid prescription claims for legend drugs, at average wholesale prices (AWP), as defined in (a)ii above, less six percent, as the maximum.

(1) The appropriate calculated discount will be automatically deducted (by Blue Cross and Blue Shield of New Jersey, Inc.) from each eligible legend drug claim during the claim processing procedure.

(c)-(d) (No change.)

10:51-5.19 Compounded prescriptions

(a) Any prescription containing two or more ingredients, one of which must be legend drug, in usually accepted therapeutic dosage and mixed by the pharmacist at the time of dispensing is a compounded prescription.

1. The ingredient "cost" of a compounded prescription is the sum of the cost of all the ingredients, as defined in N.J.A.C. 10:51-5.18(b).

i. (No change.)

2.-4. (No change.)

10:51-5.21 General billing procedures

(a) A claim is a bill which indicates a request for payment for a PAAD-reimbursable service provided to an eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) N.J.A.C. 10:51-5.22 through 5.25 contain basic information for the proper completion and submission of pharmacy claims for PAAD eligible beneficiaries. Included is a facsimile claim form approved for use in submitting bills for covered items or services and appropriate instructions for proper completion of the claim form.

10:54-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

10:51-5.23 through 10:51-5.25 (No change in text.)

10:51-5.26 Instructions for completion of Prescription Claim Form (MC-6)

(a) A properly completed "Prescription Claim Form" (MC-6) must be submitted within the time frames specified in N.J.A.C. 10:49-1.12.

(b) The tissue copy of the claim form should be detached after completion and retained as the record of the claim submitted to Blue Cross and Blue Shield of New Jersey, Inc.. Please keep tissues in claim number order for quick referral.

(c) Claims must be mailed as follows.

1. All pharmacy providers in the State of New Jersey must submit Medicaid pharmacy prescription claim forms for processing to:

Blue Cross and Blue Shield of New Jersey, Inc.

P.O. Box 900

Newark, New Jersey 07101

i. When reordering mailing envelopes, please specify P.O. Box 900, Newark, New Jersey 07101 address.

2. Tape claims.

i. All pharmacy providers submitting PAAD claims by tape, must submit their claims for processing within the time frames specified in N.J.A.C. 10:49-1.12.

3. (No change.)

(d) See Exhibit I at the end of this chapter, N.J.A.C. 10:51, for a copy of the "Prescription Claim Form" (MC-6) and the instructions for the proper completion of the form.

(e) All claims must be submitted within the time frames specified in N.J.A.C. 10:49-1.12.

1.-2. (No change.)

10:51-5.27 (No change in text.)

10:51-5.28 (No change in text.)

10:51-5.29 Claim Return Statement (Form FD-237)

(a)-(b) (No change in text.)

(c) Claim Return Statements should be completed as soon as possible and submitted to Blue Cross and Blue Shield of New Jersey, Inc.; however, the time limitation for responding to the Fiscal Agent's inquiries will apply (see N.J.A.C. 10:49-1.12).

(d) Questions regarding the proper completion of the Claim Return Statement are to be directed to Blue Cross and Blue Shield of New Jersey, Inc., P.O. Box 549, Newark, New Jersey 07101, Attention: Claim Return Statements, or call toll free (800) 242-0809 between 8:15 A.M. and 4:15 P.M. (Monday through Friday, except holidays).

(e) For further instructions for completion of the Claim Return Statement see N.J.A.C. 10:51-2, Billing Procedures (N.J.A.C. 10:51-2.8, Claim Return Statement).

10:51-5.30 Adjustment Request Form (FD-238)

(a) (No change.)

(b) Time limitation: Adjustment requests for all claims must be submitted to Blue Cross and Blue Shield of New Jersey, Inc. within the time frame specified in N.J.A.C. 10:49-1.12.

(c) (No change.)

10:51-5.31 Follow-up claims investigation procedure

(a) The following claims investigation procedure is to be used when:

1.-2. (No change.)

3. For further instructions on the procedure to follow when the conditions exist in either (a)1 or (a)2 above, see N.J.A.C. 10:51-2, Billing Procedures (N.J.A.C. 10:51-2.10, Follow-up claims investigation procedure).

10:51-5.32 Tape-to-tape claims and computer generated hard copy claims

(a) (No change.)

(b) Providers may contact the following office for complete details and explanation of requirements for such methods of claim submission:

Technical Services Operations
Blue Cross and Blue Shield of New Jersey, Inc.
33 Washington Street
Newark, New Jersey 07102
(201) 456-2937
(c) (No change.)

10:51-5.33 (Reserved)

SUBCHAPTER 6. (RESERVED)

EXHIBIT I

This Exhibit includes instructions for the completion of the "Prescription Claim Form" (MC-6) used for both the New Jersey Medicaid Program eligible individuals and the Pharmaceutical Assistance to the Aged and Disabled beneficiaries.

Item 1: Case number: Enter the 10-digit number that identifies:

- (a) The Medicaid-eligible individual who is assigned a New Jersey Medicaid Program Validation of Eligibility Form, or
- (b) The Pharmaceutical Assistance to the Aged and Disabled (PAAD) beneficiary who is assigned a PAAD Plastic Pharmacy Card or a PAAD Temporary Validation Identification Letter.

Item 2: Patient's First Name:

- (a) For Medicaid-eligible individuals, enter patient's first name as shown on the Validation of Eligibility Form.
- (b) For PAAD beneficiaries, enter patient's first name as shown on the PAAD Plastic Pharmacy Card or PAAD Temporary Validation Identification Letter.

Item 3: Date of Birth:

- (a) For Medicaid-eligible individuals, enter the date of birth.
- (b) For PAAD beneficiaries, enter the expiration date of the benefit period as shown on the PAAD Plastic Pharmacy Card or Temporary Validation Identification Letter. Do not use birthdate.

Item 4: Person No.:

- (a) For Medicaid-eligible individuals, enter the person number for whom the prescription is being filled.
- (b) For PAAD beneficiaries, enter 01.

Item 5: Case Name:

- (a) For Medicaid-eligible individuals, enter the last name of the "head of family".
- (b) For PAAD beneficiaries, enter the patient's last name.

Item 6: Signature of Patient or Representative: See N.J.A.C. 10:49-1.26, Patient certification.

Item 7: Is Patient in a Long-Term Care Facility: Either "yes" or "no" must be checked. Refer to N.J.A.C. 10:51-3, "Pharmaceutical Services for Recipients in Medicaid Approved Long-Term Care Facilities," for further information regarding procedures when patient is in a long-term care facility.

Item 8: Signature of Pharmacist.

Item 9: Prescriber's Name and Degree—Print prescriber's first initial, last name and degree (M.D., O.D., D.D.S., podiatrist, etc.). If prescriber is non-participating, enter his/her name. If prescriber practices solely in a hospital, enter the name of the hospital.

Item 10: Pharmacy Number: Enter pharmacy identification number.

Item 11: Name and Address of Pharmacy: Enter name and address of the pharmacy.

Item 12: Date Dispensed: Enter month, day and year drug was dispensed.

Item 13: Rx Number: Enter a valid prescription number to identify the prescription. If the claim represents a refill, use the original prescription number according to your files.

Item 14: National Drug Code (NDC): Enter the NDC of the drug which may be obtained from the package label (if available). If the NDC is not available, provide complete drug information on Item 17 and leave the NDC area blank.

When entering NDC's on the claim form, providers should transfer them exactly as they appear on the package label.

Example: Nalfon Pulvules 300 mg. (Dista) 60's. NDC appears on package label as: NDC 777-0877-60. Enter this NDC on the claim form as such: ///7/7/7/-/0/8/7/7/-/6/0/.

Example: Naprosyn Tablets 250 mg. (Syntex) 100's. NDC appears on package label as: NDC 18393-272-42. Enter this NDC on the claim form as such: /1/8/3/9/3/-/2/7/2/-/4/2/.

For the convenience of providers, the most frequently used products have been assigned an abbreviated three digit code which will lessen the possibility of errors for these products in NDC transcription. When entering the abbreviated code, use the last three positions of the NDC field.

Example: Valium 5 mg. Tablets are labelled with NDC 00140-0005-01 and has been assigned the Abbreviated Drug Code of 962. Enter 962 on the claim form in the last three positions of the NDC field on such: /////-///9/-/6/2/.

The Abbreviated Drug Code is not applicable to tape claims.

Item 15: Metric Quantity: Enter quantity dispensed according to the following:

Metric quantities dispensed of those injectable products normally reconstituted by physician, nurse, etc., subsequent to dispensing, bulk irrigation or I.V. solution and prefilled syringes (ex. Tubex products), should be reported on claim form MC-6 as total number of full ampoules, vials, or bottles dispensed. Enter the NDC from the package label.

Example: Report three vials of Polycillin-N Injection as three in metric quantity field.

Example: Report of six bottles of Normal Saline sterile solution for Irrigation, 1000cc each as six in metric quantity field.

Metric quantities dispensed of all other legend drugs should be reported on claim form MC-6 as total number of cc, grams, tablets, capsules, etc. Enter the NDC from the product package label.

When reporting metric quantities, providers should interpret metric quantity equivalents as such. (Use of this reporting procedure will afford proper cost payment of all quantities dispensed, as reimbursement rates have been predicated on this procedure.):

Apothecary Quantities of:	Which Are Equivalent to Labeled Metric Quantities of:	Should be Reported as Metric Quantity of:
½ oz.	14.2 gm or cc	15
4 oz.	118.5 gm or cc	120
1 oz.	28.4 gm or cc	30
16 oz.	473 gm or cc	480
8 oz.	237 gm or cc	240
2 oz.	56.8 gm or cc	60
2 x ½ oz.	2 tubes, 15 gm each	30
2 x 1 oz.	2 tubes, 28.4 gm each	60
1½ oz.	42.6 gm or cc	45

In order to assure the correct reporting of the cancer chemotherapy injectable drugs and obtain proper payment a list of the most commonly dispensed drugs is provided. The list is not all inclusive. There may be other reimbursable chemotherapy injectable drugs that do not appear on this list. Cancer chemotherapy injectable drugs do not require prior authorization. To insure complete and proper payment for all eligible quantities of these drugs dispensed, complete the claim form MC-6. Report only the total number of vials dispensed or the total number of cc's dispensed, in accordance with the following guide:

DESCRIPTION	REPORT QUANTITIES DISPENSED ON AS
Adriamycin Injection 10 mg.	Total number of vials
Adriamycin Injection 50 mg.	Total number of vials
Adrucil Injection 500 mg	Total number of vials
BICNU Injection	Total number of vials
Blenoxane Injection 15 units	Total number of vials
Cerubidine Injection 20 mg	Total number of vials
Cosmegen Injection 0.5 mg	Total number of cc
Cytosar-U Injection 100 mg	Total number of vials
Cytosar-U Injection 500 mg	Total number of vials
Cytosan Injection 100 mg	Total number of vials
Cytosan Injection 200 mg	Total number of vials
Cytosan Injection 500 mg	Total number of vials
Drolban Injection	Total number of cc
DTIC-Dome Injection 100 mg	Total number of vials
DTIC-Dome Injection 200 mg	Total number of vials
Elspar Injection 10,000 Units	Total number of vials
Fluorouracil Injection 500 mg	Total number of cc
FUDR Injection 500 mg	Total number of vials
Methotrexate Inj. 2.5 mg/2cc	Total number of cc
Methotrexate Inj. 20 mg/vial	Total number of vials
Methotrexate Inj. 25 mg/2cc	Total number of cc
Methotrexate Inj. 50 mg/vial	Total number of vials

Methotrexate Inj. 50 mg/2cc	Total number of cc
Methotrexate Inj. 100 mg/vial	Total number of vials
Methotrexate Inj. 100 mg/4cc	Total number of cc
Methotrexate Inj. 200 mg/8cc	Total number of cc
Mexate Inj. 20 mg/vial	Total number of vials
Mexate Inj. 50 mg/vial	Total number of vials
Mexate Inj. 100 mg/vial	Total number of vials
Mithracin Inj. 2500 mcg/vial	Total number of vials
Mustargen Injection	Total number of vials
Mutamycin Inj. 5 mg/vial	Total number of vials
Oncovin Inj. 1 mg/vial	Total number of vials
Oncovin Inj. 5 mg/vial	Total number of vials
Platinol Inj. 10 mg/vial	Total number of vials
Teslac Injection	Total number of cc
Thiotepa Inj. 15 mg/vial	Total number of vials
Velban Inj. 10 mg/vial	Total number of vials

Item 16: Days' Supply: Calculate days' supply from the prescriber's directions and the quantity dispensed. Enter N/A (not applicable) when it is not possible to calculate days' supply. (See "Dosage and Directions" in N.J.A.C. 10:51-1.8 or 5.11).

Item 17: If no code, give product name, dosage form and strength: Complete only if NDC number is not available, or if there is any question of NDC validity. Complete all areas of product identification.

Item 18: Check Appropriate Box:

(a) For Medicaid-eligible individuals, check if prior authorized services, medical certification, or both and authorization number as explained in N.J.A.C. 10:51-1.13 "Services requiring prior authorization" and N.J.A.C. 10:51-1.6 "Prescription Drug Policies".

Services requiring prior authorization should not be provided until the authorization is received. If the prescriber has not requested prior authorization, it may be obtained from the Medicaid District Office. (See N.J.A.C. 10:49-1 Appendix A—Directory of Medicaid District Offices). When submitting claims for payment, make certain that the appropriate box on the claim form is checked off and the prior authorization number is inserted. Prior authorization is approval to dispense a specific drug and is no guarantee that an individual is eligible for services.

(b) For PAAD beneficiaries, check medical certification as explained in N.J.A.C. 10:51-5.9 "Prescription Drug Policies". Prior authorization is not required for the PAAD Programs.

Complete this section of the form as follows:

If no prior authorization is required, leave the box blank;

If prior authorization is required and exists, check the prior authorization box and indicate the prior authorization number;

If medical certification exists, check the "medical certification" box;

If prior authorization and medical certification exist, check the box entitled "Both" and indicate the authorization number.

Item 19: Other Insurance: Check appropriate box to indicate whether the patient has other Health Insurance Coverage.

Item 20: Prescriber's Individual Medicaid Practitioner's (IMP) Number: Obtain this number from the IMP Number Directory. If the prescriber is not a Medicaid participating physician, print "non-par" in this area. If the prescriber practices solely in a hospital, fill this field with all 9's. For pharmacy providers calling from New Jersey, the toll free telephone number for assistance in obtaining IMP numbers is 800-582-7052. For pharmacy providers calling from out-of-State, the telephone number for assistance in obtaining IMP numbers is 609-293-2000. Not required for the PAAD Program. Enter non-par in the field.

Item 21: Check if Compound Rx: Check this box only if the prescription was compounded and write the ingredients and their quantities on the reverse side of the claim form. (Fold the tissue and carbon aside before writing on back of claim.) Leave NDC area blank. Do not write "compound" in the NDC area. Do not enter multiple NDC's in that field to describe a compound.

Item 22: Charge: Enter the usual and customary charge.

Example: enter charge of \$11.79 as 01179.

Example: enter charge of \$110.65 as 11065.

NOTE: The program now accepts up to five digits in the "charge field" (billed amount in the top right hand corner of claim). Providers using old style imprinters which imprints digits representing "date billed", number of refills, and a four digit charge, must leave indicator keys representing "date billed" (red key) and number of refills (white key) set at 0. Only when the charge exceeds \$99.99 should the white key be utilized for indicating the charge.

NOTE: For the PAAD Program, the \$2.00 co-payment will automatically be deducted for each prescription claim in the reimbursement processing procedure.

Item 23: Defined Cost; Dispensing Fee; Total Rx Charge; and Nonlegend Drug Charge; Self-explanatory.

CHAPTER 52 MANUAL FOR HOSPITAL SERVICES

10:52-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the proper completion and submission of a claim.

10:52-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

10:52-2.11 (Reserved)

CHAPTER 53 MANUALS FOR SPECIAL HOSPITALS

10:52-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the proper completion and submission of a claim.

10:52-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 54 MANUAL FOR PHYSICIAN SERVICES

10:54-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the proper completion and submission of a claim.

10:54-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

10:54-2.3 Prior authorization

(a) Items or services requiring prior authorization should not be provided until the authorization is received. When submitting claims for payment make certain all authorizations have been properly signed and are attached.

(b) Prior authorization is no guarantee that an individual is eligible for services.

10:54-2.5 Health Insurance Claim Form

(a) The physician must use the "Health Insurance Claim Form" (1500-N.J.) when submitting a claim for services provided.

(b) Any laboratory services provided by the physician or practitioner to his/her own patient in his/her own office should be billed on the Health Insurance Claim Form (1500 N.J.). However, every laboratory service provided by an independent laboratory must be billed directly to the Program by the laboratory and not by the physician or practitioner.

CHAPTER 55 PROSTHETIC AND ORTHOTIC SERVICES MANUAL

10:55-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) Claims should be submitted for payment of new appliances (including shoes) following delivery to and acceptance of the completed appliance(s) by the recipient.

(c) Where repair and/or replacement of parts are involved, the following criteria apply:

1. Claims of \$100.00 or less require no prior authorization and should be submitted for payment to the Fiscal Agent with the physician's prescription attached.

2. Except in emergencies (see N.J.A.C. 10:55-1.6), claims in excess of \$100.00 require prior authorization and should be submitted for payment following completion of the authorized repairs and/or replacement of parts and delivery to and acceptance of the repaired appliance(s) by the recipient.

10:54-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 56
MANUAL FOR DENTAL SERVICES

10:56-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the proper completion and submission of a claim.

10:54-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

10:56-2.3 Dental Services Claim form (MC-10)

(a) "Dental Services Claim" form (MC-10) must be used for recording proposed treatment and also for billing of treatment rendered. See Exhibit I at the end of this chapter, N.J.A.C. 10:56, for a copy of the "Dental Services Claim" form (MC-10) and the instructions for the proper completion of the form.

(b)-(d) (No change.)

(e) Rules for payment are as follows.

1. Routine dental services:

i. After the routine dental services are completed, the patient (or his/her authorized representative) shall sign the dental form MC-10, item 22. The provider shall personally sign and date the dental form MC-10, item 23.

ii. The top copy (Fiscal Agent) of the "Dental Services Claim" form (MC-10) shall be forwarded to:

The Prudential Insurance Company of America
Medicaid Claims Division II
P.O. Box 1900
Millville, New Jersey 08332

(1) The second copy (Provider) should be retained by the provider.

iii. Request for payment must be submitted within the time frames specified in N.J.A.C. 10:49-1.12.

2. Authorized treatment plans:

i. After previously authorized treatment plans are completed, the patient (or his/her authorized representative) shall sign the dental form MC-10, item 22. The provider shall personally sign and date the dental form MC-10, item 23.

ii. The top copy (Fiscal Agent) of the "Dental Services Claim" form (MC-10) shall be forwarded to:

The Prudential Insurance Company of America
Medicaid Claims Division II
P.O. Box 1900
Millville, New Jersey 08332

(1) The second copy (Provider) should be retained by the provider.

iii. Request for payment must be submitted within the time frames specified in N.J.A.C. 10:49-1.12.

(1) (No change.)

3. Orthodontic treatment:

i. Following utilization of the Handicapping Malocclusion Assessment system, when the malocclusion does not meet the minimum number of points, the practitioner should not proceed with the diagnostic work-up but shall bill for the Assessment Examination only by submitting the Fiscal Agent copy of a

The Prudential Insurance Company of America
Medicaid Claims Division II
P.O. Box 1900
Millville, New Jersey 08332

using the appropriate code for the assessment examination. A copy of the Assessment Record Form (FD-10) shall accompany this submission (limitation—see N.J.A.C. 10:56-1.14(a)4i).

ii. If the malocclusion meets or exceeds the minimum number of assessment points but the case does not fall within the parameters that have been established for orthodontic treatment under the Medicaid program, the dental form (MC-10) with authorization of the diagnostic

services performed will be returned to the provider for completion of those sections requiring patient and provider signatures and dates. The Fiscal Agent copy may then be submitted to Prudential at the above address for reimbursement.

iii.-vi. (No change.)

vii. Request for payment must be submitted to the Fiscal Agent, The Prudential Insurance Company of America, within the time frames specified in N.J.A.C. 10:49-1.12.

10:56-2.4 Patient eligibility

(a) Patient eligibility should be verified by examining the validation form each time patient is treated.

(b) Since eligibility is usually on a monthly basis and most dental treatment other than diagnostic and/or emergency procedures will usually extend for a longer period, it is possible that a patient could become ineligible during the course of treatment.

(c) Payment will be made only for dental treatment completed to the date the patient is no longer eligible for services.

1. For exceptions, see subchapter 1 of this chapter.

EXHIBIT I

Instructions for completing the dental form (MC-10) are:

1. Item 1: Patient's name: Print patient's name, last name first, as it appears on the patient's validation form or medicaid eligibility identification card.

2. Item 2: Patient's address: Print complete address, include zip code. Enter patient's telephone number in appropriate space.

3. Item 3: Health services program case number: Enter patient's health services case number exactly as it appears on the validation form or Medicaid eligibility identification card.

4. Item 4: Patient person number: Enter number as it appears on the validation form or Medicaid eligibility identification card. Patient person numbers 1 through 9 must be shown as 01, 02, 03, and so forth.

5. Item 5: Age: Enter patient's date of birth.

6. Item 6: Sex: Indicate the patient's sex by placing an X in the appropriate box.

7. Item 7: Other dental insurance: Indicate other dental health insurance coverage by entering an X in the appropriate box.

i. No fault auto coverage: Indicated by placing an X in the appropriate box if the treatment was necessary as a result of an auto accident.

ii. If answer is yes to either question, attach a copy of the explanation of payment or the decline notice from the appropriate insurance carrier. If no payment has been received, a complete report of the current status of the claim should be attached.

(1) Claims collectible under the New Jersey no fault law are not reimbursable under the New Jersey Medicaid Program, however, supplemental payments can be made if the provider has received less than he would obtain from the Medicaid program.

8. Item 8: Illness or injury—employment related or injury due to automobile accident: Indicate if patient's illness or injury is employment related or result of auto accident by entering an X in the appropriate box. If yes is indicated in employment related questions, enter the name and address of the employer.

9. Item 9: Place of service: Indicate the place of service by placing an X in the appropriate box.

10. Item 10: EPSDT program referral:

i. This question must be answered for recipients under 21 years of age.

ii. Early periodic screening, diagnosis and treatment (EPSDT), is an aspect of the Medicaid program which ensures that recipients under 21 years of age receive early detection of disease and illness, as well as diagnostic and treatment services. If an EPSDT screening uncovers a health problem or defect, the patient may be referred to another practitioner for further diagnosis and/or treatment.

iii. It is essential that the Medicaid program be able to relate diagnostic and/or treatment services to the original screening. Therefore, when a patient under 21 visits your office, a reasonable effort should be made to determine whether it is as a result of an EPSDT program referral by asking the referring physician or clinic or the patient. If you are unable to obtain the information, check No.

11. Item 11: Provider name, address and number: This area is preprinted for the convenience of the provider who only need to enter his telephone number in the appropriate box.

i. Inform Prudential Insurance Company immediately of any errors in preprinting.

12. Item 12: Existing or previous dentures: Indicate whether or not the patient has existing or previous dentures by placing an X in the ap-

appropriate box. If yes, indicate whether partial or complete dentures, date inserted, usable or repairable for both maxillary and mandibular.

i. When prior authorization for dentures is requested, the claim will not be reviewed by the dental consultant if this section is not completed.

13. Item 13: Number of X rays: Indicate the number of pre-treatment and post-treatment X rays on appropriate line.

14. Item 14:

14a. Date of initial impressions: Insert date of initial impressions for maxillary and mandibular denture(s), appliances, space maintainers, etc., on appropriate line, if applicable.

14b. Place the tooth code in the box provided and the date of initial preparation on the line adjacent to that code when the initial preparation is made for the crown.

14c. When initial treatment for authorized endodontic treatment is commenced, place the tooth code in the box and enter the date of initial treatment on the line adjacent to that tooth code.

15. Item 15: Record recommended treatment: Do not make any entries in the shaded area. Use one line for each procedure. Print clearly.

i. Date of service: Date procedure was completed—month, day and year. Numbers 1 through 9 are to be shown as 01, 02, 03, and so forth. Example: May 9, 1978 will be entered as 05 09 78.

ii. Procedure code: Enter the appropriate procedure code for service proposed or performed. Since amount of payment will be determined from the procedure code, accuracy is most important. The procedure codes and corresponding schedule of maximum allowances can be found at N.J.A.C. 10:56-3.

iii. Units of services: Do not use. These spaces for contractor use only.

iv. Fee requested: Providers must indicate their usual and customary charge for each procedure. Each charge should contain six numerals.

(1) Examples:

(A) \$1.00 written as 0001.00;

(B) \$20.00 written as 0020.00;

(C) \$300.000 written as 0300.00.

v. Amount B, code and jam: Do not use. These spaces for contractor use only.

vi. Tooth code: Identify tooth treated by utilizing tooth numbers from dental chart (Item 15G).

vii. Surface: Indicate each surface treated for each procedure. Use abbreviations as shown in Item 19.

viii. Description of service: Briefly describe service rendered. Include materials used in all pertinent information using the abbreviations shown in item 19 as appropriate.

ix. Authorization for services only: Do not use.

x. The dental consultant will indicate by initials, date and possibly by a line connecting initials those services which are authorized and, therefore, reimbursable under the New Jersey Medicaid Program.

xi. Service denied: The dental consultant will indicate by an X in this column those services which are denied. The service itself will not be lined out by the dental consultant.

xii. Complete dental chart accurately and in detail: Indicate missing teeth, extractions, restorations to be placed indicating all areas where treatment is proposed or has been completed as noted above.

16. Item 16: Diagnosis(es): Enter a diagnosis for those procedure codes prefixed with a "d" in subchapter 3 of this chapter. Where possible, select the diagnosis from the international classification of diseases (Adapted for use in the United States), as published by the United States Department of Health, Education and Welfare. (Do not confuse the diagnosis with the patient's complaint or symptoms—pain, swelling, and so forth is not acceptable as a diagnosis.)

17. Item 17: Referral: Indicate in the appropriate box whether this patient was a referral from another practitioner. If yes, the name and individual Medicaid practitioner number (IMP number) of the referring practitioner must be provided.

18. Item 18: Remarks: This space is for provider use, should a remark be necessary. Box should be checked if additional information is attached.

19. Item 19: Abbreviations: To be used when describing the services rendered.

20. Item 20: Charting symbols: To be used when charting services on the dental chart portion of item 15.

21. Item 21: This section is to be completed on each claim form. If one page is the complete claim, place an X in the top block. If there is more than one page to the complete claim, place an X in the second box and fill in blanks to the right.

i. For example: Page 1 of 3, page 2 of 3, and so forth.

22. Patient certification, see N.J.A.C. 10:49-1.26.

23. Item 23: Provider certification: The signature and IMP number of the dentist actually performing or supervising the service(s) described on the claim is required in item 23.

i. Exception: Dental groups: When practitioners in a group practice (whether sole ownership), association, partnership, or corporation) submit claims for Medicaid reimbursement, the signature of any member of the group will be accepted on the claim form for billing purposes.

(1) However, the group will be required to enter the IMP number of the practitioner who personally performed the services represented on the claim. If the claim covers services performed by more than one practitioner, the IMP Number of any one of the performing practitioner will be accepted.

The dental form (MC-10) is available from the Medicaid Claims Division II, Prudential Insurance Company, P.O. Box 1900, Millville, New Jersey 08332.

OAL NOTE: Paragraphs 22 and 23 of Exhibit I above erroneously do not appear in the New Jersey Administrative Code, although they were adopted and published in the September 22, 1986 New Jersey Register at 18 N.J.R. 1958(a). They will be included in the next update published for Title 10 of the N.J.A.C.

EXHIBIT I

Instructions for the completion of the "Dental Services Claim" form (MC-10).

Item 1: Patient's Name: Print patient's name, last name first, as it appears on the patient's Validation Form or Medicaid Eligibility Identification Card.

Item 2: Patient's Address: Print complete address, include zip code. Enter patient's telephone number in appropriate space.

Item 3: Health Service Program Case No.: Enter patient's Health Service Case Number exactly as it appears on the Validation Form or Medicaid Eligibility Identification Card.

Item 4: Patient Person No.: Enter number as it appears on the Validation Form or Medicaid Eligibility Identification Card. Patient person numbers 1 through 9 must be shown as 01, 02, 03, and so forth.

Item 5: Date of Birth: Enter patient's date of birth.

Item 6: Sex: Indicate the patient's sex by placing an X in the appropriate box.

Item 7: Other Dental Insurance or Liability Coverage: Indicate other dental health insurance coverage by entering an X in the appropriate box.

No Fault Auto Coverage: Indicated by placing an X in the appropriate box if the treatment was necessary as a result of an auto accident.

If answer is yes to either question, attach a copy of the explanation of payment or the decline notice from the appropriate insurance carrier. If no payment has been received, a complete report of the current status of the claim should be attached.

Claims collectible under the New Jersey No Fault Law are not reimbursable under the New Jersey Medicaid Program, however, supplemental payments can be made if the provider has received less than he would obtain from the Medicaid Program.

Item 8: Illness or Injury—employment related or injury due to automobile accident. Indicate if patient's illness or injury is employment related or result of auto accident by entering an X in the appropriate box. If yes is indicated in employment related questions, enter the name and address of the employer.

Item 9: Place of Service: Indicate the place of service by placing an X in the appropriate box.

Item 10: EPSDT Program Referral:

This question must be answered for recipients under 21 years of age. Early and periodic screening, diagnosis and treatment (EPSDT), is an aspect of the Medicaid Program which ensures that recipients under 21 years of age receive early detection of disease and illness, as well as diagnostic and treatment services. If an EPSDT screening uncovers a health problem or defect, the patient may be referred to another practitioner for further diagnosis and/or treatment.

It is essential that the Medical Program be able to relate diagnostic and/or treatment services to the original screening. Therefore, when a patient under 21 years of age visits your office, a reasonable effort should be made to determine whether it is as a result of an EPSDT Program Referral by asking the referring physician or clinic or the patient. If you are unable to obtain the information, check No.

Item 11: Provider Name, Address, Telephone Number and Medicaid Provider Number (Enter only when not preprinted): This area is preprinted for the convenience of the provider who only needs to enter his telephone number in the appropriate box.

Inform Prudential Insurance Company of America immediately of any errors in preprinting.

Item 12: Existing or Previous Dentures: Indicate whether or not the patient has existing or previous dentures by placing an X in the appropriate box. If yes, indicate whether partial or full dentures and date inserted.

When prior authorization for dentures is requested, the claim will not be reviewed by the Dental Consultant if this section is not completed.

Item 13: Number of Radiographs: Indicate the number of pre-treatment and post-treatment radiographs on appropriate line.

Item 14:

14A: Date of Initial Impressions (Dentures, Appliances, Space Maintainers, etc.): Insert date of initial impressions for maxillary and mandibular denture(s), appliances, space maintainers, etc., on appropriate line, if applicable.

14B: Date of Initial Preparation(s) (Crowns): Place the tooth code in the box provided and the date of initial preparation on the line adjacent to that code when the initial preparation is made for the crown.

14C: Date of Initial Treatment(s) (Endodontic): When initial treatment for authorized endodontic treatment is commenced, place the tooth code in the box and enter the date of initial treatment on the line adjacent to that tooth code.

Item 15: Record Recommended Treatment (11 Services Only): Do not make any entries in the shaded area. Use one line for each procedure. Print clearly.

15A: Date of Service: Date procedure was completed—month, day and year. Numbers 1 through 9 are to be shown as 01, 02, 03, and so forth. Example: May 9, 1978 will be entered as 05 09 78.

15B: Procedure and Modifier Codes: Enter the appropriate procedure (5-digit) code and modifier (2-digit, if applicable) code for service proposed or performed. Since amount of payment will be determined from the procedure and modifier code, accuracy is most important. The procedure and modifier codes and corresponding schedule of maximum fee allowances can be found in N.J.A.C. 10:56-3.

15C: Fee Requested: Providers must indicate their usual and customary charge for each procedure. Each charge should contain six numerals.

Examples:

(A) \$1.00 written as 0001.00;

(B) \$20.00 written as 0020.00;

(C) \$300.00 written as 0300.00.

Amount B, Code and Jam: Do not use. These spaces for Fiscal Agent use only.

15D: Tooth Code: Identify tooth treated by utilizing tooth numbers from dental chart (Item 15G).

15E: Surface: Indicate each surface treated for each procedure. Use abbreviations as shown in Item 19.

15F: Description of Service (Including radiographs, prophylaxis, materials used, etc.): Briefly describe service rendered. Include materials used in all pertinent information using the abbreviations shown in Item 19 as appropriate.

Authorization for Services Only: Do not use.

The Dental Consultant will indicate by initials, date, and possibly by a line connecting initials those services which are authorized and, therefore, reimbursable under the New Jersey Medicaid Program. The Dental Consultant will indicate by an "X" those dental services which are denied.

15G: Dental Chart: Complete dental chart accurately and in detail: Indicate missing teeth, extractions, restorations to be placed indicating all areas where treatment is proposed or has been completed as part of the current treatment plan.

Item 16: Diagnosis(es): Enter a diagnosis for those procedure codes prefixed with a "d" in N.J.A.C. 10:56-3. Where possible, select the diagnosis from the International Classification of Diseases (ICD). (Do not confuse the diagnosis with the patient's complaint or symptoms—pain, swelling, and so forth is not acceptable as a diagnosis.)

Item 17: Referral: Indicate in the appropriate box whether this patient was a referral from another practitioner. If yes, the name and Individual Medicaid Practitioner (IMP) Number of the referring practitioner must be provided.

Item 18: Remarks: This space is for provider use, should a remark be necessary. Box should be checked if additional information is attached.

Item 19: Abbreviations: To be used when describing the services rendered.

Item 20: Charting Symbols: To be used when charting services on the dental chart in Item 15G.

Item 21: This section is to be completed on each claim form. If one page is the complete claim, place an X in the top block. If there is more than one page to the complete claim, place an X in the second box and fill in blanks to the right.

For example: Page 1 of 3, page 2 of 3, and so forth.

Item 22: Patient Certification: See N.J.A.C. 10:49-1.26, "Patient certification".

Item 23: Provider Certification: The signature and IMP Number of the dentist actually performing or supervising the service(s) described on the claim is required in Item 23.

Exception: Dental Groups: When practitioners in a group practice (whether sole ownership, association, partnership, or corporation) submit claims for Medicaid reimbursement, the signature of any member of the group will be accepted on the claim form for billing purposes.

However, the group will be required to enter the IMP Number of the practitioner who personally performed the services represented on the claim. If a claim covers services performed by more than one practitioner, the IMP Number of any one of the performing practitioners will be accepted.

The "Dental Services Claim" form (MC-10) is available from the Medicaid Claims Division II, Prudential Insurance Company, P.O. Box 1900, Millville, New Jersey 08332.

CHAPTER 57 PODIATRY SERVICES MANUAL

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10:57-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the submission of a claim. Included is a sample claim form approved for use in submitting claims for covered items or services, and appropriate instructions for the proper completion of the form.

10:57-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 58 NURSE-MIDWIFERY SERVICES MANUAL

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10:58-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the proper completion and submission of a claim. A sample of the "Health Insurance Claim Form", (1500-N.J.), is included in this subchapter.

10:58-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 59 MEDICAL SUPPLIER MANUAL

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10:59-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the submission of a claim. Included is a sample of the claim form to be used in submitting bills for covered items or services, and instructions for the proper completion of the form.

(c) If billing on a monthly basis for an authorized three-month rental, insert in item 15 of the claim form the statement "see previous claim form" for the second and third month. Reauthorization from the Medicaid District Office (MDO) is required for continued rental beyond the third month.

10:59-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 60
HOME CARE SERVICES MANUAL

10:60-3.1 Home care services billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) For all Home Health Care Services provided by a certified licensed home health agency, a "Home Health Claim", form (MC-3C3), must be submitted to the appropriate Fiscal Agent, either Blue Cross and Blue Shield of New Jersey, Inc., or The Prudential Insurance Company of America.

(c) For all Personal Care Assistant Services provided by a home health and homemaker agency, an "Independent Outpatient Health Facility" form, MC-14, must be submitted to The Prudential Insurance Company of America.

(d) (No change.)

(e) See Exhibit II at the end of this chapter, N.J.A.C. 10:60, for a copy of the "Home Health Claim" form (MC-3C3) and the instructions for the proper completion of the form.

(f) See Exhibit IV at the end of this chapter, N.J.A.C. 10:60, for a copy of the "Independent Outpatient Health Facility" form (MC-14), and the instructions for the proper completion of the form.

(g) (No change.)

(h) For reimbursement, submit the Fiscal Agent copy of the "Independent Outpatient Health Facility" form, MC-14, to:

The Prudential Insurance Company of America
P.O. Box 1900
Millville, New Jersey 08332

1. (No change.)

10:60-3.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

10:60-3.3 through 3.6 (No change in text.)

EXHIBIT I (RESERVED)

EXHIBIT II

Instructions for the completion of the MC-3C3.

Item 1: Patient's Last Name: Copy the patient's last name and first name, exactly as they appear on the Medicaid Eligibility Identification Card/Validation Form.

Item 2: Case Last Name: Copy the Case last name and first name, exactly as they appear on the Medicaid Eligibility Identification Card/Validation Form.

Item 3: Sex: Indicate patient's sex by entering "X" in the appropriate block.

Item 4: Birthdate: Use six digits to enter the patient's birthdate (for example, May 6, 1977 is written 05/06/77). If only the year is known, enter the year. If birthdate is unavailable, submit claim without birthdate.

Item 5: Start Care Date: Use six digits to indicate the date when approved home health care was initiated (for example, 02/01/81).

Item 6: Claim From Date: Use six digits to indicate the date of the first service for which you are billing on this claim (for example, 02/20/81).

Item 7: Claim Thru Date: Use six digits to indicate the date of the last service for which you are billing on this claim (for example, 03/25/81).

Item 8: Visits: Enter the number of visits being billed.

Item 9: Provider Name and Address: This information is usually preprinted. If not preprinted, write in provider name and address.

Item 10: Medical Record No: Enter the patient's Medical Record Number.

Items 11 and 12: HSP (Medicaid) Case No. and Patient Persons No.: Copy the patient's HSP (Medicaid) Case Number and Person Number exactly as they appear on the Medicaid Eligibility Identification Card/Validation Form. The complete number consists of a ten digit case number and a two digit individualized person number.

Item 13: Provider No: This information is usually preprinted. If the information is not preprinted enter your agency's six digit provider number.

Item 14: Patient's Address: Enter the patient's address.

Item 15: Telephone No.: Enter patient's telephone number.

Item 16: Referring Physician's Individual Medicaid Practitioner Number: If the patient was referred by a physician from another setting, you must indicate the nine digit Individual Medicaid Practitioner (IMP) Number of the referring practitioner.

Item 17: Referring Physician's Name: If the patient was referred by a physician from another setting, enter referring practitioner's name.

Item 18: Patient Certification: See N.J.A.C. 10:49-1.26.

Item 19: Attending Physician's Individual Medicaid Practitioner Number: Enter the nine digit Individual Medicaid Practitioner (IMP) Number of the attending physician. If the attending physician is a "non-participating" physician (in the Medicaid Program), the Home Health Agency must write "NON PAR" in the space indicated. This item must be completed on all claim forms.

Item 20: Attending Physician's Name: Enter attending physician's name.

Item 20a: Physician Case Manager: Enter the Physician Case Manager's name and nine digit IMP Number if the recipient is enrolled in the Medicaid Personal Physician Plan (MP Plan).

If an IMP Number of a physician is not known, the Home Health Agency may call the physician and obtain the number or it may call the Fiscal Agent's toll free number for this information (see N.J.A.C. 10:60-3.3)

This item must be completed on all claim forms if the recipient is enrolled in the MP Plan.

Item 21: Prior Authorization Number: Prior authorization is required for services following the initial visit. A claim for the initial evaluation visit must be submitted to the appropriate Fiscal Agent on the Home Health Claim form (MC-3C3), with the comment in the "Remarks" section "initial visit only". If a prior authorization number is designated by the Medicaid District Office, indicate it on the FD-139 form. Attach FD-139 to claim when submitting for payment.

Item 22: Type of Service: Enter date of each service opposite the code which appropriately describes the service. Use only two dates per line item if the services were not given on consecutive days; if the services were provided on consecutive days, for example: 10/8; 10/9; 10/10; more than two, but not more than five, dates per line item can be submitted for reimbursement:

02 ... Skilled Nursing Care 10/7;10/9
03 ... Homemaker—Home Health Aide
10 ... Physical Therapy
11 ... Speech-Language Therapy
12 ... Occupational Therapy

Item 23: Was this service performed as a result of an EPSDT Program Referral: Complete this item for patients under 21 years of age.

Ask the patient and/or referring physician or clinic whether the illness requiring services was detected during an EPSDT screening.

Indicate if this patient is such a referral by checking the appropriate block.

Item 24: Check if Family Planning: Check the block, if services indicated on the claim are ascribable to "Family Planning". These should include Home Health visits related to contraception or subsequent to family planning related surgical procedures.

Item 25: Third Party Liability Action: Indicate the source of Third Party Payment, by entering the appropriate digit in the block. Do not leave blank; if none, enter "0".

Item 26: Patient Status: Indicate the patient's status by entering the appropriate digit in the block. If plans for home health care extend beyond this billing period, enter "1", still patient.

Item 27: Discharge Date: Using six digits, enter the date of the last visit under the plan of treatment, or the date of admission to the hospital, skilled nursing facility or intermediate care facility.

Item 28: Discharge or Current Diagnosis: Using standard medical terminology, enter all the diagnoses which relate to the condition requiring the current services. The primary diagnosis is the illness or condition which was the primary reason for the services. Other diagnoses should be shown under secondary.

Enter the primary and secondary diagnosis codes as obtained from the International Classification of Diseases, ICD-9-CM. If the code contains less than five digits add trailing zeros to the code. For example: Meningitis code 320 is written 32000.

Item 29: Statement of Charges: Enter the number of visits and charges for the period covered by the claim in the appropriate column.

Use type of service charges lines 27 and 28 to list additional services.

Enter the total charges on line 98.

Item 30: Other Coverage—Remaining Charges: Reserved solely for other insurance coverage.

Items 29 and 30: Cannot be completed on the same claim form.

If the patient is covered under Medicare (See N.J.A.C. 10:60-3.1(c)).

If the patient does not have Medicare coverage, enter charges not covered by other insurance on line 32 of item 30.

The amount received from the other insurer must be entered on the bottom line, "Third Party Payment Amount".

Item 31: Claim Related to Employment: Check as appropriate.

If patient's illness or injury is work related, enter name and address of employer.

Indicate whether injury resulted from an automobile accident.

If the injury or illness is related to an auto accident, enter the auto insurance carrier and policy number in item 32 below.

Item 32: Other Insurance or Liability Coverage: Check appropriate block to indicate whether the patient has other health insurance, liability coverage, or No Fault Auto Coverage.

If yes, you must attach a copy of the denial notice or a copy of the explanation of payment from the carrier.

Enter the name of the carrier and policy number under which other health insurance benefits are available.

Item 33: Provider Certification: Read the Provider Certification carefully.

An authorized representative of the Home Health Agency must sign the MC-3C3 before the claim can be considered for payment.

Indicate the billing date which is the date the claim is mailed. The billing date cannot be earlier than the "Claim Thru Date", item 7.

REMARKS: Use this space to enter additional information.

Items 34-38: Leave blank; for Fiscal Agent use only.

EXHIBIT III (RESERVED)

EXHIBIT IV

Instructions for the completion of the MC-14.

Item 1: Patient's Name: Enter patient's name exactly as it appears on the Medicaid Eligibility Identification Card/Validation Form.

Item 2: Patient's Address and Telephone Number: Enter patient's address and telephone number exactly as they appear on the Medicaid Eligibility Identification Card/Validation Form.

Item 3: HSP (Medicaid) Case No.: Enter HSP (Medicaid) Case Number exactly as it appears on the Medicaid Eligibility Identification Card/Validation Form.

Item 4: Patient Person No.: Enter the Patient Person Number exactly as it appears on the Medicaid Eligibility Identification Card/Validation Form.

Item 5: Age: Enter patient's age.

Item 6: Sex: Check appropriate box.

Item 7: Other Health Insurance or Liability Coverage: Check the appropriate block to indicate whether the patient has other health insurance, liability coverage or No Fault Auto Coverage. If you are aware that the other coverage will not cover the services provided, please indicate so on the claim form. If yes, attach a copy of the decline notice or a copy of the explanation of payment from the Carrier.

Item 8: Was this service performed as a result of an EPSDT Program Referral: Leave Blank.

Item 9: Provider Service Information: If not preprinted, write in the provider's name, address, provider number and the telephone number.

Item 10: Was Patient's Illness or Injury connected with employment: Check as appropriate. If patient's illness or injury is work related, enter the name and address of employer. Indicate whether injury resulted from an automobile accident.

Item 11: Prior Authorization Number: Leave Blank.

Item 12: Do not write in this space; for Division use only.

Item 13: Report of Services:

13A: Dates of Service: Enter date(s) of each visit.

13B: Procedure Code: Enter procedure code. The procedure codes are listed in N.J.A.C. 10:60-3.1(g) and also in your approval letter.

13C: Nature of Illness or Injury Requiring Services: Enter diagnosis. If diagnosis code is available from the International Classification of Diseases, ICD-9-CM, enter that code.

13D: Fully describe surgical or medical procedures and other services or supplies furnished for each date listed: Describe procedure or service.

13E: Check if Family Planning: Personal Care Assistant Service providers are to utilize this item to indicate the place where the service was provided. Applicable codes are:

- 2—Patient's Home;
- 4—Boarding Home;

9—Other (Rooming House).

13F: Charge: Enter your standard charge for the appropriate service.

Item 14: Referring Practitioner's Name: Leave blank.

Item 15: Attending Practitioner's Name: Enter provider number.

Item 16: Operating Practitioner's Name: Leave Blank.

Item 16a: Physician Case Manager: Leave Blank.

Item 17: Patient Certification: See N.J.A.C. 10:49-1.26.

Item 18: Provider Certification: Read the Provider Certification carefully. The provider must sign the MC-14 before the claim can be considered for payment. Indicate the billing date which is the date the claim is mailed.

CHAPTER 61

INDEPENDENT LABORATORY SERVICES

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10:61-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) The subchapter contains basic information for the proper completion and submission of a claim.

10:61-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 62

VISION CARE MANUAL

10:62-3.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) (No change.)

(c) (No change.)

(d) (No change.)

10:62-3.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see Chapter 49 of this manual, Administration—10:49-1.12.

10:62-3.3 through 10:62-3.14 (No change in text)

CHAPTER 63

LONG-TERM CARE SERVICES MANUAL

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10:63-2.6 Timing of submission of billing transactions

(a)-(b) (No change.)

(c) All applicable billing transaction forms must be submitted at least twice during the billing month (as described above) to the address below. In addition, the Form MCNH-30 "Certification Statement" must be submitted once each month to:

Department of Human Services
Division of Medical Assistance
and Health Services
Bureau of Claims and Accounts
CN-712
Trenton, New Jersey 08625

10:63-2.7 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 64

HEARING AID SERVICES MANUAL

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10:64-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) (No change.)

10:64-2.3 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

10:64-2.4 and 2.5 (No change in text.)

10:64-2.6 Mailing instructions

(a) Mailing instructions are as follows:

1. Mail the original copy (Fiscal Agent) to:

The Prudential Insurance Company of America

P.O. Box 1900

Millville, New Jersey 08332

2. Retain the second copy (Provider) for your records.

3. The third copy (Medicaid District Office) is retained by the Medicaid District Office for all authorized claims. For claims not requiring prior authorization, the provider may destroy the third copy.

CHAPTER 65
MEDICAL DAY CARE MANUAL

10:65-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) (No change in text.)

10:65-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 66
INDEPENDENT CLINIC SERVICES MANUAL

10:66-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the proper completion and submission of a claim. Included is a sample of the "Independent Outpatient Health Facility" form (MC-14), "Request for Authorization of Mental Health Services" (FD-07) and "Request for Authorization and Reauthorization for Prescribed Rehabilitation Treatment Program" (FD-06).

10:66-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 67
MANUAL FOR PSYCHOLOGICAL SERVICES

10:67-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the submission of a claim. Included is a sample claim form approved for use in submitting claims for covered items or services and appropriate instructions for the proper completion of the form.

10:67-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

CHAPTER 68
MANUAL FOR CHIROPRACTIC SERVICES

10:68-2.1 General billing procedures

(a) A claim is a bill which indicates a request for payment for a Medicaid-reimbursable service provided to a Medicaid-eligible individual. The claim may be submitted hard copy or by means of an approved method of automated data exchange.

(b) This subchapter contains basic information necessary for the submission of a claim. Included is a sample claim form approved for use in submitting claims for covered items or services and appropriate instructions for the proper completion of the form.

10:68-2.2 Timeliness of claim submission and claim inquiry

For timeliness of claim submission and claim inquiry, see N.J.A.C. 10:49-1.12.

DIVISION OF PUBLIC WELFARE

(a)

**Public Assistance Manual
Newark/Camden Teen PROGRESS Demonstration
Adopted New Rules: N.J.A.C. 10:81-12**

Proposed: August 3, 1987 at 19 N.J.R. 1390(a).

Adopted: September 14, 1987 by Drew Altman, Commissioner, Department of Human Services.

Filed: September 14, 1987 as R.1987 d.410, with **technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: October 5, 1987.

Expiration Date: October 15, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the changes between proposal and adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***).

SUBCHAPTER 12. NEWARK/CAMDEN TEEN PROGRESS
DEMONSTRATION

10:81-12.1 General provisions and purpose

(a) This subchapter is for use by county welfare agencies (CWAs) participating in the "Teen PROGRESS" Demonstration in the cities of Newark and Camden. This subchapter shall at all times be used and interpreted in conjunction with N.J.A.C. 10:81, ***N.J.A.C. 10:82,*** N.J.A.C. 10:87, and N.J.A.C. 10:90, as appropriate.

(b) The purpose of this subchapter is to:

1. Identify individuals included in the Teen PROGRESS Demonstration;

2. Establish policy for determining eligibility for the demonstration; and

3. Establish procedures for providing educational and work-related activities to project participants.

(c) The purpose of this demonstration is to provide educational and work-related activities to 1,800 applicants for AFDC who are age 19 and under, and who are either pregnant with a first child or have one child.

(d) The following existing program practices will be targeted to this population:

1. Mandatory participation in an educational and/or job training/or job search program;

2. Parenting education for both mothers and fathers;

3. Child care;

4. Transportation; and

5. Establishment of paternity and child support obligations.

(e) The following new program practices will be implemented:

1. Case management for teenage applicants with referrals to prenatal care, parenting education, and other community programs;

2. Required participation of absent fathers in WIN Demo, Food Stamp Job Search, ***[and]* *or*** General Assistance Employability Program (GAEP), if they are receiving AFDC, food stamps, or General Assistance;

3. Individual educational and job interest assessment;

4. Agreed upon plan for self-sufficiency;

5. Completion of high school or GED stressed;

6. Use of mixed education/work-related programs where appropriate;

7. Child care for enrollment in educational programs and activities where possible; and

8. Enhanced transportation.

10:81-12.2 Definitions

(a) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Baseline data" means information about the enrollee's demographic and personal characteristics obtained through interviews, literacy testing, and so forth.

"Case manager" means the individual in the agency responsible for a recipient's participation in the demonstration, in accordance with N.J.A.C. 10:81-12.5.

"Control group" means those individuals meeting the eligibility requirements who will not receive demonstration services, but can receive all other AFDC work-related services for which they are eligible.

"Evaluator" means the organization contracted to perform ongoing evaluation of the demonstration and random assignment of participants into control and experimental groups.

"Experimental group" means those individuals meeting the eligibility requirements who will receive demonstration services.

"Participant" means a recipient of program services (experimental group member).

"PROGRESS Plan" means document which outlines client's plan to achieve self-sufficiency based on the individual's assessment of employability and social service needs.

10:81-12.3 Eligibility

(a) The following categories of individuals age 19 or under are eligible for participation in the demonstration:

1. Applicants for AFDC who are either pregnant or have at most one child; and

2. Recipients of AFDC who are pregnant with a first child or who have a dependent child added to the assistance unit, resulting from the first birth.

(b) Fathers of the children will be mandatory participants in the demonstration and eligible for services under the demonstration, if:

1. Paternity has been established and confirmed by the Child Support unit; and

2. The absent father is either a recipient of AFDC as a dependent child, a recipient of General Assistance, or an unemployed, non-recipient of public assistance who is a member of a household receiving food stamps.

(c) Eligibility for participation in the demonstration is determined at the following times:

1. At application or reapplication for AFDC or redetermination of eligibility for AFDC; and

2. When a change in the circumstances of an AFDC recipient occurs and that change is the birth of the first child.

10:81-12.4 Exemptions and deferrals

(a) Individuals who are exempt from work and training under N.J.A.C. 10:81-3.18(b)2, except for the exemption for care of the youngest child under age six, shall not be eligible for Teen PROGRESS for the duration of their exemption. Individual's exempt status must be determined prior to random assignment to experimental or control group*s*.

(b) Temporary deferrals from participation may be granted in the following situation:

1. A deferral of up to one month for medical reasons.

(c) Medical deferrals will require a physician's statement and approval by the unit supervisor. Temporary deferrals apply to participants and are thus granted after random assignment.

(d) At a minimum, all exemptions shall be reviewed semiannually. Participants temporarily deferred because of illness or other good cause which could change monthly shall be monitored by the case manager.

10:81-12.5 Case management

(a) Case management encompasses a significantly expanded set of worker responsibilities. The case manager is the critical link among the different service subsystems, such as income maintenance; employment; training; child support enforcement; and support services, and between these subsystems and the recipient. It is this structured approach to the delivery of multiple and interrelated services that will assure the goals and objectives of the Teen PROGRESS.

(b) The case management function includes the following:

1. Determining whether an AFDC recipient meets the criteria for an exemption;

2. Presenting a thorough orientation and in-depth explanation of program requirements and sanctions to all eligibles (prior to randomization);

3. Obtaining all necessary information and test results from eligibles;

4. Submitting names for random assignment and informing eligible clients of their status as experimental or control participants;

5. Working with each individual participant to arrive at a joint decision, and ensure participation in the most appropriate selection of services which would most likely lead toward economic self-sufficiency;

6. Arranging access to the identified service components;

7. Tracking participants over time to ensure that intended activities take place, to correct possible discontinuities in service delivery, and to determine any changes in the needs and eligibility status of program participants;

8. Counseling participants, individually or in groups, on issues related to program goals; and

9. Determining whether sanctions shall be applied.

10:81-12.6 PROGRESS Plan

(a) The PROGRESS Plan in this demonstration sets forth the requirements for participation by the participant and the services to be provided by the agency.

1. Both the participant and the case manager shall sign the PROGRESS Plan. Absence of a signature will not relieve either the participant or the agency from complying with the terms of the plan, nor will it relieve the AFDC recipient from the employment and training requirements of the AFDC program.

2. The plan may be amended at any time to reflect changes in such factors as the participant's skills, education level, interests, and so forth. The case manager shall explain that, although the plan can be amended, failure to comply with the plan will mean the start of the sanctioning process.

(b) Failure of the participant to comply with the PROGRESS Plan requirements without good cause shall be considered noncompliance with AFDC employment and training requirements set forth at N.J.A.C. 10:81-3.18.

10:81-12.7 Overview of the process

(a) The operation of this demonstration will include the following steps:

1. Intake and orientation;

2. Assessment of educational status, employability and need for support services, and completion of the PROGRESS Plan;

3. Registration requirements;

4. Program activities monitoring and plan updating based on a client's participation; and

5. Sanctioning process.

10:81-12.8 Intake and orientation

(a) The intake process for this demonstration will follow regular AFDC intake procedures concerning the taking of AFDC applications and obtaining eligibility information, set forth in N.J.A.C. 10:81-2.4 and 10:81-3 including the establishment of paternity (see N.J.A.C. 10:81-11). The intake worker shall perform initial screening of applicants and refer those applicants age 19 or under who appear to meet the criteria at N.J.A.C. 10:81-12.3(a) for participation in the demonstration.

(b) Upon referral to the demonstration, the case manager shall review eligibility and determine whether exemptions under N.J.A.C. 10:81-3.18(b)2 apply (with the exception of care of youngest child under age 6). For those who are not exempt, the case manager will explain the nature of the demonstration, obtain informed consent, and arrange for literacy and aptitude testing and collect other baseline information. After this process is completed the case manager will give names of all non-exempt eligibles to the evaluator for random assignment to the experimental and control groups.

1. Experimental group participants shall receive written material explaining the program components and their responsibilities. All other formal intake procedures shall be followed (see N.J.A.C. 10:81-2). Control group participants will receive written material explaining their rights and responsibilities in the existing AFDC program.

2. Those placed in the experimental group shall be given an appointment with the case manager for orientation.

(c) The purpose of the orientation session is to begin to involve the client in a realistic plan leading to self-sufficiency. Orientation will include a private interview or group session conducted by the case manager. The participant may bring another person for support and guidance, such as a parent, teacher or the child's father. In the orientation session, the case manager shall provide an in-depth explanation of the purpose of the demonstration, the kinds of support*[ive]* services available through the demonstration and the program services available to the client. The case manager will emphasize completion of high school or an equivalency degree for those who have not finished school. For those still in high school, the case manager will give early attention to any support services that can avoid a break in the participant's education or facilitate early return to school.

10:81-12.9 Assessment

(a) The purpose of assessment is to evaluate thoroughly the participant's skills, training and need for support services, and to complete the participant's plan developed at orientation. The assessment will be conducted by the case manager during the first two days of participation. The case manager will use private interviews and reports from other agencies. The participant may bring another person for support and guidance, such as a parent, teacher or the child's father to the scheduled interviews.

(b) Assessment of the participant's educational and/or employment potential will be performed by the case manager, using other agency services as needed. This assessment will be the basis for the client/agency contract and supporting case plan.

(c) The case manager must assess the participant's need for support services, education, training and employment activities. Each individual will be assessed with respect to the need for child care, transportation, household management, and other related matters that will enable the individual to participate. The child care arrangements will be evaluated by agency staff to ensure that minimum standards of reliability and safety, as defined by the Department of Human Services, are met. During the assessment, the PROGRESS Plan shall be developed and signed by both participant and case manager.

10:81-12.10 Registration requirements

(a) Registration requirements for the demonstration are met by orientation and assessment phases of the demonstration. A participant will have completed registration requirements by signing the PROGRESS Plan.

1. At a minimum, the case manager shall follow-up and monitor the participant's performance and adherence to requirements of the PROGRESS Plan monthly.

(b) The activity or combination of activities in which the participants are involved should be full-time. Full-time is defined as 30 hours a week. In determining whether an activity is full-time, a consideration for travel time beyond 10 hours a week shall be made. Travel time in excess of 10 hours will be counted toward the 30 hours. The case manager will verify that travel arrangements of more than 10 hours a week are the most efficient available.

1. If the case manager determines that a commitment to 30 hours of work or combination of school and work is inappropriate, the case manager may request a less than full-time program.

2. Supervisory approval is needed for activities that are less than full-time.

3. The case manager will initiate referrals to activities and services, and monitor client participation in those activities as appropriate to each project.

10:81-12.11 Sanctions

(a) Participants who fail to comply with program requirements set forth in this demonstration, without good cause, will be subject to the sanctioning process. Good cause includes the reasons set forth at N.J.A.C. 10:81-3.18. The following actions by a participant constitute failure to comply with program requirements:

1. Failure and/or refusal to attend orientation after three notices have been mailed to the potential recipient and have not been responded to;
2. Refusal to cooperate in developing a PROGRESS Plan;
3. Refusal to carry-out a plan leading to self-sufficiency;
4. Refusal to take a job or leaving a job without good cause when working is part of the PROGRESS Plan; or
5. Leaving the educational component of a plan without taking a full-time job.

(b) Sanctions shall be imposed for the following time periods:

1. Up to one payment month for the first instance of noncompliance;
2. Three payment months for the second instance of noncompliance; and
3. Six payment months for all subsequent instances of noncompliance.

(c) During the sanction period the needs of the sanctioned individual will not be considered in computing the AFDC grant. A reduced grant will be issued on behalf of the remaining eligible family members.

(d) Upon the determination by the case manager that a participant has refused to participate or drops out of an educational/employment program without good cause, the case manager shall begin a series of steps that will lead to imposition of the sanction.

1. Prior to any sanctions, the case manager will confirm that good cause does not exist.

2. Prior to the first sanction, the case manager will conduct a conference with the non-complying recipient and the head of household. During this conference, the recipient will be given a final opportunity to comply. If as a result of this conference the recipient complies within a week, the sanction may be suspended.

(e) If a participant complies with program requirements during the sanction period, the sanction may be suspended and the participant's AFDC grant level restored effective for the first of the month following the month in which the participant complied.

1. The recommendation to suspend the sanction and to restore the AFDC grant will be made by the case manager, in consideration of the client's circumstances, past history of compliance with the program, and similar factors.

2. A decision to suspend a sanction requires approval by the unit supervisor.

(f) Fathers participating in Food Stamp Job Search (see N.J.A.C. 10:87-3.19 through 3.21) or General Assistance Employability Program (see N.J.A.C. 10:85-10.1 through 10.7) are subject to the sanctioning policies and procedures of those programs.

10:81-12.12 Absent fathers

(a) As a condition of eligibility for AFDC, all individuals must cooperate in the establishment of paternity and assignment of child support obligations. Participants in the demonstration must comply with Child Support and Paternity enforcement procedures pursuant to N.J.A.C. 10:81-11.

(b) When absent fathers of children of participants in the experimental group are identified, the case manager will determine whether the father is a recipient *of AFDC (as a dependent child), food stamps or General Assistance. If the father is a recipient* in any of these programs, he will be contacted and referred to the demonstration project. Case managers will interview the father and initiate participation in this project and other educational, training or employment programs.

(c) The following services may be provided to putative fathers participating in the demonstration or recognized parenting programs:

1. Establishment of paternity;
2. Case management with referral to employment, education, *and/or* work programs;
3. Child Care;
4. Transportation; and
5. Parenting education and family life education.

10:81-12.13 Entitlement to fair hearings

(a) It is the right of every applicant or recipient adversely affected by an action taken by a CWA to be afforded a fair hearing in a manner established by the rules at N.J.A.C. 10:81-6 and by the Uniform Administrative Procedure Rules of Practice (N.J.A.C. 1:1-1.1 et seq.).

(b) Agency actions which adversely affect an applicant or recipient include: any action, inaction, refusal of action, or unduly delayed action with respect to program eligibility, including denial, reduction, termination or suspension of benefits, adjustment in the level of benefits or condition of payment of benefits with respect to designation of a protective payee or work requirements.

10:81-12.14 Medicaid extension

(a) Extended Medicaid benefits shall be provided to former participants of this demonstration in accordance with the provisions of this subsection, and subject to approval of a federal waiver application submitted by the Department of Human Services.

1. When a participant loses eligibility for AFDC due to increased earnings from or increased hours of current or new employment, Medicaid eligibility continues for a period of 12 months beginning with the month in which the family is no longer eligible for AFDC. Additional eligibility requirements are set forth at N.J.A.C. 10:81-8.22.

2. When a participant loses eligibility for AFDC as a result (wholly or in part) of the collection of child or spousal support through the Child Support and Paternity process, Medicaid eligibility continues for a period of four calendar months beginning with the month in which such eligibility begins. During this four month period, individuals are considered deemed recipients of AFDC and may qualify for 12 months of extended Medicaid benefits under (a)1 above (see N.J.A.C. 10:81-8.22).

(a)

General Assistance Manual Exemption from Work Requirement; Unemployables in Residential Drug Treatment Facilities Adopted Amendments: N.J.A.C. 10:85-3.2

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Department of Human Services.

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Expiration Date: January 3, 1990.

Summary of Public Comments and Agency Responses:

COMMENT: The only comment received was submitted by a municipal welfare director who suggested that, for General Assistance recipients in drug treatment facilities, the 12 month exemption from the work requirement be reduced to three months, inasmuch as many of these individuals are able to work prior to the 12 month period.

RESPONSE: The Department acknowledges that clients do work during the first year of residence in drug treatment facilities, however, many of the drug abuse programs include employment-like activity and/or trial periods of employment during the various stages of the rehabilitation process. Therefore, in order to promote uniformity and clarification in determining the employability status of those individuals, the proposed language is being adopted without change.

Summary of Changes Subsequent to Proposal:

The proposed language at N.J.A.C. 10:85-3.2(g)3v-vi has not been adopted. Instead, the Department is retaining current language as found at N.J.A.C. 10:85-3.2(g)3v. Although the proposed rule continued the exemption from the work requirement of those over 65 and those needed at home to care for others, if adopted it would have required such individuals to provide medical evidence for a determination of unemployability. After further internal review of this proposed amendment it was decided that it would not be a practical requirement inasmuch as most of the individuals falling under the aforementioned two categories are usually determined to be unemployable. Language regarding residents of drug treatment facilities is being adopted as proposed.

Full text of the changes between proposal and adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

10:85-3.2 Application process

(a)-(f) (No change.)

(g) Work requirement: Eligibility for public assistance in New Jersey is directly related to an individual's willingness to work when he or she is able to do so. It is, therefore, a part of the application process to explain the work requirement to the applicant and to record in the case file the reasons for any exemption from this requirement.

1.-2. (No change.)

3. Exemptions from work requirement: An individual shall be exempt from the work requirement if any of the following exist:

i.-iv. (No change.)

*[v. The individual is age 65 or over; or

vi. The individual is required at home to care for one or more children under age six or for disabled family member(s). No more than one person in a household may be exempt for this reason without written authorization from DPW/BLO; or]*

*[vii.]***v.** The individual is unemployable: For purposes of General Assistance, unavailability of employment cannot be the basis of a determination of unemployability. Only persons included in any of the following groups are unemployable:

(1) Persons age 65 or over;

(2) Persons whose presence is required at home to care for one or more children under age six or for disabled family member(s). No more than one person in a household may be exempt for this reason without written authorization from DPW/BLO;

(3) Persons receiving inpatient hospital care and treatment who were or would have been classified as unemployable prior to entering the hospital (persons who were or would have been listed as employable shall retain such status until hospital discharge);

(4)-(9) (No change.)

*[(8)]****(10)*** Persons in the first 12 months of residential treatment in centers licensed by the New Jersey Department of Health for the treatment of drug abuse when medical evidence exists that the residential treatment is necessary. The 12 month period starts anew for each commencement of treatment, previous incomplete or unsuccessful courses of treatment notwithstanding.

4.-8. (No change.)

(h)-(i) (No change.)

CORRECTIONS

(a)

THE COMMISSIONER

Security and Control

Search of Inmates and Facilities

Adopted New Rule: N.J.A.C. 10A:3-5.8

Adopted Amendment: N.J.A.C. 10A:3-5.11

Proposed: July 6, 1987 at 19 N.J.R. 1175(a).

Adopted: September 14, 1987 by William H. Fauver, Commissioner, Department of Corrections.

Filed: September 14, 1987 as R.1987 d.397, **without change.**

Authority: N.J.S.A. 30:1B-6, 30:1B-10.

Effective Date: October 5, 1987.

Expiration Date: October 6, 1991.

Summary of Public Comments and Agency Responses:

The Department received four comments from interested persons. The comments opposing the proposed amendment are addressed below.

COMMENT: A commenter opposed the use of canine teams for random searches because of the possibility of persons, allergic to dogs, having an allergic reaction as a result of a search.

RESPONSE: While the possibility of an allergic reaction to dogs does exist, the likelihood of such an occurrence is remote because the proposed amendment requires the removal of inmates and visitors from the immediate area to be searched by dogs. In the event that an allergic reaction occurs as a result of a search by a canine team, the Department of Corrections will provide appropriate medical treatment.

COMMENT: A commenter opposed the use of canine teams for random searches because dogs pose a health hazard because they carry diseases and fleas.

RESPONSE: The dogs used by Department of Corrections canine teams do not pose a health hazard because these dogs are specially cared for so that they are free from disease and fleas.

COMMENT: A commenter opposed the use of canine teams for random searches because some persons are afraid of being attacked by the dogs.

RESPONSE: The dogs used by canine teams are strictly supervised during a search. Inmates and visitors are removed from the immediate area to be searched in order to expedite the search and eliminate the possibility of a person being attacked by a dog.

Full text of the adoption follows.

10A:3-5.8 Canine searches

(a) All correctional facilities and properties under the jurisdiction of the Department of Corrections are subject to random searches by canine teams, trained to discover narcotics.

(b) Before any canine search is conducted, inmates and/or visitors shall be removed from the immediate area to be searched.

(c) There shall be no canine searches of persons.

[10A:3-5.8] 10A:3-5.9 (No change in text.)

[10A:3-5.9] 10A:3-5.10 (No change in text.)

[10A:3-5.10] 10A:3-5.11 Orientation and training

(a) Each Superintendent shall be responsible for ensuring that the requirements and guidelines set forth in this subchapter are followed.

(b) Post orders developed in accordance with this subchapter shall be made available to all correction officers and support staff. All personnel shall receive training in the interpretation and applicability of post orders, so as to insure effective and safe search techniques.

INSURANCE

(a)

DIVISION OF ACTUARIAL SERVICES

Individual Life Insurance

Use of Gender Blended Mortality Tables

Adopted Amendment: N.J.A.C. 11:4-22.2

Adopted New Rules: N.J.A.C. 11:4-22.4 and 11:4-22

Appendix D

Proposed: August 3, 1987 at 19 N.J.R. 1399(a).

Adopted: September 10, 1987 by Kenneth D. Merin,

Commissioner, Department of Insurance.

Filed: September 10, 1987 as R.1987 d.394, without change.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:19-8a(i),
17B:25-19g and 17B:25-19h(viii) and (xi).

Effective Date: October 5, 1987.

Expiration Date: December 2, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

11:4-22.2 Definitions

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

"1980 CSO Table, with or without Ten-Year Select Mortality Factors" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 National Association of Insurance Commissioners (NAIC) Amendments to the Model Standard Valuation Law and Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Standard Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors.

"1980 CET Table" means that mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioners 1980 Extended Term Insurance Table.

"1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables" mean the mortality tables with separate rates of mortality for smokers and nonsmokers derived from the 1980 CSO and 1980 CET Mortality Tables by the Society of Actuaries Task Force on Smoker/Nonsmoker Mortality and adopted by the NAIC in December 1983.

11:4-22.4 Construction of Gender Blended Smoker and Nonsmoker Mortality Tables for use in the determination of minimum nonforfeiture benefits and minimum reserves

(a) In determining minimum cash surrender values, and amounts of paid up nonforfeiture benefits for any policy of insurance on the life of either a male or female insured on a form of insurance with separate rates for smokers and nonsmokers delivered or issued for delivery in this State after the operative date of N.J.S.A. 17B:25-19h(xi) for that policy form in addition to the mortality tables that may be used according to N.J.A.C. 11:4-22.3:

1. A mortality table which is a blend of the male and female rates of mortality according to the 1980 CSO Smoker Mortality Table, in the case of lives classified as smokers, or the 1980 CSO Nonsmoker Mortality Table, in the case of lives classified as nonsmokers, with or without Ten-year Select Mortality Factors, may at the option of the company be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors; and

2. A mortality table which is of the same blend as used in (a)1 above but applied to form a blend of the male and female rates of mortality according to the corresponding 1980 CET Smoker Mortality Table or 1980 CET Nonsmoker Mortality Table may at the option of the company be substituted for the 1980 CET Table.

(b) The following describes the blended Smoker and Nonsmoker Mortality Tables. The tables are contained in Appendix D to this subchapter.

1. 100 percent Male 0 percent Female smoker tables designated as "1980 CSO-SA" and "1980 CET-SA" Tables.

2. 80 percent Male 20 percent Female smoker tables designated as "1980 CSO-SB" and "1980 CET-SB" Tables.

3. 60 percent Male 40 percent Female smoker tables designated as "1980 CSO-SC" and "1980 CET-SC" Tables.

4. 50 percent Male 50 percent Female smoker tables designated as "1980 CSO-SD" and "1980 CET-SD" Tables.

5. 40 percent Male 60 percent Female smoker tables designated as "1980 CSO-SE" and "1980 CET-SE" Tables.

6. 20 percent Male 80 percent Female smoker tables designated as "1980 CSO-SF" and "1980 CET-SF" Tables.

7. 0 percent Male 100 percent Female smoker tables designated as "1980 CSO-SG" and "1980 CET-SG" Tables.

8. 100 percent Male 0 percent Female nonsmoker tables designated as "1980 CSO-NA" and "1980 CET-NA" Tables.

9. 0 percent Male 20 percent Female nonsmoker tables designated as "1980 CSO-NB" and "1980 CET-NB" Tables.

10. 60 percent Male 40 percent Female nonsmoker tables designated as "1980 CSO-NC" and "1980 CET-NC" Tables.

11. 50 percent Male 50 percent Female nonsmoker tables designated as "1980 CSO-ND" and "1980 CET-ND" Tables.

12. 40 percent Male 60 percent Female nonsmoker tables designated as "1980 CSO-NE" and "1980 CET-NE" Tables.

13. 20 percent Male 80 percent Female nonsmoker tables designated as "1980 CSO-NF" and "1980 CET-NF" Tables.

14. 0 percent Male 100 percent Female nonsmoker tables designated as "1980 CSO-NG" and "1980 CET-NG" Tables.

(c) The tables described in (b)1, 7, 8 and 14 above are not acceptable as blended tables, except where the proportion of persons insured is anticipated to be 90 percent or more of one sex or the other.

[11:4-22.4] 11:4-22.5 (No change in text.)

[11:4-22.5] 11:4-22.6 (No change in text.)

APPENDIX D
1980 CSO-SA Smoker Table 1

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	1.29	1.65	44	3.07	5.71	72	42.56	64.33
16	1.43	1.87	45	3.32	6.27	73	47.44	70.23
17	1.54	2.05	46	3.59	6.83	74	52.92	76.66
18	1.60	2.16	47	3.88	7.44	75	58.80	83.77
19	1.66	2.26	48	4.19	8.08	76	65.06	91.10
20	1.63	2.31	49	4.54	8.80	77	71.64	98.52
21	1.67	2.33	50	4.91	9.50	78	78.47	105.91
22	1.64	2.30	51	5.35	10.44	79	85.72	113.49
23	1.61	2.26	52	5.86	11.42	80	93.67	121.59
24	1.57	2.21	53	6.43	12.54	81	102.52	130.41
25	1.52	2.14	54	7.09	13.80	82	112.52	140.20
26	1.48	2.08	55	7.82	15.14	83	123.79	151.03
27	1.46	2.06	56	8.63	16.59	84	136.11	162.49
28	1.44	2.04	57	9.49	18.09	85	149.20	174.20
29	1.44	2.06	58	10.42	19.69	86	162.80	185.78
30	1.44	2.10	59	11.47	21.35	87	176.79	197.06
31	1.47	2.17	60	12.64	23.19	88	190.89	209.37
32	1.50	2.24	61	13.94	25.26	89	205.29	221.52
33	1.55	2.35	62	15.42	27.59	90	220.19	233.69
34	1.61	2.48	63	17.11	30.23	91	235.84	246.12
35	1.69	2.63	64	19.02	33.14	92	252.75	259.33
36	1.77	2.81	65	21.13	36.29	93	271.63	276.30
37	1.88	3.04	66	23.40	39.57	94	295.65	298.15
38	2.00	3.30	67	25.86	43.01	95	329.96	329.96
39	2.14	3.60	68	23.50	46.55	96	384.55	384.55
40	2.29	3.94	69	31.38	50.32	97	480.20	480.20
41	2.47	4.34	70	34.63	54.48	98	657.98	657.98
42	2.65	4.75	71	88.91	59.09	99	1000.00	1000.00
43	2.86	5.22						

1980 CSO-NA Nonsmoker Table 2

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	1.29	1.65	44	3.07	5.71	72	42.56	64.33
16	1.43	1.87	45	3.32	6.27	73	47.44	70.23
17	1.54	2.05	46	3.59	6.83	74	52.92	76.66
18	1.60	2.16	47	3.88	7.44	75	58.80	83.77
19	1.66	2.26	48	4.19	8.08	76	65.06	91.10
20	1.63	2.31	49	4.54	8.80	77	71.64	98.52
21	1.67	2.33	50	4.91	9.50	78	78.47	105.91
22	1.64	2.30	51	5.35	10.44	79	85.72	113.49
23	1.61	2.26	52	5.86	11.42	80	93.67	121.59
24	1.57	2.21	53	6.43	12.54	81	102.52	130.41
25	1.52	2.14	54	7.09	13.80	82	112.52	140.20
26	1.48	2.08	55	7.82	15.14	83	123.79	151.03
27	1.46	2.06	56	8.63	16.59	84	136.11	162.49
28	1.44	2.04	57	9.49	18.09	85	149.20	174.20
29	1.44	2.06	58	10.42	19.69	86	162.80	185.78
30	1.44	2.10	59	11.47	21.35	87	176.79	197.06
31	1.47	2.17	60	12.64	23.19	88	190.89	209.37
32	1.50	2.24	61	13.94	25.26	89	205.29	221.52
33	1.55	2.35	62	15.42	27.59	90	220.19	233.69
34	1.61	2.48	63	17.11	30.23	91	235.84	246.12
35	1.69	2.63	64	19.02	33.14	92	252.75	259.33
36	1.77	2.81	65	21.13	36.29	93	271.63	276.30
37	1.88	3.04	66	23.40	39.57	94	295.65	298.15
38	2.00	3.30	67	25.86	43.01	95	329.96	329.96
39	2.14	3.60	68	23.50	46.55	96	384.55	384.55
40	2.29	3.94	69	31.38	50.32	97	480.20	480.20
41	2.47	4.34	70	34.63	54.48	98	657.98	657.98
42	2.65	4.75	71	88.91	59.09	99	1000.00	1000.00
43	2.86	5.22						

1980 CET-NA NonSmoker Table 4

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	2.11	2.51	44	4.15	7.79	72	58.44	87.33
16	2.23	2.71	45	4.49	8.52	73	65.14	95.33
17	2.32	2.85	46	4.85	9.27	74	72.51	104.09
18	2.38	2.96	47	5.24	10.09	75	80.39	113.45
19	2.42	3.03	48	5.67	10.97	76	88.71	123.02
20	2.43	3.07	49	6.14	11.93	77	97.41	132.63
21	2.41	3.07	50	6.67	13.00	78	106.54	142.34
22	2.38	3.03	51	7.28	14.21	79	116.38	152.49
23	2.34	2.99	52	7.98	15.57	80	127.24	163.42
24	2.30	2.93	53	8.79	17.12	81	139.43	175.45
25	2.25	2.86	54	9.69	18.81	82	153.17	188.77
26	2.22	2.82	55	10.69	20.62	83	168.40	203.18
27	2.20	2.80	56	11.78	22.53	84	184.83	218.18
28	2.19	2.80	57	12.94	24.54	85	202.00	233.27
29	2.19	2.83	58	14.22	26.66	86	219.93	248.09
30	2.20	2.88	59	15.67	28.94	87	238.11	263.80
31	2.23	2.95	60	17.28	31.47	88	256.53	279.15
32	2.27	3.04	61	19.07	34.33	89	275.46	294.91
33	2.33	3.16	62	21.14	37.56	90	295.17	310.80
34	2.40	3.32	63	23.48	41.16	91	316.11	327.34
35	2.48	3.54	64	26.08	45.10	92	339.07	346.52
36	2.57	3.80	65	28.93	49.27	93	366.28	371.11
37	2.69	4.12	66	32.01	53.64	94	402.78	404.65
38	2.82	4.49	67	25.31	58.16	95	457.42	457.42
39	2.96	4.90	68	38.90	62.91	96	547.29	547.29
40	2.13	5.38	69	42.87	68.06	97	703.30	703.30
41	3.33	5.90	70	47.37	73.74	98	968.70	968.70
42	3.58	6.47	71	52.51	80.12	99	1000.00	1000.00
43	3.85	7.10						

1980 CET-SA Smoker Table 3

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	2.11	2.51	44	4.15	7.79	72	58.44	87.33
16	2.23	2.71	45	4.49	8.52	73	65.14	95.33
17	2.32	2.85	46	4.85	9.27	74	72.51	104.09
18	2.38	2.96	47	5.24	10.09	75	80.39	113.45
19	2.42	3.03	48	5.67	10.97	76	88.71	123.02
20	2.43	3.07	49	6.14	11.93	77	97.41	132.63
21	2.41	3.07	50	6.67	13.00	78	106.54	142.34
22	2.38	3.03	51	7.28	14.21	79	116.38	152.49
23	2.34	2.99	52	7.98	15.57	80	127.24	163.42
24	2.30	2.93	53	8.79	17.12	81	139.43	175.45
25	2.25	2.86	54	9.69	18.81	82	153.17	188.77
26	2.22	2.82	55	10.69	20.62	83	168.40	203.18
27	2.20	2.80	56	11.78	22.53	84	184.83	218.18
28	2.19	2.80	57	12.94	24.54	85	202.00	233.27
29	2.19	2.83	58	14.22	26.66	86	219.93	248.09
30	2.20	2.88	59	15.67	28.94	87	238.11	263.80
31	2.23	2.95	60	17.28	31.47	88	256.53	279.15
32	2.27	3.04	61	19.07	34.33	89	275.46	294.91
33	2.33	3.16	62	21.14	37.56	90	295.17	310.80
34	2.40	3.32	63	23.48	41.16	91	316.11	327.34
35	2.48	3.54	64	26.08	45.10	92	339.07	346.52
36	2.57	3.80	65	28.93	49.27	93	366.28	371.11
37	2.69	4.12	66	32.01	53.64	94	402.78	404.65
38	2.82	4.49	67	25.31	58.16	95	457.42	457.42
39	2.96	4.90	68	38.90	62.91	96	547.29	547.29
40	2.13	5.38	69	42.87	68.06	97	703.30	703.30
41	3.33	5.90	70	47.37	73.74	98	968.70	968.70
42	3.58	6.47	71	52.51	80.12	99	1000.00	1000.00
43	3.85	7.10						

1980 CSO-SB SMOKER TABLE & 1980 CET-SB SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 80%

1980 CSO-SB SMOKER TABLE 5					
Age	I _x	1000q _x	Age	I _x	1000q _x
15	223083	1.51	50	199290	8.95
16	222746	1.70	51	197506	9.74
17	222367	1.85	52	195582	10.63
18	221956	1.95	53	193503	11.64
19	221523	2.04	54	191251	12.77
20	221071	2.09	55	188809	13.96
21	220609	2.10	56	186173	15.24
22	220146	2.09	57	183336	16.55
23	219686	2.06	58	180302	17.93
24	219233	2.03	59	177069	19.36
25	218788	1.97	60	173641	20.93
26	218357	1.93	61	170007	22.72
27	217936	1.92	62	166144	24.75
28	217518	1.92	63	162032	27.09
29	217100	1.94	64	157643	29.66
30	216679	1.99	65	152967	32.45
31	216248	2.06	66	148003	35.33
32	215803	2.13	67	142774	38.33
33	215343	2.23	68	137301	41.34
34	214863	2.35	69	131625	44.56
35	214358	2.50	70	125760	48.06
36	213822	2.67	71	119716	52.02
37	213251	2.89	72	113488	56.56
38	212635	3.14	73	107069	61.72
39	211967	3.43	74	100461	67.39
40	211240	3.75	75	93691	73.64
41	210448	4.14	76	86792	80.11
42	209577	4.53	77	79839	86.64
43	208628	4.97	78	72922	93.17
44	207591	5.42	79	66128	99.91
45	206466	5.94	80	59521	107.14
46	205240	6.45	81	53144	115.11
47	203916	7.01	82	47027	124.03
48	202487	7.60	83	41194	134.01
49	200948	8.25	84	35674	144.97

Age	I _x	1000q _x	Age	I _x	1000q _x	Age	I _x	1000q _x	Age	I _x	1000q _x
85	30502	165.08	93	5124	265.45	35	155443	2.35	67	107519	33.97
86	25741	167.75	94	3764	*289.36	36	155078	2.52	68	103867	36.55
87	21423	179.03	95	2675	*324.89	37	154687	2.74	69	100071	39.31
88	17588	191.74	96	1806	*380.97	38	154263	2.98	70	96137	42.29
89	14216	204.04	97	1118	*477.69	39	153803	3.25	71	92071	45.73
90	11315	217.42	98	584	*657.38	40	153303	3.56	72	87861	49.75
91	8855	231.58	99	200	1000.00	41	152757	3.94	73	83490	54.37
92	6804	246.88				42	152155	4.31	74	78951	59.53

1980 CET-SB SMOKER TABLE 6

Age	I _x	1000q _x	Age	I _x	1000q _x	Age	I _x	1000q _x	Age	I _x	1000q _x
15	4675331	2.26	58	3532773	23.31	45	150010	5.61	77	64473	77.16
16	4664765	2.45	59	3450424	25.17	46	149168	6.08	78	59498	83.23
17	4653336	2.60	60	3363577	27.21	47	148261	6.59	79	54546	89.55
18	4641237	2.70	61	3272054	29.54	48	147284	7.12	80	49661	96.42
19	4628706	2.79	62	3175398	32.18	49	146235	7.71	81	44873	104.08
20	4615792	2.84	63	3073214	35.22	50	145108	8.35	82	40203	112.72
21	4602683	2.85	64	2964975	38.56	51	143896	9.05	83	35671	122.47
22	4589565	2.84	65	2850646	42.19	52	142594	9.84	84	31302	133.48
23	4576531	2.81	66	2730377	45.93	53	141191	10.75	85	27124	144.59
24	4563671	2.78	67	2604971	49.83	54	139673	11.75	86	23202	156.67
25	4550984	2.72	68	2475165	53.74	55	138032	12.80	87	19567	168.41
26	4538605	2.68	69	2342150	57.93	56	136265	13.92	88	16272	181.66
27	4526442	2.67	70	2206469	62.48	57	134368	15.05	89	13316	194.45
28	4514356	2.67	71	2068609	67.63	58	132346	16.21	90	10727	208.76
29	4502303	2.69	72	1928709	73.53	59	130201	17.41	91	8488	223.98
30	4490192	2.74	73	1786891	80.24	60	127934	18.74	92	6587	240.65
31	4477889	2.81	74	1643511	87.61	61	125537	20.27	93	5002	260.28
32	4465306	2.88	75	1499523	95.73	62	122992	22.02	94	3700	*285.17
33	4452446	2.98	76	1355974	104.14	63	120284	24.08	95	2645	*322.03
34	4439178	3.10	77	1214763	112.63	64	117388	26.36	96	1793	*378.56
35	4425417	3.25	78	1077944	121.12	65	114294	28.83	97	1114	*476.70
36	4411034	3.47	79	947383	129.88	66	110999	31.35	98	583	*657.10
37	4395728	3.76	80	824337	139.28				99	200	1000.00
38	4379200	4.08	81	709523	149.64						
39	4361333	4.46	82	603350	161.24						
40	4341881	4.88	83	506066	174.21						
41	4320693	5.38	84	417904	188.46						
42	4297448	5.89	85	339146	202.90						
43	4272136	6.46	86	270333	218.08						
44	4244538	7.05	87	211379	232.74						
45	4214614	7.72	88	162183	249.26						
46	4182077	8.39	89	121757	265.25						
47	4146989	9.11	90	89461	282.65						
48	4109210	9.88	91	64175	301.05						
49	4068611	10.73	92	44855	320.94						
50	4024955	11.64	93	30459	345.09						
51	3978105	12.66	94	19948	376.17						
52	3927742	13.82	95	12444	422.36						
53	3873461	15.13	96	7188	495.26						
54	3814856	16.60	97	3628	621.00						
55	3751529	18.15	98	1375	854.59						
56	3683439	19.81	99	200	1000.00						
57	3610470	21.52									

Age nearest birthday CSO: Sum qx= 4770.93 Sum lx= 12302728
* Adjusted; see text CET: Sum qx= 8674.67 Sum lx= 242009995

1980 CSO-SC SMOKER TABLE & 1980 CET-SC SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male I_x to Total Is 60%

1980 CSO-SC SMOKER TABLE 7

Age	I _x	1000q _x	Age	I _x	1000q _x	Age	I _x	1000q _x	Age	I _x	1000q _x
15	161242	1.37	25	158459	1.81	40	2801108	4.63	76	994131	92.46
16	161021	1.52	26	158172	1.79	41	2788139	5.12	77	902214	100.31
17	160776	1.65	27	157889	1.79	42	2773864	5.60	78	811713	108.20
18	160511	1.74	28	157606	1.79	43	2758330	6.12	79	723886	116.42
19	160232	1.82	29	157324	1.83	44	2741449	6.68	80	639611	125.35
20	159940	1.86	30	157036	1.88	45	2723136	7.29	81	559436	135.30
21	159643	1.88	31	156741	1.95	46	2703284	7.90	82	483744	146.54
22	159343	1.87	32	156435	2.02	47	2681928	8.57	83	412856	159.21
23	159045	1.85	33	156119	2.11	48	2658944	9.26	84	347125	173.52
24	158751	1.84	34	155790	2.23	49	2634322	10.02	85	286892	187.97
						50	2607926	10.86	86	232965	203.67

Age	1 _x	1000q _x	Age	1 _x	1000q _x	Age	1 _x	1000q _x	Age	1 _x	1000q _x
87	185517	218.93	94	19419	370.72	37	2366878	3.47	69	1381830	47.92
88	144902	236.16	95	12220	418.64	38	2358665	3.77	70	1315613	51.48
89	110682	252.79	96	7104	492.13	39	2349773	4.11	71	1247885	55.71
90	82703	271.39	97	3608	619.71	40	2340115	4.51	72	1178365	60.65
91	60258	291.17	98	1372	854.23	41	2329561	4.98	73	1106897	66.38
92	42713	312.85	99	200	1000.00	42	2317960	5.46	74	1033421	72.83
93	29350	338.36				43	2305304	5.97	75	958157	79.94

Age nearest birthday CSO: Sum qx= 4498.38 Sum 1x= 9084082
* Adjusted; see text CET: Sum qx= 8307.43 Sum 1x= 158862096

1980 CSO-SD SMOKER TABLE & 1980 CET-SD SMOKER TABLE #
Pivotal Age is 45 *** Ratio of Male 1_x to Total is 50%

1980 CSO-SD SMOKER TABLE 9

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	141303	1.30	58	116884	15.36
16	141119	1.44	59	115089	16.46
17	140916	1.55	60	113195	17.67
18	140698	1.63	61	111195	19.07
19	140469	1.71	62	109075	20.69
20	140229	1.74	63	106818	22.62
21	139985	1.76	64	104402	24.76
22	139739	1.76	65	101817	27.09
23	139493	1.75	66	99059	29.46
24	139249	1.74	67	96141	31.91
25	139007	1.72	68	93073	34.28
26	138768	1.71	69	89882	36.86
27	138531	1.72	70	86569	39.60
28	138293	1.73	71	83141	42.85
29	138054	1.77	72	79578	46.65
30	137810	1.82	73	75866	51.06
31	137559	1.89	74	71992	56.02
32	137299	1.96	75	67959	61.49
33	137030	2.05	76	63780	67.22
34	136749	2.17	77	59493	73.10
35	136452	2.29	78	55144	79.03
36	136140	2.45	79	50786	85.26
37	135806	2.67	80	46456	92.04
38	135443	2.90	81	42180	99.64
39	135050	3.16	82	37977	108.24
40	134623	3.47	83	33866	117.99
41	134156	3.83	84	29870	129.09
42	133642	4.20	85	26014	140.30
43	133081	4.59	86	22364	152.63
44	132470	4.99	87	18951	164.55
45	131809	5.44	88	15833	178.09
46	131092	5.89	89	13013	191.10
47	130320	6.37	90	10526	205.79
48	129490	6.88	91	8360	221.41
49	128599	7.43	92	6509	238.61
50	127644	8.04	93	4956	258.45
51	126618	8.71	94	3675	*283.81
52	125515	9.46	95	2632	*320.74
53	124328	10.31	96	1788	*377.93
54	123046	11.25	97	1112	*476.61
55	121662	12.23	98	582	*656.44
56	120174	13.26	99	200	1000.00
57	118580	14.30			

1980 CET-SD SMOKER TABLE 10

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	2503786	2.05	26	2438596	2.46
16	2498653	2.19	27	2432597	2.47
17	2493181	2.30	28	2426588	2.48
18	2487447	2.38	29	2420570	2.52
19	2481527	2.46	30	2414470	2.57
20	2475422	2.49	31	2408265	2.64
21	2469258	2.51	32	2401907	2.71
22	2463060	2.51	33	2395398	2.80
23	2456878	2.50	34	2388691	2.92
24	2450736	2.49	35	2381716	3.04
25	2444634	2.47	36	2374476	3.20

Age	1 _x	1000q _x	Age	1 _x	1000q _x	Age	1 _x	1000q _x
37	2366878	3.47	69	1381830	47.92			
38	2358665	3.77	70	1315613	51.48			
39	2349773	4.11	71	1247885	55.71			
40	2340115	4.51	72	1178365	60.65			
41	2329561	4.98	73	1106897	66.38			
42	2317960	5.46	74	1033421	72.83			
43	2305304	5.97	75	958157	79.94			
44	2291541	6.49	76	881562	87.39			
45	2276669	7.07	77	804522	95.03			
46	2260573	7.66	78	728068	102.74			
47	2243257	8.28	79	653266	110.84			
48	2224683	8.94	80	580858	119.65			
49	2204794	9.66	81	511358	129.53			
50	2183496	10.45	82	445122	140.71			
51	2160678	11.32	83	382489	153.39			
52	2136219	12.30	84	323819	167.82			
53	2109944	13.40	85	269476	182.39			
54	2081671	14.63	86	220326	198.42			
55	2051216	15.90	87	176609	213.92			
56	2018602	17.24	88	138829	231.52			
57	1983801	18.59	89	106687	248.43			
58	1946922	19.97	90	80183	267.53			
59	1908042	21.40	91	58732	287.83			
60	1867210	22.97	92	41827	310.19			
61	1824320	24.79	93	28853	335.99			
62	1779095	26.90	94	19159	368.95			
63	1731237	29.41	95	12090	416.96			
64	1680321	32.19	96	7049	491.31			
65	1626231	35.22	97	3586	619.59			
66	1568955	38.30	98	1364	853.37			
67	1508864	41.48	99	200	1000.00			
68	1446276	44.56						

Age nearest birthday CSO: Sum qx= 4385.48 Sum 1x= 8045842
* Adjusted; see text CET: Sum qx= 8155.96 Sum 1x= 133888931

1980 CSO-SE SMOKER TABLE & 1980 CET-SE SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 40%

1980 CSO-SE SMOKER TABLE 11

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	125734	1.22	47	116299	6.16
16	125581	1.35	48	115583	6.64
17	125411	1.45	49	114816	7.16
18	125229	1.52	50	113994	7.74
19	125039	1.59	51	113112	8.36
20	124840	1.63	52	112166	9.07
21	124637	1.65	53	111149	9.87
22	124431	1.65	54	110052	10.74
23	124226	1.65	55	108870	11.65
24	124021	1.65	56	107602	12.61
25	123816	1.64	57	106245	13.57
26	123613	1.64	58	104803	14.52
27	123410	1.66	59	103281	15.51
28	123205	1.67	60	101679	16.61
29	122999	1.71	61	99990	17.89
30	122789	1.77	62	98201	19.38
31	122572	1.84	63	96298	21.20
32	122346	1.91	64	94256	23.20
33	122112	1.99	65	92069	25.40
34	121869	2.11	66	89730	27.62
35	121612	2.22	67	87252	29.91
36	121342	2.38	68	84642	32.12
37	121053	2.59	69	81923	34.50
38	120739	2.82	70	79097	37.05
39	120399	3.08	71	76166	40.10
40	120028	3.38	72	73112	43.72
41	119622	3.73	73	69916	47.97
42	119176	4.09	74	66562	52.76
43	118689	4.46	75	63050	58.07
44	118160	4.85	76	59389	63.65
45	117587	5.28	77	55609	69.39
46	116966	5.70	78	51750	75.26

Age	1 _x	1000q _x	Age	1 _x	1000q _x
79	47855	81.40	90	10373	203.38
80	43960	88.17	91	8263	219.41
81	40084	95.75	92	6450	236.87
82	36246	104.35	93	4922	257.15
83	32464	114.13	94	2656	*282.58
84	28759	125.35	95	2623	*319.76
85	25154	136.67	96	1784	*377.41
86	21716	149.23	97	1111	*476.21
87	18475	161.37	98	582	*656.10
88	15494	175.15	99	200	1000.00
89	12780	188.35			

1980 CET-SE SMOKER TABLE 12

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	2133421	1.97	58	1674667	18.88
16	2129228	2.10	59	1643049	20.16
17	2124757	2.20	60	1609925	21.59
18	2120083	2.27	61	1575167	23.26
19	1225270	2.34	62	1538529	25.19
20	2110320	2.38	63	1499773	27.56
21	2105297	2.40	64	1458439	30.16
22	2100244	2.40	65	1414452	33.02
23	2095203	2.40	66	1367747	35.91
24	2090175	2.40	67	1318631	38.88
25	2085159	2.39	68	1267363	41.76
26	2080175	2.39	69	1214438	44.85
27	2075203	2.41	70	1159970	48.17
28	2070202	2.42	71	1104094	52.13
29	2065192	2.46	72	1046538	56.84
30	2060112	2.52	73	987053	62.36
31	2054921	2.59	74	925500	68.59
32	2049599	2.66	75	862020	75.49
33	2044147	2.74	76	796946	82.75
34	2038546	2.86	77	730999	90.21
35	2032716	2.97	78	665056	97.84
36	2026679	3.13	79	599987	105.82
37	2020335	3.37	80	536496	114.62
38	2013526	3.67	81	475003	124.48
39	2006136	4.00	82	415875	135.66
40	1998111	4.39	83	359457	148.37
41	1989339	4.85	84	306124	162.96
42	1979691	5.32	85	256238	177.67
43	1969159	5.80	86	210712	194.00
44	1957738	6.31	87	169834	209.78
45	1945385	6.86	88	134206	227.70
46	1932040	7.41	89	103647	244.86
47	1917724	8.01	90	78268	264.39
48	1902363	8.63	91	57575	285.23
49	1885946	9.31	92	41153	307.93
50	1868388	10.06	93	28481	334.30
51	1849592	10.87	94	18960	367.35
52	1829487	11.79	95	11995	415.69
53	1807917	12.83	96	7009	490.63
54	1784721	13.96	97	3570	619.07
55	1759806	15.15	98	1360	852.93
56	1733145	16.39	99	200	1000.00
57	1704739	17.64			

Age nearest birthday CSO: Sum qx= 4284.01 Sum 1x= 7234867
* Adjusted; see text CET: Sum qx= 8020.06 Sum 1x= 115338453

1980 CSO-SF SMOKER TABLE & 1980 CET-SF SMOKER TABLE #
Pivotal Age is 45 *** Ratio of Male 1_x to Total 1_s 20%

1980 CSO-SF SMOKER TABLE 13

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	102794	1.08	58	87006	12.87
16	102683	1.17	59	85886	13.66
17	102563	1.25	60	84713	14.53
18	102435	1.31	61	83482	15.59
19	102301	1.36	62	82181	16.84
20	102162	1.39	63	80797	18.43
21	102020	1.42	64	79308	20.20
22	101875	1.43	65	77706	22.15
23	101729	1.44	66	75985	24.10
24	101583	1.46	67	74154	26.12
25	101435	1.47	68	72217	28.01
26	101286	1.49	69	70194	30.09
27	101135	1.52	70	68082	32.29
28	100981	1.54	71	65884	35.04
29	100825	1.60	72	63575	38.36
30	100664	1.66	73	61136	42.33
31	100497	1.72	74	58548	46.89
32	100324	1.80	75	55803	51.94
33	100143	1.87	76	52905	57.33
34	99956	1.98	77	49872	62.93
35	99758	2.08	78	46734	68.70
36	99551	2.23	79	43523	74.83
37	99329	2.44	80	40266	81.61
38	99087	2.65	81	36980	89.22
39	98824	2.90	82	33681	97.92
40	98537	3.19	83	30383	107.82
41	98223	3.53	84	27107	119.31
42	97876	3.86	85	23873	130.86
43	97498	4.21	86	20749	143.85
44	97088	4.56	87	17764	156.39
45	96645	4.94	88	14986	170.57
46	96168	5.33	89	12430	184.17
47	95655	5.74	90	10141	199.71
48	95106	6.16	91	8116	216.27
49	94520	6.62	92	6361	234.41
50	93894	7.14	93	4870	255.00
51	93224	7.68	94	3628	*280.66
52	92508	8.29	95	2610	*318.37
53	91741	9.00	96	1779	*376.21
54	90915	9.74	97	1110	*475.72
55	90029	10.52	98	582	*656.09
56	89082	11.33	99	200	1000.00
57	88073	12.11			

1980 CET-SF SMOKER TABLE 14

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	1629026	1.83	37	1548291	3.19
16	1626045	1.92	38	1543352	3.45
17	1622923	2.00	39	1538027	3.77
18	1619677	2.06	40	1532229	4.15
19	1616340	2.11	41	1525870	4.59
20	1612930	2.14	42	1518866	5.02
21	1609478	2.17	43	1511241	5.47
22	1605985	2.18	44	1502975	5.93
23	1602484	2.19	45	1494062	6.42
24	1598975	2.21	46	1484470	6.93
25	1595441	2.22	47	1474183	7.46
26	1591899	2.24	48	1463186	8.01
27	1588333	2.27	49	1451466	8.61
28	1584727	2.29	50	1438969	9.28
29	1581098	2.35	51	1425615	9.98
30	1577382	2.41	52	1411387	10.78
31	1573581	2.47	53	1396172	11.70
32	1569694	2.55	54	1379837	12.66
33	1565691	2.62	55	1362368	13.68
34	1561589	2.73	56	1343731	14.73
35	1557326	2.83	57	1323938	15.74
36	1552919	2.98	58	1303099	16.73

Age	1 _x	1000q _x	Age	1 _x	1000q _x
59	1281298	17.76	80	475227	106.09
60	1258542	18.89	81	424810	115.99
61	1234768	20.27	82	375536	127.30
62	1209739	21.89	83	327730	140.17
63	1183258	23.96	84	281792	155.10
64	1154907	26.26	85	238086	170.12
65	1124579	28.80	86	197583	187.02
66	1092191	31.33	87	160633	203.31
67	1057973	33.96	88	127975	221.74
68	1022044	36.41	89	99598	239.42
69	984831	39.12	90	75752	259.62
70	946304	41.98	91	56085	281.15
71	906578	45.55	92	40317	304.73
72	865283	49.87	93	28031	331.50
73	822131	55.03	94	18739	364.86
74	776889	60.96	95	11902	413.88
75	729530	67.52	96	6976	489.07
76	680272	74.53	97	3564	618.44
77	629571	81.81	98	1360	852.92
78	578066	89.31	99	200	1000.00
79	526439	97.28			

Age nearest birthday CSO: Sum qx= 4106.55 Sum 1x= 6040029
* Adjusted; see text CET: Sum qx= 7783.96 Sum 1x= 90033966

1980 CSO-NB NON-SMOKER TABLE &
1980 CET-NB NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 80%

1980 CSO-NB NON-SMOKER TABLE 15					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	116700	1.20	58	103102	9.84
16	116560	1.32	59	102087	10.75
17	116406	1.42	60	100990	11.80
18	116241	1.47	61	99798	12.96
19	116070	1.52	62	98505	14.30
20	115894	1.55	63	97096	15.86
21	115714	1.55	64	95556	17.62
22	115535	1.52	65	93872	19.55
23	115359	1.50	66	92037	21.64
24	115186	1.47	67	90045	23.87
25	115017	1.44	68	87896	26.24
26	114851	1.41	69	85590	28.82
27	114689	1.40	70	83123	31.74
28	114528	1.38	71	80485	35.51
29	114370	1.40	72	77627	38.89
30	114210	1.40	73	74608	43.37
31	114050	1.43	74	71372	48.39
32	113887	1.46	75	67918	53.84
33	113721	1.50	76	64261	59.65
34	113550	1.58	77	60428	65.77
35	113371	1.64	78	56454	72.13
36	113185	1.73	79	52382	78.92
37	112989	1.83	80	48248	86.40
38	112782	1.96	81	440079	94.77
39	112561	2.10	82	39902	104.26
40	112325	2.25	83	35742	115.02
41	112072	2.43	84	31631	126.80
42	111800	2.60	85	27620	139.45
43	111509	2.81	86	23768	152.61
44	111196	3.01	87	20141	166.38
45	110861	3.26	88	16790	180.45
46	110500	3.51	89	13760	195.03
47	110112	3.78	90	11076	210.29
48	109696	4.09	91	8747	*226.51
49	109247	4.41	92	6766	*244.13
50	108765	4.76	93	5114	*264.04
51	108247	5.18	94	3764	*289.36
52	107686	5.65	95	2675	*324.89
53	107078	6.19	96	1806	*380.97
54	106415	6.81	97	1118	*477.69
55	105690	7.48	98	584	*657.38
56	104899	8.21	99	200	1000.00
57	104038	9.00			

1980 CET-NB NON-SMOKER TABLE 16					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	1977580	1.95	58	1670850	12.79
16	1973724	2.07	59	1649480	13.98
17	1969638	2.17	60	1626420	15.34
18	1965364	2.22	61	1601471	16.85
19	1961001	2.27	62	1574486	18.59
20	1956550	2.30	63	1545216	20.62
21	1952050	2.30	64	1513354	22.91
22	1947560	2.27	65	1478683	25.42
23	1943139	2.25	66	1441095	28.13
24	1938767	2.22	67	1400557	31.03
25	1934463	2.19	68	1357098	34.11
26	1930227	2.16	69	1310807	37.47
27	1926058	2.15	70	1261691	41.26
28	1921917	2.13	71	1209634	46.16
29	1917823	2.15	72	1153797	50.56
30	1913700	2.15	73	1095461	56.38
31	1909586	2.18	74	1033699	62.91
32	1905423	2.21	75	968669	69.99
33	1901212	2.25	76	900872	77.55
34	1896934	2.33	77	831009	85.50
35	1892514	2.39	78	759958	93.77
36	1887991	2.48	79	688697	102.60
37	1883309	2.58	80	618037	112.32
38	1878450	2.71	81	548619	123.20
39	1873359	2.85	82	481029	135.54
40	1868020	3.00	83	415830	149.53
41	1862416	3.18	84	353651	164.84
42	1856494	3.38	85	295355	181.29
43	1850219	3.65	86	241810	198.39
44	1843466	3.91	87	193837	216.29
45	1836258	4.24	88	151912	234.59
46	1828472	4.56	89	116275	253.54
47	1820134	4.91	90	86795	273.38
48	1811197	5.32	91	63067	294.46
49	1801561	5.73	92	44496	317.37
50	1791238	6.19	93	30374	343.25
51	1780150	6.73	94	19948	376.17
52	1768170	7.35	95	12444	422.36
53	1755174	8.05	96	7188	495.26
54	1741045	8.85	97	3628	621.00
55	1725637	9.72	98	1375	854.59
56	1708864	10.67	99	200	1000.00
57	1690630	11.70			

Age nearest birthday CSO: Sum qx= 3436.53 Sum 1x= 7008325
* Adjusted; see text CET: Sum qx= 7899.36 Sum 1x= 112256358

1980 CSO-NC NON-SMOKER TABLE &
1980 CET-NC NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 60%

1980 CSO-NC NON-SMOKER TABLE 17					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	95229	1.11	34	92813	1.53
16	95123	1.22	35	92671	1.60
17	95007	1.29	36	92523	1.68
18	94884	1.34	37	92368	1.80
19	94757	1.39	38	92202	1.91
20	94625	1.41	39	92026	2.06
21	94492	1.42	40	91836	2.21
22	94358	1.40	41	91633	2.38
23	94226	1.39	42	91415	2.57
24	94095	1.37	43	91180	2.76
25	93966	1.35	44	90928	2.96
26	93839	1.33	45	90659	3.19
27	93714	1.33	46	90370	3.43
28	93589	1.33	47	90060	3.69
29	93465	1.35	48	89728	3.98
30	93339	1.36	49	89371	4.28
31	93212	1.39	50	88988	4.62
32	93082	1.42	51	88577	5.00
33	92950	1.47	52	88134	5.46

Age	1 _x	1000q _x	Age	1 _x	1000q _x
53	87653	5.96	76	54855	54.70
54	87131	6.52	77	51854	60.43
55	86563	7.14	78	48720	66.46
56	85945	7.80	79	45482	72.92
57	85275	8.51	80	42165	80.06
58	84549	9.24	81	38789	88.10
59	83768	10.05	82	35372	97.27
60	82926	10.97	83	31931	107.73
61	82016	12.01	84	28491	119.23
62	81031	13.21	85	25094	131.61
63	79961	14.62	86	21791	144.68
64	78792	16.24	87	18638	158.40
65	77512	18.01	88	15686	172.60
66	76116	19.91	89	12979	187.46
67	74601	21.94	90	10546	*203.08
68	72964	24.05	91	8404	*219.76
69	71209	26.35	92	6557	*238.20
70	69333	28.95	93	4995	*259.26
71	67326	32.26	94	3700	*285.17
72	65154	35.42	95	2645	*322.03
73	62846	39.52	96	1793	*378.56
74	60362	44.17	97	1114	*476.70
75	57696	49.24	98	583	*657.10
			99	200	1000.00

1980 CET-NC NON-SMOKER TABLE 18

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	1495453	1.86	58	1270821	12.01
16	1492671	1.97	59	1255558	13.07
17	1489730	2.04	60	1239148	14.26
18	1486691	2.09	61	1221478	15.61
19	1483584	2.14	62	1202411	17.17
20	1480409	2.16	63	1181766	19.01
21	1477211	2.17	64	1159301	21.11
22	1474005	2.15	65	1134828	23.41
23	1470836	2.14	66	1108262	25.88
24	1467688	2.12	67	1079580	28.52
25	1464577	2.10	68	1048790	31.27
26	1461501	2.08	69	1015994	34.26
27	1458461	2.08	70	981186	37.64
28	1455427	2.08	71	944254	41.94
29	1452400	2.10	72	904652	46.05
30	1449350	2.11	73	862993	51.38
31	1446292	2.14	74	818652	57.42
32	1443197	2.17	75	771645	64.01
33	1440065	2.22	76	722252	71.11
34	1436868	2.28	77	670893	78.56
35	1433592	2.35	78	618188	86.40
36	1430223	2.43	79	564777	94.80
37	1426748	2.55	80	511236	104.08
38	1423110	2.66	81	458027	114.53
39	1419325	2.81	82	405569	126.45
40	1415337	2.96	83	354285	140.05
41	1411148	3.13	84	304667	155.00
42	1406731	3.34	85	257444	171.09
43	1402033	3.59	86	213398	188.08
44	1397000	3.85	87	173262	205.92
45	1391622	4.15	88	137584	224.38
46	1385847	4.46	89	106713	243.70
47	1379666	4.80	90	80707	264.00
48	1373044	5.17	91	59400	285.69
49	1365945	5.56	92	42430	309.66
50	1358350	6.01	93	29291	337.04
51	1350186	6.50	94	19419	370.72
52	1341410	7.10	95	12220	418.64
53	1331886	7.75	96	7104	492.13
54	1321564	8.48	97	3608	619.71
55	1310357	9.28	98	1372	854.23
56	1298197	10.14	99	200	1000.00
57	1285033	11.06			

Age nearest birthday CSO: Sum qx= 3086.52 Sum 1x= 5788547
* Adjusted; see text CET: Sum qx= 7672.32 Sum 1x= 85940135

1980 CSO-ND NON-SMOKER TABLE &
1980 CET-ND NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 50%

1980 CSO-ND NON-SMOKER TABLE 19					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	87164	1.07	58	77577	8.95
16	87071	1.16	59	76883	9.70
17	86970	1.23	60	76137	10.55
18	86863	1.27	61	75334	11.53
19	86753	1.32	62	74465	12.66
20	86638	1.35	63	73522	14.01
21	86521	1.34	64	72492	15.56
22	86405	1.34	65	71364	17.24
23	86289	1.33	66	70134	19.07
24	86174	1.33	67	68797	20.98
25	86059	1.30	68	67354	22.99
26	85947	1.30	69	65806	25.15
27	85835	1.29	70	64151	27.60
28	85724	1.31	71	62380	30.69
29	85612	1.33	72	60466	33.75
30	85498	1.34	73	58425	37.67
31	85383	1.37	74	56224	42.16
32	85266	1.40	75	53854	47.06
33	85147	1.45	76	51320	52.38
34	85024	1.51	77	48632	57.96
35	84896	1.58	78	45813	63.84
36	84762	1.67	79	42888	70.16
37	84620	1.77	80	39879	77.18
38	84470	1.90	81	36801	85.11
39	84310	2.03	82	33669	94.17
40	84139	2.19	83	30498	104.54
41	83955	2.36	84	27310	115.93
42	83757	2.55	85	24144	128.27
43	83543	2.73	86	21047	141.31
44	83315	2.93	87	18073	155.09
45	83071	3.16	88	15270	169.35
46	82808	3.39	89	12684	184.40
47	82527	3.65	90	10345	*200.23
48	82226	3.92	91	8274	*217.23
49	81904	4.22	92	6477	*235.91
50	81558	4.55	93	4949	*257.43
51	81187	4.92	94	3675	*283.81
52	80788	5.36	95	2632	*320.74
53	80355	5.85	96	1788	*377.93
54	79885	6.38	97	1112	*476.61
55	79375	6.97	98	582	*656.44
56	78822	7.60	99	200	1000.00
57	78223	8.26			

1980 CET-ND NON-SMOKER TABLE 20

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	1321831	1.82	35	1268245	2.33
16	1319425	1.91	36	1265290	2.42
17	1316905	1.98	37	1262228	2.52
18	1314298	2.02	38	1259047	2.65
19	1311643	2.07	39	1255711	2.78
20	1308928	2.10	40	1252220	2.94
21	1306179	2.09	41	1248538	3.11
22	1303449	2.09	42	1244655	3.32
23	1300725	2.08	43	1240523	3.55
24	1298019	2.08	44	1236119	3.81
25	1295319	2.05	45	1231409	4.11
26	1292664	2.05	46	1226348	4.41
27	1290014	2.04	47	1220940	4.75
28	1287382	2.06	48	1215141	5.10
29	1284730	2.08	49	1208944	5.49
30	1282058	2.09	50	1202307	5.92
31	1279378	2.12	51	1195189	6.40
32	1276666	2.15	52	1187540	6.97
33	1273921	2.20	53	1179263	7.61
34	1271118	2.26	54	1170289	8.29

Age	1 _x	1000q _x	Age	1 _x	1000q _x
55	1160587	9.06	78	565898	82.99
56	1150072	9.88	79	518934	91.21
57	1138709	10.74	80	471602	100.33
58	1126479	11.64	81	424286	110.64
59	1113367	12.61	82	377343	122.42
60	1099327	13.72	83	331149	135.90
61	1084244	14.99	84	286146	150.71
62	1067991	16.46	85	243021	166.75
63	1050412	18.21	86	202497	183.70
64	1031284	20.23	87	165298	201.62
65	1010421	22.41	88	131971	220.16
66	987777	24.79	89	102916	239.72
67	963290	27.27	90	78245	260.30
68	937021	29.89	91	57878	282.40
69	909013	32.70	92	41533	306.68
70	879288	35.88	93	28796	334.66
71	847739	39.90	94	19159	368.95
72	813914	43.88	95	12090	416.96
73	778199	48.97	96	7049	491.31
74	740091	54.81	97	3586	619.59
75	699527	61.18	98	1364	853.37
76	656730	68.09	99	200	1000.00
77	612013	75.35			

Age nearest birthday CSO: Sum qx= 3023.29 Sum lx= 5330266
* Adjusted; see text CET: Sum qx= 7572.85 Sum lx= 76433054

1980 CSO-NE NON-SMOKER TABLE &
1980 CET-NE NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 40%

1980 CSO-NE NON-SMOKER TABLE 21					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	80445	1.03	53	74277	5.73
16	80362	1.10	54	73851	6.23
17	80274	1.17	55	73391	6.81
18	80180	1.21	56	72891	7.39
19	80083	1.25	57	72352	8.02
20	79983	1.29	58	71772	8.65
21	79880	1.28	59	71151	9.35
22	79778	1.28	60	70486	10.14
23	79676	1.28	61	69771	11.04
24	79574	1.28	62	69001	12.12
25	79472	1.26	63	68165	13.40
26	79372	1.26	64	67252	14.89
27	79272	1.27	65	66251	16.49
28	79171	1.28	66	65159	18.23
29	79070	1.30	67	63971	20.04
30	78967	1.31	68	62689	21.93
31	78864	1.36	69	61314	23.96
32	78757	1.39	70	59845	26.28
33	78648	1.42	71	58272	29.16
34	78536	1.49	72	56573	32.11
35	78419	1.56	73	54756	35.90
36	78297	1.65	74	52790	40.21
37	78168	1.76	75	50667	44.98
38	78030	1.87	76	48388	50.15
39	77884	2.02	77	45961	55.59
40	77727	2.16	78	43406	61.36
41	77559	2.34	79	40743	67.55
42	77378	2.53	80	37991	74.48
43	77182	2.72	81	35161	82.32
44	76972	2.91	82	32267	91.29
45	76748	3.13	83	29321	101.59
46	76508	3.35	84	26342	112.91
47	76252	3.59	85	23368	125.24
48	75978	3.87	86	20441	138.25
49	75684	4.15	87	17615	152.08
50	75370	4.48	88	14936	166.50
51	75032	4.84	89	12449	181.73
52	74669	5.25			

Age	1 _x	1000q _x	Age	1 _x	1000q _x
90	10187	*197.78	95	2623	*319.76
91	8172	*215.12	96	1784	*377.41
92	6414	*234.03	97	1111	*476.21
93	4913	*255.85	98	582	*656.10
94	3656	*282.58	99	200	1000.00

1980 CET-NE NON-SMOKER TABLE 22

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	1182241	1.78	58	1010426	11.25
16	1180137	1.85	59	999059	12.16
17	1177954	1.92	60	968910	13.18
18	1175692	1.96	61	973903	14.35
19	1173388	2.00	62	959927	15.76
20	1171041	2.04	63	944799	17.42
21	1168652	2.03	64	928341	19.36
22	1166280	2.03	65	910368	21.44
23	1163912	2.03	66	890850	23.70
24	1161549	2.03	67	869737	26.05
25	1159191	2.01	68	847080	28.51
26	1156861	2.01	69	822930	31.15
27	1154536	2.02	70	797296	34.16
28	1152204	2.03	71	770060	37.91
29	1149865	2.05	72	740867	41.74
30	1147508	2.06	73	709943	46.67
31	1145144	2.11	74	676810	52.27
32	1142728	2.14	75	641433	58.47
33	1140283	2.17	76	603928	65.20
34	1137809	2.24	77	564552	72.27
35	1135260	2.31	78	523752	79.77
36	1132638	2.40	79	481972	87.72
37	1129920	2.51	80	439645	96.82
38	1127084	2.62	81	397079	107.02
39	1124131	2.77	82	354584	118.68
40	1121017	2.91	83	312502	132.07
41	1117755	3.09	84	271230	146.78
42	1114301	3.29	85	231419	162.81
43	1110635	3.54	86	193742	179.73
44	1106703	3.78	87	158921	197.70
45	1102520	4.07	88	127502	216.45
46	1098033	4.36	89	99904	236.25
47	1093246	4.67	90	76302	257.11
48	1088141	5.03	91	56684	379.66
49	1082668	5.40	92	40832	304.24
50	1076822	5.82	93	28409	332.61
51	1070555	6.29	94	18960	367.35
52	1063821	6.83	95	11995	415.69
53	1056555	7.45	96	7009	490.63
54	1048684	8.10	97	3570	619.70
55	1040190	8.85	98	1360	852.93
56	1030984	9.61	99	200	1000.00
57	1021076	10.43			

Age nearest birthday CSO: Sum qx= 2963.79 Sum lx= 4948899
* Adjusted; see text CET: Sum qx= 7480.85 Sum lx= 68786506

1980 CSO-NF NON-SMOKER TABLE &
1980 CET-NF NON-SMOKER TABLE #
Pivotal Age Is 45 *** Ratio of Male 1_x to Total Is 20%

1980 CSO-NF NON-SMOKER TABLE 23					
Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	69713	0.94	26	68873	1.19
16	69647	0.99	27	68791	1.20
17	69578	1.04	28	68708	1.23
18	69506	1.07	29	68623	1.25
19	69432	1.12	30	68537	1.28
20	69354	1.15	31	68449	1.32
21	69274	1.14	32	68359	1.35
22	69195	1.16	33	68267	1.38
23	69115	1.16	34	68173	1.45
24	69035	1.18	35	68074	1.51
25	68954	1.17	36	67971	1.61

Age	1 _x	1000q _x	Age	1 _x	1000q _x
37	67862	1.71	69	54142	21.65
38	67746	1.84	70	52970	23.69
39	67621	1.97	71	51715	26.19
40	67488	2.12	72	50361	28.98
41	67345	2.30	73	48902	32.47
42	67190	2.49	74	47314	36.50
43	67023	2.67	75	45587	41.02
44	66844	2.85	76	43717	45.94
45	66653	3.06	77	41709	51.16
46	66449	3.27	78	39575	56.73
47	66232	3.50	79	37330	62.78
48	66000	3.76	80	34986	69.53
49	65752	4.02	81	32553	77.24
50	65488	4.33	82	30039	86.13
51	65204	4.67	83	27452	96.33
52	64899	5.05	84	24808	107.59
53	64571	5.49	85	22139	119.91
54	64217	5.96	86	19484	132.99
55	63834	6.46	87	16893	146.95
56	63422	6.99	88	14411	161.59
57	62979	7.54	89	12082	177.21
58	62504	8.06	90	9941	193.74
59	62000	8.65	91	8015	211.49
60	61464	9.32	92	6320	*231.05
61	60891	10.11	93	4860	*253.44
62	60275	11.04	94	3628	*280.66
63	59610	12.20	95	2610	*318.37
64	58883	13.55	96	1779	*376.21
65	58085	15.01	97	1110	*475.72
66	57213	16.58	98	582	*656.09
67	56264	18.21	99	200	1000.00
68	55239	19.86			

Age	1 _x	1000q _x	Age	1 _x	1000q _x
85	214459	155.88	93	27947	329.47
86	181029	172.89	94	18739	364.86
87	149731	191.04	95	11902	413.88
88	121126	210.07	96	6976	489.07
89	95681	230.37	97	3564	618.44
90	73639	251.86	98	1360	852.92
91	55092	274.94	99	200	1000.00
92	39945	300.37			

Age nearest birthday CSO: Sum qx= 3259.34 Sum lx= 4340089
* Adjusted; see text CET: Sum qx= 7315.40 Sum lx= 57404657

1980 CET-NG Nonsmoker Table 25

Non-Smoker			Non-Smoker			Non-Smoker		
Age	Smoker	Smoker	Age	Smoker	Smoker	Age	Smoker	Smoker
15	1.61	1.71	44	3.76	5.77	72	35.85	46.03
16	1.65	1.76	45	4.02	6.21	73	40.42	51.34
17	1.68	1.81	46	4.29	6.67	74	45.67	57.38
18	1.71	1.86	47	4.59	7.14	75	51.53	63.99
19	1.74	1.89	48	4.90	7.64	76	57.88	71.01
20	1.76	1.92	49	5.25	8.20	77	64.68	78.31
21	1.78	1.94	50	5.64	8.80	78	72.03	86.09
22	1.79	1.97	51	6.07	9.44	79	80.18	94.52
23	1.81	2.00	52	6.57	10.17	80	89.45	103.97
24	1.83	2.03	53	7.11	10.97	81	100.11	114.70
25	1.85	2.06	54	7.67	11.79	82	112.40	126.89
26	1.88	2.11	55	8.27	12.64	83	126.26	140.97
27	1.90	2.15	56	8.87	13.47	84	141.53	156.23
28	1.93	2.20	57	9.45	14.25	85	158.05	172.45
29	1.97	2.26	58	10.04	15.02	86	175.71	189.48
30	2.00	2.33	59	10.70	15.83	87	194.47	207.16
31	2.04	2.39	60	11.48	16.81	88	214.34	225.58
32	2.08	2.46	61	12.44	18.03	89	235.50	244.73
33	2.13	2.55	62	13.64	19.60	90	258.09	265.95
34	2.19	2.65	63	15.11	21.52	91	282.65	288.81
35	2.26	2.76	64	16.76	23.65	92	310.09	314.16
36	2.36	2.93	65	18.54	25.90	93	342.36	343.93
37	2.48	3.13	66	20.38	28.18	94	383.80	383.80
38	2.61	3.39	67	22.27	30.39	95	443.33	443.33
39	2.75	3.72	68	24.22	32.63	96	538.04	538.04
40	2.92	4.11	69	26.39	35.06	97	698.41	698.41
41	3.10	4.52	70	28.94	37.93	98	967.15	967.15
42	3.29	4.94	71	32.05	41.57	99	1000.00	1000.00
43	3.52	5.36						

1980 CET-SG Smoker Table 26

Non-Smoker			Non-Smoker			Non-Smoker		
Age	Smoker	Smoker	Age	Smoker	Smoker	Age	Smoker	Smoker
15	1.61	1.71	39	2.75	3.72	63	15.11	21.52
16	1.65	1.76	40	2.92	4.11	64	16.76	23.65
17	1.68	1.81	41	3.10	4.52	65	18.54	25.90
18	1.71	1.86	42	3.29	4.94	66	20.38	28.18
19	1.74	1.89	43	3.52	5.36	67	22.27	30.39
20	1.76	1.92	44	3.76	5.77	68	24.22	32.63
21	1.78	1.94	45	4.02	6.21	69	26.39	35.06
22	1.79	1.97	46	4.29	6.67	70	28.94	37.93
23	1.81	2.00	47	4.59	7.14	71	32.05	41.57
24	1.83	2.03	48	4.90	7.64	72	35.85	46.03
25	1.85	2.06	49	5.25	8.20	73	40.42	51.34
26	1.88	2.11	50	5.64	8.80	74	45.67	57.38
27	1.90	2.15	51	6.07	9.44	75	51.53	63.99
28	1.93	2.20	52	6.57	10.17	76	57.88	71.01
29	1.97	2.26	53	7.11	10.97	77	64.68	78.31
30	2.00	2.33	54	7.67	11.79	78	72.03	86.09
31	2.04	2.39	55	8.27	12.64	79	80.18	94.52
32	2.08	2.46	56	8.87	13.47	80	89.45	103.97
33	2.13	2.55	57	9.45	14.25	81	100.11	114.70
34	2.19	2.65	58	10.04	15.02	82	112.40	126.89
35	2.26	2.76	59	10.70	15.83	83	126.26	140.97
36	2.36	2.93	60	11.48	16.81	84	141.53	156.23
37	2.48	3.13	61	12.44	18.03	85	158.05	172.45
38	2.61	3.39	62	13.64	19.60	86	175.71	189.48

1980 CET-NF NON-SMOKER TABLE 24

Age	1 _x	1000q _x	Age	1 _x	1000q _x
15	974349	1.69	50	890011	5.63
16	972702	1.74	51	885000	6.07
17	971009	1.79	52	879628	6.57
18	969271	1.82	53	873849	7.14
19	967507	1.87	54	867610	7.75
20	965698	1.90	55	860886	8.40
21	963863	1.89	56	853655	9.09
22	962041	1.91	57	845895	9.80
23	960204	1.91	58	837605	10.48
24	958370	1.93	59	828827	11.25
25	956520	1.92	60	819503	12.12
26	954683	1.94	61	809571	13.14
27	952831	1.95	62	798933	14.35
28	950973	1.98	63	787468	15.86
29	949090	2.00	64	774979	17.62
30	947192	2.03	65	761324	19.51
31	945269	2.07	66	746471	21.55
32	943312	2.10	67	730385	23.67
33	941331	2.13	68	713097	25.82
34	939326	2.20	69	694685	28.15
35	937259	2.26	70	675130	30.80
36	935141	2.36	71	654336	34.05
37	932934	2.46	72	632056	37.67
38	930639	2.59	73	608246	42.21
39	928229	2.72	74	582572	47.45
40	925704	2.87	75	554929	53.33
41	923047	3.05	76	525335	59.72
42	920232	3.24	77	493962	66.51
43	917250	3.47	78	461109	73.75
44	914067	3.71	79	427102	81.61
45	910676	3.98	80	392246	90.39
46	907052	4.25	81	356791	100.41
47	903197	4.55	82	320966	111.97
48	899087	4.89	83	285027	125.23
49	894690	5.23	84	249333	139.87

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
87	194.47	207.16	91	282.65	288.81	95	443.33	443.33
88	214.34	225.58	92	310.09	314.16	96	538.04	538.04
89	235.50	244.73	93	342.36	343.93	97	698.41	698.41
90	258.09	265.95	94	383.80	383.80	98	967.15	967.15
						99	1000.00	1000.00

1980 CSO-NG Nonsmoker Table 27

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	0.84	0.94	44	2.80	4.28	72	25.99	33.55
16	0.88	0.99	45	2.99	4.61	73	29.22	37.33
17	0.92	1.04	46	3.19	4.95	74	33.02	41.74
18	0.95	1.09	47	3.41	5.31	75	37.32	46.64
19	0.98	1.13	48	3.65	5.68	76	42.04	51.92
20	1.01	1.16	49	3.90	6.08	77	47.11	57.46
21	1.02	1.18	50	4.19	6.54	78	52.53	63.23
22	1.04	1.18	51	4.50	7.00	79	58.45	69.41
23	1.05	1.23	52	4.85	7.52	80	65.12	76.26
24	1.08	1.27	53	5.26	8.13	81	72.76	84.00
25	1.09	1.29	54	5.68	8.75	82	81.59	92.84
26	1.12	1.34	55	6.13	9.40	83	91.76	102.87
27	1.14	1.38	56	6.59	10.05	84	103.03	114.65
28	1.17	1.42	57	7.05	10.67	85	115.38	126.42
29	1.20	1.48	58	7.49	11.25	86	128.58	139.79
30	1.24	1.55	59	7.96	11.85	87	142.71	152.67
31	1.27	1.61	60	8.51	12.51	88	157.61	167.23
32	1.31	1.68	61	9.16	13.36	89	173.51	181.07
33	1.35	1.75	62	9.98	14.39	90	190.39	197.01
34	1.42	1.86	63	11.01	15.78	91	208.58	214.00
35	1.47	1.94	64	12.23	17.33	92	228.60	232.54
36	1.56	2.09	65	13.55	19.07	93	251.40	253.55
37	1.67	2.28	66	14.97	20.79	94	279.31	279.31
38	1.79	2.49	67	16.41	22.58	95	317.32	317.32
39	1.93	2.73	68	17.86	24.20	96	375.74	375.74
40	2.08	3.00	69	19.41	26.02	97	474.97	474.97
41	2.26	3.33	70	21.20	27.95	98	655.85	655.85
42	2.44	3.64	71	23.34	30.45	99	1000.00	1000.00
43	2.62	3.96						

1980 CSO-SG Smoker Table 28

Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker	Age	Non-Smoker	Smoker
15	0.84	0.94	44	2.80	4.28	72	25.99	33.55
16	0.88	0.99	45	2.99	4.61	73	29.22	37.33
17	0.92	1.04	46	3.19	4.95	74	33.02	41.74
18	0.95	1.09	47	3.41	5.31	75	37.32	46.64
19	0.98	1.13	48	3.65	5.68	76	42.04	51.92
20	1.01	1.16	49	3.90	6.08	77	47.11	57.46
21	1.02	1.18	50	4.19	6.54	78	52.53	63.23
22	1.04	1.18	51	4.50	7.00	79	58.45	69.41
23	1.05	1.23	52	4.85	7.52	80	65.12	76.26
24	1.08	1.27	53	5.26	8.13	81	72.76	84.00
25	1.09	1.29	54	5.68	8.75	82	81.59	92.84
26	1.12	1.34	55	6.13	9.40	83	91.76	102.87
27	1.14	1.38	56	6.59	10.05	84	103.03	114.65
28	1.17	1.42	57	7.05	10.67	85	115.38	126.42
29	1.20	1.48	58	7.49	11.25	86	128.58	139.79
30	1.24	1.55	59	7.96	11.85	87	142.71	152.67
31	1.27	1.61	60	8.51	12.51	88	157.61	167.23
32	1.31	1.68	61	9.16	13.36	89	173.51	181.07
33	1.35	1.75	62	9.98	14.39	90	190.39	197.01
34	1.42	1.86	63	11.01	15.78	91	208.58	214.00
35	1.47	1.94	64	12.23	17.33	92	228.60	232.54
36	1.56	2.09	65	13.55	19.07	93	251.40	253.55
37	1.67	2.28	66	14.97	20.79	94	279.31	279.31
38	1.79	2.49	67	16.41	22.58	95	317.32	317.32
39	1.93	2.73	68	17.86	24.20	96	375.74	375.74
40	2.08	3.00	69	19.41	26.02	97	474.97	474.97
41	2.26	3.33	70	21.20	27.95	98	655.85	655.85
42	2.44	3.64	71	23.34	30.45	99	1000.00	1000.00
43	2.62	3.96						

LAW AND PUBLIC SAFETY

(a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL Issuance of Identification Cards by County Clerks Adopted Amendments: N.J.A.C. 13:2-40.1, 40.5, 40.6 and 40.7

Proposed: August 3, 1987 at 19 N.J.R. 1410(a).
Adopted: September 9, 1987, by John F. Vassallo, Jr., Director,
Division of Alcoholic Beverage Control.
Filed: September 14, 1987, as R.1987 d.399, **without change**.
Authority: N.J.S.A. 33:1-81.2 through 81.9.
Effective Date: October 5, 1987.
Expiration Date: August 5, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:2-40.1 Form of applicants; contents

Application for an identification card by residents of a county who shall have attained the legal age for purchase and consumption of alcoholic beverages may be filed with the county clerk in the county wherein said applicant resides and shall be in the following form:

State of New Jersey, County of _____
IDENTIFICATION CARD
APPLICATION

TO: County Clerk of _____ County, New Jersey.
The undersigned hereby applies for an identification card as proof of age, and submits the required fee in the amount established by law.

1. Full name of applicant _____
(First) (Middle) (Last)
2. Residence address _____
3. Height _____ Weight _____
(Ft.) (In.)
4. Date of Birth _____
5. Place of Birth _____
(Municipality) (County) (State)
6. Father's name _____
(First) (Middle) (Last)
7. Mother's Maiden Name _____
(First) (Middle) (Last)
8. The applicant presents one or more of the following certificates to establish his or her age (check appropriate line):
 Birth Certificate
 Naturalization Certificate
 Voter Registration Certificate
 Other (_____)
9. The applicant submits two (2) recent color photographs, approximately 1½ inches by 1½ inches in size, of himself or herself, full face, without hat.
10. Has the applicant ever previously applied for an identification card?
If so, state the details thereof _____

WARNING: Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him or her an identification card shall be guilty of a disorderly persons offense and shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.

The applicant hereby certifies that all of the foregoing information and statements are true in all respects.

11. Signature of applicant _____ (Date)

12. Signature witnessed by: _____ (Date)
(County Clerk or Duly Authorized Deputy)

DO NOT WRITE BELOW THIS LINE

Photo Identification Card Number _____
1 1/2" x 1 1/2" Date of Issuance _____
Issued by _____

13:2-40.5 Identification card; form

The identification card shall be 3 1/2 inches wide by 2 1/2 inches high in size, with black print on goldenrod basket weave safety paper containing a hidden Seal of New Jersey and the words State of New Jersey on its front side which is only visible under ultraviolet light, in the following form:

AGENCY NOTE: The following format represents the front side of the current card.

FRONT SIDE

STATE OF NEW JERSEY, COUNTY OF _____
IDENTIFICATION CARD NO. _____

Photo
1 1/2" x 1 1/2"

_____ who resides at _____

_____ has furnished to the undersigned evidence of having attained the age of 21 years

Height _____ Weight _____

Color of Hair _____ Color of Eyes _____

ATTEST: _____
County Clerk or Duly Authorized Deputy

Date of Birth _____

Date of Issuance _____

Holder's Signature _____
(See Reverse Side)

AGENCY NOTE: The following is the redesigned front side of the card which will replace the current format.

) STATE OF NEW JERSEY
) COUNTY OF _____
) IDENTIFICATION
) CARD NO. _____
) — THIS IS TO CERTIFY THAT —
)
) _____ WHO RESIDES AT _____
)
)
) HAS FURNISHED TO THE UNDER-
) SIGNED SATISFACTORY EVIDENCE
) OF HAVING ATTAINED THE AGE OF
) 21 YEARS.

Photo
1 1/2" x 1 1/2"

HGT. WGT.

HAIR EYES

DATE OF BIRTH ATTEST: _____
County Clerk or duly authorized deputy

Date of Issuance Holder's Signature _____

REVERSE SIDE

WARNING:

It shall be unlawful for the owner of an identification card to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer an identification card for the purposes of aiding the transferee to obtain alcoholic beverages and any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him or her an identification card shall be guilty of a disorderly persons offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.

ALCOHOLIC BEVERAGE LICENSEES NOTE:

The presentation of this identification card by any person in connection with the purchase or attempted purchase of any alcoholic beverage shall constitute a defense to a charge under N.J.S.A. 33:1-77, if the retail licensee makes the sale in good faith reliance on this card and the appearance of the purchaser was such that an ordinary prudent person would believe the card holder to be of legal age.

State No. (preprinted sequential control number)

13:2-40.6 Issuance of card; procedure

One of the submitted photographs of the applicant shall be mounted on an identification card in the upper left portion of the front side thereof. The card shall be signed by the applicant in the presence of the county clerk or his duly authorized deputy, who shall also sign the card. The official County seal shall be affixed so that it overlaps the photograph and a portion of the printed card. The card shall be inserted into a 10 gauge plastic sleeve that has on its back flap a red ink embossed Great Seal of the State of New Jersey. The plastic will be heat sealed and the laminated card delivered to the applicant. The other photograph of the applicant shall be attached to the application, which shall indicate the date of issuance of the card, the number thereof and the name of the person who issued it. A permanent record thereof shall be retained in the county clerk's office.

13:2-40.7 Fees

A fee in the amount established by law shall be paid to the county clerk for the issuance of an original identification card. In the event the card is lost, stolen or destroyed, the holder thereof may apply for a replacement card with new number by filing a new application with payment of fee in the same manner as for an original, along with an affidavit as to the loss, theft or destruction of the original card. Every replacement card shall prominently have stamped, typed or otherwise imprinted on the card the word "Duplicate".

(a)

**BUREAU OF SECURITIES
DIVISION OF CONSUMER AFFAIRS
Registration and Compliance Requirements**

**Adopted New Rules: N.J.A.C. 13:47A
Adopted Amendments: N.J.A.C. 13:47A-1.1, 1.8, 2.1,
3.1, 5.2, 6.1**

Proposed: August 3, 1987 at 19 N.J.R. 1417(a).

Adopted: September 3, 1987 by James McLelland Smith, Chief,
Bureau of Securities.

Filed: September 9, 1987 as R.1987 d.390, **without change.**

Authority: N.J.S.A. 49:3-67.

Effective Date: October 5, 1987.

Expiration Date: October 5, 1992.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the expired rules adopted as new may be found in the New Jersey Administrative Code at N.J.A.C. 13:47A.

Full text of the adopted amendments follows.

13:47A-1.1 Application for registration

(a) Any person desiring to transact business in the State of New Jersey as a broker-dealer shall file an application with the Bureau of Securities on a form designated N.J. Form SB-1 as set forth in N.J.A.C. 13:47A-11.1 (Broker-dealer application (SB-1)). Such application shall be accompanied by the following:

- 1. A consent of service of process executed by the applicant;
- 2. A consent to service of process executed by each officer, director, general partner or limited partner of the applicant who is to act as an agent in the State of New Jersey; and
- 3. A certified financial statement. The application shall also be accompanied by a check or money order payable to the State of New Jersey, Bureau of Securities, in the amount of \$500.00 plus \$10.00 for each officer, director or partner doing business in the State of New Jersey.

(b)-(e) (No change.)
13:47A-1.8 Change of status—Submission of form
(a)-(b) (No change.)

(c) A registered broker-dealer shall file with the Bureau of Securities a form designated N.J. Form SB-4, as set forth in N.J.A.C. 13:47-11.4, whenever a new officer, director or partner is elected or admitted to the firm. Such form shall be accompanied by a rider setting forth the home address and ten year business history of the officer, director or partner and a check or money order in the amount of \$5.00 for each individual listed. The form shall be filed no later than 20 days after the occurrence named therein.

(d)-(k) (No change.)
13:47A-2.1 Application for registration
(a)-(b) (No change.)

(c) The application shall also be accompanied by a check or money order payable to the State of New Jersey, Bureau of Securities, in the amount of \$100.00.

13:47A-3.1 Application for registration
(a)-(b) (No change.)

(c) A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of \$60.00 must also accompany the application forms.

13:47A-5.2 Application for renewal

(a) A registered broker-dealer desiring to apply for the renewal of its registration shall file on the form designated N.J. Form R-1, as set forth in N.J.A.C. 13:47A-11.14, issued to the registrant by the Bureau of Securities. Such application shall be accompanied by a check or money order payable to the State of New Jersey, Bureau of Securities in the amount of \$500.00 plus \$10.00 for each partner, officer or director of the applicant doing business in New Jersey.

(b) A registered investment advisor desiring to apply for the renewal of its registration shall file on the form designated N.J. Form R-1A, as set forth in N.J.A.C. 13:47A-11.15, issued to the registrant by the Bureau of Securities. Such application shall be accompanied by a check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of \$100.00.

(c) A registered agent desiring to apply for the renewal of his registration shall file on the form designated N.J. Form R-2, as set forth in N.J.A.C. 13:47A-11.16, issued by the Bureau of Securities in the name and registration number of the agent. Such application shall be accompanied by a check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of \$60.00.

13:47A-6.1 Qualification of issuer

(a) Any issuer of securities desiring to effect its own securities transactions within or from the State of New Jersey through its partner, officer, director or employee who is required to be registered as an agent shall file with the Bureau of Securities an issuer qualification application designated N.J. Form SB-9 which application shall be accompanied by:

- 1. A consent to service of process executed by the applicant;
 - 2. A copy of the prospectus or offering circular of the issuer;
 - 3. A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of \$100.00; and
 - 4. The completed application for registration of an agent.
- (b)-(c) (No change.)

OTHER AGENCIES

NEW JERSEY HIGHWAY AUTHORITY GARDEN STATE PARKWAY

(a)

General Provisions Copy Charges

Adopted Amendment: N.J.A.C. 19:8-7.1

Proposed: August 3, 1987 at 19 N.J.R. 1428(a).
Adopted: September 3, 1987 by the New Jersey Highway Authority, George P. Zilocchi, Executive Director.
Filed: September 9, 1987 as R.1987 d.391, **without change**.
Authority: N.J.S.A. 27:12B-5(j) and (s), 27:12B-18 and 27:12B-24.
Effective Date: October 5, 1987.
Expiration Date: June 1, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

19:8-7.1 General provisions

- (a) (No change.)
- (b) Except as otherwise specified herein, copies of such records may be obtained by written request accompanied by a check or money order made payable to the New Jersey Highway Authority in accordance with the following fee schedule:
 - 1. Documents up to 8½ by 13 inches, per page \$ 1.00;
 - 2. Documents larger than 8½ by 13 inches,
per page \$ 2.00;
 - 3. Drawings, maps and plan sheets, per page \$ 2.00;
 - 4. Microfilm, per page or sheet \$ 3.00;
 - 5. Photographs up to 8 by 10 inches, black and white glossy,
per picture \$10.00;
 - 6. Photographs up to 8 by 10 inches, color glossy,
per picture \$15.00;
 - 7. Slides, 35 millimeter, per slide \$10.00;
- (c)-(d) (No change.)

(b)

New Jersey State Police Reports Copy Charges

Adopted Amendment: N.J.S.A. 19:8-7.3

Proposed: August 3, 1987 at 19 N.J.R. 1429(a).
Adopted: September 3, 1987 by the New Jersey Highway Authority, George P. Zilocchi, Executive Director.
Filed: September 9, 1987 as R.1987 d.393, **without change**.
Authority: N.J.S.A. 27:12B-5(j) and (s), 27:12B-18, 27:12B-24 and 53:2-3.
Effective Date: October 5, 1987.
Expiration Date: June 1, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

19:8-7.3 New Jersey State Police reports

- (a) (No change.)
- (b) All requests must be accompanied by a check or money order payable to the New Jersey Highway Authority in accordance with the following schedule:
 - 1. All accident reports regardless of the number of pages, \$10.00.
- (c)-(e) (No change.)

(a)

Fee for Special Permits for Oversize Vehicles
Adopted Amendment: N.J.A.C. 19:8-8.4

Proposed: August 3, 1987 at 19 N.J.R. 1429(b).
Adopted: September 3, 1987 by the New Jersey Highway Authority, George P. Zilocchi, Executive Director.
Filed: September 9, 1987 as R.1987 d.392, **without change**.
Authority: N.J.S.A. 27:12B-5(j) and (s), 27:12B-18 and 27:12B-24.
Effective Date: October 5, 1987.
Expiration Date: June 1, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

- 19:8-8.4 Fee
(a) The fee for each permit shall be \$10.00.
(b) (No change.)

CASINO CONTROL COMMISSION

(b)

ACCOUNTING AND INTERNAL CONTROLS
Gaming Equipment
Rules of the Games

Adopted Amendments: N.J.A.C. 19:45-1.12;
19:46-1.12 and 19:47-7.7

Proposed: January 5, 1987 at 19 N.J.R. 54(b).
Adopted: September 10, 1987 by the Casino Control Commission, Walter N. Read, Chairman.
Filed: September 11, 1987 as R.1987 d.395, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).
Authority: N.J.S.A. 5:12-63(c) and 5:12-70(f).
Effective Date: October 5, 1987.
Expiration Dates: N.J.A.C. 19:45, April 7, 1988; N.J.A.C. 19:46, May 4, 1988; N.J.A.C. 19:47, May 4, 1988.

Summary of Public Comments and Agency Responses:
COMMENT: The Division of Gaming Enforcement suggested that, in the future, a table may be developed to accommodate seven players, and therefore, the number of betting areas indicated in N.J.A.C. 19:46-1.12 should remain at seven as originally drafted rather than six as proposed.
RESPONSE: The Commission agrees, and the number of betting areas required at N.J.A.C. 19:46-1.12 has been changed back to the current seven from the proposed six.
COMMENT: The Casino Administrator of Elsinore Shore Associates indicated that Elsinore has enlarged several gaming tables and has layouts designed to accommodate a seven player betting area, therefore, he suggests that each casino be given the option of six or seven betting areas.
RESPONSE: The Commission agrees with the commenter. N.J.A.C. 19:46-1.12(c)1. has been changed back to the current seven from the proposed six.

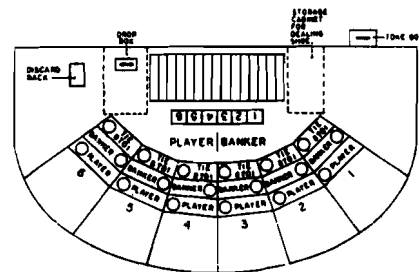
Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

- 19:45-1.12 Personnel assigned to the operation and conduct of gaming and slot machines
(a) The following personnel shall be used to operate and conduct table games in an establishment:
1.-4. (No change.)
5. Floorman shall be:
i.-iii. (No change.)
iv. The first level supervisor assigned the responsibility for directly supervising the operation and conduct of gaming at not more than two minibaccarat tables or a combination of one minibaccarat table and a blackjack, roulette or big six table.

- 6.-10. (No change.)
(b)-(d) (No change.)
19:46-1.12 Baccarat and minibaccarat tables; physical characteristics
(a)-(b) (No change.)
(c) Minibaccarat shall be played at a table having on one side places for the participants, and on the opposite side a place for the dealer.
1. The cloth covering the minibaccarat table shall have imprinted thereon the name of the casino, and shall have rectangular, circular, or oval areas to indicate boxes for the wagers on the "Banker's Hand" and "Player's Hand". Such boxes shall not exceed *[six]* *seven* in number.
2. The following inscriptions shall appear on the cloth covering of the minibaccarat table:
i. (No change.)
ii. Boxes numbered one to *[six]* *seven* that correspond to the seat numbers for the purpose of marking "vigorish" or "commission"; and
iii. (No change.)
3. If marker buttons are used for the purpose of marking "vigorish" or "commission," these marker buttons shall be placed in the table inventory float container or in a separate rack designed for the purpose of storing marker buttons and such rack shall be placed in front of the table inventory float container during gaming activity.
4. Each minibaccarat table shall have a drop box and a tip box attached to it at approximately the locations depicted in the following diagram:

OAL NOTE: The current minibaccarat table diagram has not been reproduced here or in the New Jersey Administrative Code. The current diagram may be reviewed either at the Office of Administrative Law or the Casino Control Commission.

The proposed new minibaccarat table diagram follows:



- 19:47-7.7 Hands of player and banker; procedure for dealing initial two cards to each hand
(a)-(b) (No change.)
(c) The dealer shall deal an initial four cards from the shoe face down. The first and third cards dealt shall be placed face down in the area on the layout designated for the "Player's Hand". The second and fourth cards dealt shall be placed face down underneath the right corner of the dealing shoe until the "Player's Hand" is called as provided for in N.J.A.C. 19:47-7.8(a) at which time the second and fourth cards shall be placed face up in the area on the layout designated for the "Banker's Hand".

PERSONNEL**(a)****MERIT SYSTEM BOARD****General Rules and Departmental Organization****Adopted New Rules: N.J.A.C. 4A:1****Adopted Repeal: N.J.A.C. 4:1-1, 4:1-2, 4:1-3, 4:1-4****Appeals, Discipline and Separations****Adopted New Rules: N.J.A.C. 4A:2****Adopted Repeal: N.J.A.C. 4:1-5, 4:1-13.6, 4:1-13.7, 4:1-16.7 through 4:1-16.12, 4:1-16.14, 4:1-23, 4:2-16.4, 4:2-16.5, 4:2-23, 4:3-16.3, 4:3-16.4****Veterans and Disabled Veterans Preference****Adopted New Rules: N.J.A.C. 4A:5****Adopted Repeal: N.J.A.C. 4:1-10.3****Equal Employment Opportunity and Affirmative Action****Adopted New Rules: N.J.A.C. 4A:7****Adopted Repeal: N.J.A.C. 4:1-21.2, 4:1-21.6, 4:2-21.1 through 4:2-21.6, 4:3-21.1, 4:3-21.2****Political Subdivisions****Adopted New Rules: N.J.A.C. 4A:9**

Proposed: June 15, 1987 at 19 N.J.R. 1011(a), 1013(a), 1018(a), 1020(a), and 1022(a).

Adopted: September 11, 1987 by the Merit System Board, Eugene J. McCaffrey, Sr., Commissioner, Department of Personnel.

Filed: September 14, 1987 as R.1987 d.403, d.404, d.405, d.406, and d.407, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 11A:1-1 et seq.

Effective Date: October 5, 1987.

Expiration Date: October 5, 1992.

OAL NOTE: N.J.A.C. 4A:1, 4A:2, 4A:5, 4A:7, and 4A:9 were separately adopted on September 11, 1987 but are published together in this notice of adoption.

Summary of Public Comments and Agency Responses:

COMMENT: Numerous comments were received regarding N.J.A.C. 4A:1-1.1, Purpose. Commenters generally questioned whether this provision is violative of the legislative intent of Title 11A and some individuals suggested language changes.

RESPONSE: The intent of N.J.A.C. 4A:1-1.1 is to make the purpose of the rules consistent with Title 11A, New Jersey Statutes. To insure that this intent is clear, language, with references to the legislative statements in Title 11A, has been added to the adopted rule as suggested.

COMMENT: Various comments were received concerning the provision in N.J.A.C. 4A:1-1.2(c) which allows the Commissioner or the Board to relax the rules where strict adherence would result in injustice, unfairness or inconsistency with the overall objectives of the Merit System. Generally, commenters expressed concern that such a provision would subvert the regulatory system unless restricted. Some commenters requested that where this provision is to be exercised, the affected parties be given notice.

RESPONSE: The intent of N.J.A.C. 4A:1-1.2(c) was to provide a mechanism for the Commissioner or the Board to prevent the strict application of the rules to create an inequitable situation not intended by N.J.S.A. 11A. This rule is similar to rules used by other State agencies, such as the Public Employment Relations Commission who have used it without encountering any problems. To clarify this rationale, the proposed N.J.A.C. 4A:1.2(c) has been changed to set forth that the rules may be relaxed only in a particular situation (not on an indefinite or large scale basis) on notice to affected parties.

COMMENT: A number of comments were received questioning the deletion of various definitions that were contained in the old Title 4.

RESPONSE: Many of the terms not included in the definitions at N.J.A.C. 4A:1-1.3 are the subject of separate rules and will be explained in other chapters. To minimize confusion, these terms are defined in the

context of their use. In response to a number of specific comments, the definition of "position" was changed to recognize that one person does the work that encompasses a position.

COMMENT: Objections to the deletion of the 30-day time limit for the Board to respond to a petition for promulgating, amending or repealing a rule and the omission of the public hearing requirement on proposed new or amended rules were received.

RESPONSE: The procedures for responding to petitions for promulgating, amending or repealing rules are governed by the rules of the Office of Administrative Law at N.J.A.C. 1:30-3.6 to ensure that the proposed N.J.A.C. 4A:1-14 remain consistent with these OAL procedures, reference is made to the OAL provisions. In response to and in agreement with the comments regarding public hearings on rule proposals, N.J.A.C. 4A:1-3.3(a)3 has been amended to provide for public hearings on rule proposals.

COMMENT: A CWA representative from Local 1033 objected to the inclusion of Final Notices of Disciplinary Action among the list of public records as a privacy violation.

RESPONSE: In response, Final Notices of Disciplinary Action have been deleted from N.J.A.C. 4A:1-2.2.

COMMENT: A spokesperson for CSA Council 10 requested that the Board, and not just the Commissioner, render final administrative decisions on those matters set forth in N.J.A.C. 4A:1-3.2(a)6.

RESPONSE: The provisions of this rule were established in accordance with N.J.S.A. 11A:2-11(h) and the statute controls, precluding the requested amendments.

COMMENT: A number of commenters objected to specific functions which the Commissioner may delegate pursuant to N.J.A.C. 4A:1-4.1(a). Comments were also received requesting a compliance mechanism for any delegated function in N.J.A.C. 4A:1-4.1(b).

RESPONSE: Those items listed in N.J.A.C. 4A:1-4.1(a) are considered "technical" functions in accordance with Title 11A, New Jersey Statutes. However, the inclusion of job analysis in this list has been deleted as requested, since this is a function that the Department of Personnel can best handle. To address the concerns of several commenters, regarding potential abuses of delegated functions, language has been added to N.J.A.C. 4A:1-4.1(b), making employees who carry out delegated functions responsible to the Department of Personnel, and providing for Department of Personnel audits of delegated functions. This is a new area of the law which will be reviewed on a continuing basis.

COMMENT: A representative of CWA Local 1037 questioned the scope of the Commissioner's authority to consolidate functions in State government, as provided in N.J.A.C. 4A:1-4.2.

RESPONSE: N.J.A.C. 4A:1-4.2 reflects the authority of the Commissioner under N.J.S.A. 11A:11-2 and provides for consultation with departments prior to any consolidation.

COMMENT: A number of commenters proposed an expanded notice provision under N.J.A.C. 4A:1-4.3, which permits the Commissioner to establish pilot programs. It was presented that affected negotiations representatives would not have adequate notice to respond to an appointing authority's proposal for such a program.

RESPONSE: N.J.A.C. 4A:1-4.3 provides for mandatory consultation by an appointing authority to affected negotiations representatives prior to requesting a pilot program. Additionally, an appointing authority must set forth those consultations in its pilot project proposal. A change in the rule appears unnecessary at this time, and this new area of the law will also be closely monitored.

COMMENT: A representative of the New Jersey Civil Service Association requested that the time frame for filing appeals pursuant to N.J.A.C. 4A:2-1.1(b) should run from the time the appellant has written notice of the action, rather than from the time "appellant had notice or should reasonably have known of" the action.

RESPONSE: The time period in N.J.A.C. 4A:2-1.1(b) reflects current practice and has in the past worked effectively in the appeal process. There are occasions when an employee should not have to wait for written notice of an adverse action.

COMMENT: A few commenters requested that written record reviews be strictly limited.

RESPONSE: N.J.A.C. 4A:2-1.1(d) provides a standard which the Commissioner or Board will apply to determine whether an appeal for which there is no statutory hearing right will be on the written record, or whether a hearing should be held. Additional or limiting language is not considered necessary.

COMMENT: A representative of CWA Local 1038 requested that a 30-day time limit for response by the Commissioner to interim relief requests be added to N.J.A.C. 4A:2-1.2.

RESPONSE: In most cases, a request for interim relief is decided within 30 days. However, in cases involving complex issues, greater flexibility is required than a 30-day time limit would allow, especially when the parties had time to present papers which often include affidavits and legal argument.

COMMENT: A representative of the New Jersey Civil Service Association suggested that the burden of proof in appeals as established in N.J.A.C. 4A:2 be on the appointing authority.

RESPONSE: Title 4A sets out burden of proof in specific cases and further provides that where the burden is not indicated, the appellant, whether it is an employee or employer, would have the burden of proof.

COMMENT: A number of commenters requested that the remedies of back pay, seniority, benefits, counsel fees and interest be made mandatory as part of a "make whole" concept.

RESPONSE: The rules governing disciplinary appeals at N.J.A.C. 4A:2-2.10 have been changed to provide the mandatory award of back pay and benefits when a disciplinary penalty has been reversed. The definition of back pay has been modified to provide for overlap shift time in the definition. Finally, the award of reasonable counsel fees (at N.J.A.C. 4A:2-2.12) has been made mandatory when an employee has prevailed on all or substantially all of the primary issues.

COMMENT: A number of commenters objected to the inclusion in N.J.A.C. 4A:2-2.3(a)8 of the term "other sufficient cause" among the listing of the reason for which an employee is subject to discipline.

RESPONSE: Since it is not possible to list every conceivable situation which may arise, a broad category was necessary. The Board, through its expanded remedial powers, will act as a check against abuse of this rule.

COMMENT: Many commenters wanted clarification of N.J.A.C. 4A:2-2.5(b) which provides for a hearing before the appointing authority prior to the imposition of major discipline against an employee. Specifically, it was requested that justification be given to the employee why a suspension is being sought.

RESPONSE: N.J.A.C. 4A:2-2.5(b) has been changed to require that an appointing authority apprise an employee of the reason it seeks a suspension, and also provide the employee with sufficient opportunity to review the charges and evidence before responding to the charges before the appointing authority.

COMMENT: A representative of CWA Local 1037 objected to the provision in N.J.A.C. 4A:2-2.9(d) that permits the Board to modify or reverse the decision of an Administrative Law Judge in a contested case.

RESPONSE: The provision in question is set under N.J.S.A. 52:14B-1 *et seq.*

COMMENT: A spokesperson for CSA Council 10 requested that N.J.A.C. 4A:2-2.9(b) be changed to provide that all major disciplinary cases be referred to the Office of Administrative Law.

RESPONSE: The discretion vested in the Board by this rule to hear major discipline cases, or refer them to the Office of Administrative Law, is granted by N.J.S.A. 52:14B-1 *et seq.*

COMMENT: A number of commenters requested that clarification be provided as to whether the procedures in subchapter 3 apply to both State and local service.

RESPONSE: The heading of each section in subchapter 3 has been changed to identify its applicability to State service only.

COMMENT: A representative of the PBA requested that the time limit for filing a grievance under N.J.A.C. 4A:2-3.4 be increased from 20 to 30 days, and that a time frame for conducting the Step One grievance meeting or hearing be established.

RESPONSE: The time limit for filing a grievance has been increased to 30 days. N.J.A.C. 4A:2-3.4 has been changed to provide that the Step One grievance hearing or meeting be held within 30 days of receipt of the grievance by the appointing authority.

COMMENT: A representative of CWA Local 1033 requested that a provision be included that would allow 20 days for either party to supplement the record on appeals of minor discipline or grievance to the Board or Commissioner.

RESPONSE: Since Board procedures are generally based on the type of case and whether an appeal meets the regulatory standard, a specific 20-day period for all cases could be too restrictive.

COMMENT: Numerous commenters took exception to the provision of N.J.A.C. 4A:2-4.1 which requires an appointing authority to serve a notice of termination not more than 10 working days prior to the last day of a working test period.

RESPONSE: The time frame for serving a notice of termination in N.J.A.C. 4A:2-4.1 has been changed to allow the appointing authority a period of not more than 10 working days prior to, or up to five working days following, the last day of the working test period.

COMMENT: A number of commenters expressed the belief that the grounds for appealing a termination at the end of the working test period were too narrow.

RESPONSE: The appeal system in such cases is a continuation of current practice which was not changed by Title 11A, New Jersey Statutes.

COMMENT: Representatives of CWA Local 1033 and the New Jersey Civil Service Association questioned the limited scope of applicability of N.J.A.C. 4A:2-5.1(b), which protects career service employees, senior executive service employees with career status and State service unclassified employees who do not serve in policy-making or confidential positions, from being the subject of appointing authority action as a result of permissible political activities.

RESPONSE: Title 11A, New Jersey Statutes, does not include coverage to unclassified employees. Although the Board considered that certain State service unclassifieds could be covered, further extensions were found to be outside the Board's authority.

COMMENT: A representative of CSA Council 10 requested that a provision be added to N.J.A.C. 4A:2-6.1 which would permit an employee to rescind a resignation within a reasonable time after it is given.

RESPONSE: The rule as proposed permits an employee to rescind a resignation prior to its effective date, with appointing authority consent. This reflects longstanding practice that should be continued.

COMMENT: A representative of CWA Local 1033 requested language be added to N.J.A.C. 4A:2-6.2(b) and (c) which would preclude the application of the job abandonment rule when an employee, for good cause, is absent from duty or has not returned from an approved leave of absence for five days.

RESPONSE: An employee who has been resigned not in good standing due to job abandonment has the right to a departmental hearing and a right of appeal to the Board. The expanded remedial powers of the Board in the rule proposal are available in job abandonment cases and provide for appropriate remedies based on the particular fact situation.

COMMENT: A representative of CWA Local 1037 expressed the view that language be added to Chapter 5 to require that all noncompetitive applications be sent to the Department of Personnel to protect veterans preference.

RESPONSE: Such language would be inappropriate since the Department does not review applications for noncompetitive appointments. This situation is best handled through the complaint and appeal systems and departmental audits.

COMMENT: A representative of Local 195, IFPTE requested that a reference be added to N.J.A.C. 4A:5-2.2(d) and (e) to the "rule of three."

RESPONSE: N.J.A.C. 4A:5-2.2(d) and (e) contain the statutory cite for the "rule of three," N.J.S.A. 11A:4-8. A Title 4A citation will be added when the appointments section of Title 4A is adopted.

COMMENT: A representative from CWA Local 1033 questioned the sufficiency of the prohibition of sexual harassment provisions in N.J.A.C. 4A:7-1.3.

RESPONSE: The language of this rule was written to comport with EEOC regulations and recent court decisions.

COMMENT: A representative of CWA Local 1033 suggested that N.J.A.C. 4A:7-2.3 be changed to provide that at least two members of the Equal Employment Opportunity Advisory Commission be labor union representatives.

RESPONSE: Since the applicable statute does not place limits on the Governor's appointment authority, such a rule would not be enforceable.

COMMENT: A representative of CWA Local 1033 stated that the Division of EEO/AA should have original jurisdiction of discrimination complaints under N.J.A.C. 4A:7 instead of the appointing authorities.

RESPONSE: The appeal procedures in N.J.A.C. 4A:7-3 follow the concept that seeks to conciliate discrimination matters between the employer and employee. The Department of Personnel's oversight role has been strengthened in N.J.A.C. 4A:7-3.2 and the appeal procedures are continued.

COMMENT: A representative of CWA Local 1038 commented that the rules in N.J.A.C. 4A:7 should state that the Department of Personnel insures the advancement, as well as hiring, of minorities, women and handicapped.

RESPONSE: Appropriate language is contained in N.J.A.C. 4A:7-2.2(a)1, which mandates that the Department of Personnel ensure that minorities, women and handicapped are among the pool of job applicants.

COMMENT: A representative of Local 195, IFPTE expressed concern with written record reviews in the discrimination appeals area.

RESPONSE: Hearings are not precluded by N.J.A.C. 4A:7 and will be held where there are fact disputes as set forth in N.J.A.C. 4A:2-1.1.

COMMENT: A number of commenters sought clarification as to when vacation and sick leave entitlements begin for employees who are employed by jurisdictions adopting Title 11A, New Jersey Statutes.

RESPONSE: A language change has been made in N.J.A.C. 4A:9-1.1(d) which clarifies that such entitlements are effective on a date set by the appointing authority, which cannot be more than 60 days following the adoption of Title 11A, New Jersey Statutes.

COMMENT: A representative of Local 195, IFPTE expressed the belief that the Department of Personnel, not the appointing authority, should set the date for which seniority for vacation and sick leave should begin as provided at N.J.A.C. 4A:9-1.1(d).

RESPONSE: Since such benefits occur after a change in employee coverage, N.J.A.C. 4A:9-1.1(d) allows for an adjustment period with an outside limit of 60 days.

COMMENT: Other comments were received concerning a variety of issues including the failure to specify the location of Department of Personnel offices, location of Board meetings, the elimination of the public notice of meeting provisions and the failure to specify sanctions when an appointing authority fails to comply with the rules or an order of the Board or Commissioner.

RESPONSE: Departmental offices, including Employee Advisory Service, training and examination sites are not limited to certain cities. The Board is governed by the Open Public Meetings Act and it publishes the dates, times and locations of its meetings pursuant to that statute rather than repeating that law's procedures in N.J.A.C. 4A. The sanctions available for violating Title 11A, New Jersey Statutes, agency rules or an order of the Board or Commissioner will be specified in Chapter 10, which is currently under review.

Among the other changes that have been made in the proposal, many involved technical adjustments and minor clarifications in wording to comply with Title 11A. Other minor changes included a clarification as to which rules apply to State service and which ones apply to both State and local service. Most of these changes have been discussed in the specific responses to comments above.

Additionally, N.J.A.C. 4A:2-2.5(c) and 4A:2-2.7(a)1 have been changed to provide that, where a time frame for requesting a departmental hearing in disciplinary matters is included in a negotiated agreement, the agreement time frame controls. In N.J.A.C. 4A:7-1.1(b), work environment was added to the listing of items that are included in the areas covered by equal employment opportunity as requested by one commenter. Also added at N.J.A.C. 4A:7-3.1 was the oversight responsibility of the Division of EEO/AA to insure that agency affirmative action officers implement the State's EEO/AA program.

Full text of the adoption follows (additions to proposal shown in boldface with asterisks *thus*; deletions from proposal shown in brackets with asterisks *[thus]*).

CHAPTER 1
GENERAL RULES AND DEPARTMENT ORGANIZATION

OLD CITATION	NEW CITATION	OLD CITATION	NEW CITATION
4:1-1.1	4A:1-1.1	4:1-3.5	4A:1-3.3
4:1-1.2	4A:1-1.2	4:1-3.6	4A:1-3.2
4:1-1.3	4A:1-2.1	4:1-3.7	4A:1-3.2
4:1-1.4	4A:1-1.2	4:1-3.8	REPEALED
4:1-1.5	4A:1-1.4	4:1-4.1	4A:1-3.3
4:1-1.6	REPEALED	4:1-4.2	REPEALED
4:1-2.1	4A:1-1.3	4:1-4.3	REPEALED
4:1-3.1	4A:1-3.1	4:1-4.4	4A:1-3.3
4:1-3.2	REPEALED	4:1-4.5	4A:1-3.3
4:1-3.3	4A:1-3.1	4:1-4.6	REPEALED
4:1-3.4	4A:1-3.3	4:1-4.7	REPEALED

SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS

4A:1-1.1 Purpose

The purpose of these rules is to establish a personnel system that provides a fair balance between managerial needs and employee protections for the effective delivery of public services*[.]* ***consistent with Title 11A, New Jersey Statutes. See N.J.S.A. 11A:1-2.***

4A:1-1.2 Scope, applicability and invalidation

(a) All appointing authorities and employees subject to Title 11A, New Jersey Statutes, shall comply with these rules.

(b) These rules shall apply only to the career service unless otherwise specified.

(c) These rules shall be considered the means by which the statutory purposes of the merit employment system are carried out. ***[Whenever the Commissioner or Board find that strict adherence to these rules would result in injustice, unfairness or inconsistency with the overall objectives of the merit system, they may, in their discretion, relax these rules in order to effectuate the purpose of Title 11A, New Jersey Statutes.]* ***The Commissioner or the Board may relax these rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purpose of Title 11A, New Jersey Statutes.*****

(d) If a rule or part of a rule is declared invalid for any reason, the remainder of the rules shall not be affected by such determination.

4A:1-1.3 Definitions

The following words and terms, when used in these rules, shall have the following meanings unless the context clearly indicates otherwise:

"Appointing authority" means a person or group of persons having power of appointment or removal.

"Appointment" means the offer *[and]* ***,* acceptance *and commencement*** of employment.

"Base salary" means an employee's rate of pay exclusive of any additional payments or allowances.

"Board" means the Merit System Board.

"Career Service" means those positions and job titles subject to the tenure provisions of Title 11A, New Jersey Statutes.

"Certification" means a list of names presented to an appointing authority for regular appointment.

"Class code" means a designation assigned to job titles in State Service with ranking based upon an evaluation of job consent.

"Commissioner" means the Commissioner of Personnel.

"Days" means calendar days unless otherwise specified.

"Demotion" means, in local service, a reduction in title, and in State service, a reduction in class code.

"Disposition" means the written report of actions taken by an appointing authority regarding a certification.

"Eligible list" means a roster compiled or approved by the Department of Personnel of persons who are qualified for employment or reemployment.

"Fine" means a disciplinary penalty which requires the payment of money or the performance of service without pay or at reduced pay.

"Immediate family" means an employee's spouse, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household.

"Layoff" means the separation of a permanent employee from employment for reasons of economy or efficiency or other related reasons and not for disciplinary reasons.

"Local service" means employment in any political subdivision operating under Title 11A, New Jersey statutes.

"Open competitive examination" means a test open to members of the public who meet the prescribed requirements for admission.

"Part time employee" means an employee whose regular hours of duty are less than the regular and normal workweek for that job title or agency.

"Permanent employee" means an employee in the career service who has acquired the tenure and rights resulting from regular appointment and successful completion of the working test period.

"Position" means the assignment of specific duties and responsibilities ***requiring the employment of one person***.

"Promotion" means, in local service, an advancement in title, and in State service, an advancement to a title having a higher class code than the former permanent title.

"Promotional examination" means a test open to permanent employees who meet the prescribed requirements for admission.

"Provisional appointment" (PA) means employment in the competitive division of the career service pending the appointment of a person from an eligible list.

"Regular appointment" (RA) means the employment of a person to fill a position in the competitive division of the career service upon examination and certification, or the employment of a person to a position in the noncompetitive division of the career service.

"Removal" means termination of a permanent employee from employment for disciplinary reasons.

"Senior executive service" means *[appointments]* ***positions*** in State service designated by the Board as having substantial managerial, policy influencing or policy executing responsibilities not included in the career or unclassified services.

"State service" means employment for the State of New Jersey.

"Suspension" means temporary separation from employment for disciplinary reasons.

"Title" means a descriptive name that identifies a position or group of positions with similar duties, responsibilities, and qualifications.

"Title series" means titles involving the same kind of work and ranked according to level of difficulty and responsibility.

"Unclassified service" means those positions and job titles outside of the senior executive service, not subject to the tenure provisions of Title 11A, New Jersey Statutes or these rules unless otherwise specified.

"Working test period" means a part of the examination process after regular appointment, during which time the work performance and conduct of the employee is evaluated to determine if permanent status is merited.

4A:1-1.4 Petition for promulgating, amending or repealing rules

(a) Any interested person may file a petition with the Commissioner to promulgate, amend or repeal a rule.

(b) A petition must include the reasons for the request.

(c) A petition for a new rule must include the substance or nature of the request, the proposed text of the new rule and the statutory authority under which the requested action may be taken.

(d) A petition for an amended rule must indicate any existing text to be deleted and include any new text to be added.

(e) The Commissioner shall, in writing, either deny the petition or approve the petition for processing.

(f) Notice of the petition and the Commissioner's decision shall be filed with the Office of Administrative Law pursuant to N.J.A.C. 1:30-3.6.

SUBCHAPTER 2. RECORDS

4A:1-2.1 Department of Personnel access to appointing authority records and information

Appointing authorities shall provide Department of Personnel representatives free access to their premises and to requested records and information.

4A:1-2.2 Public records

(a) The following Department of Personnel records shall be public:

1. An individual's name, title, salary, compensation, dates of government service and reason for separation;
2. Information on specific educational or medical qualifications required for employment;

[3. Final Notice of Disciplinary Action;]

*[4.]*3.* Final orders of the Commissioner or Board; and

*[5.]*4.* Other records which are required by law to be made, maintained or kept on file.

(b) Personnel records, except as specified above, are not public records and shall not be released other than to the subject employee, an authorized representative of the employee, or governmental representatives in connection with their official duties.

SUBCHAPTER 3. ORGANIZATION

4A:1-3.1 General *provisions*

(a) The Department of Personnel is constituted as a principal State Department consisting of the:

1. Commissioner of Personnel;
2. Merit System Board; and
3. Such subdivisions as the Commissioner may deem necessary.

4A:1-3.2 Commissioner of Personnel

(a) The Commissioner of Personnel shall:

1. Serve as chairperson of the Merit System Board;
2. Serve as principal executive and request officer of the Department;
3. Maintain a management information system to implement Title 11A, New Jersey Statutes;
4. Establish necessary programs and policies for the State and local service;
5. Assist the Governor in personnel and labor relations;
6. Render final administrative decisions on appeals of classification, salary, layoff rights and State noncontractual grievances;
7. Establish and consult with advisory board representing political subdivisions, personnel officers, labor organizations and other appropriate groups;
8. Make required reports to the Governor and Legislature;
9. Approve appointments in the State and local service; and
10. Perform such other duties as prescribed by law and these rules.

4A:1-3.3 Merit System Board

(a) The Merit System Board shall:

1. Hold a public meeting at least once each month, except August, at which three members shall constitute a quorum;
 2. Render final administrative decisions on appeals except for those matters listed in N.J.A.C. 4A:1-3.2(a)6 or delegated to the Commissioner;
 3. Adopt rules for implementing Title 11A, New Jersey Statutes*[*]* ***after public hearing, except that a public hearing shall not be required for the adoption of emergency rules. See N.J.A.C. 1:30-4.5 for Office of Administrative Law emergency rule adoption procedures;***
 4. Interpret the application of Title 11A, New Jersey Statutes, to any public body or entity; and
- *[(e)]*5.* Perform such other duties as prescribed by law and these rules.

SUBCHAPTER 4. DELEGATION, CONSOLIDATION AND PILOT PROGRAMS

4A:1-4.1 Delegation to appointing authorities

(a) The Commissioner may delegate to an appointing authority one or more of the following functions:

1. Classifying and reclassifying positions;
2. Announcing examinations and collecting applications;
3. Administering examinations prepared by the Department of Personnel;
4. Implementing promotions upon waiver of competitive examination;
5. Certifying lists of eligibles; ***and*** ***[6. Job analysis; and]*** ***[7.]*6.* Other technical personnel functions.**

(b) A delegation shall be in writing, designating the appointing authority representative who will be accountable for the delegation, and signed by the Commissioner. ***Appointing authority employees in carrying out delegated functions are also responsible to the Department of Personnel in performing such functions.*** ***[It shall]*** ***The delegation memorandum shall*** contain:

1. The functions to be delegated;
2. The specific manner in which the delegation will be implemented;
3. The Department of Personnel representative who will have primary responsibility for supervision of the delegation;
4. The duration of the delegation, which in no event shall exceed three years, but may be renewed; and
5. Provisions for appropriate notice advising of the delegation and stating the name, address and telephone number of the representative of the appointing authority and Department of Personnel employee to be contacted in case of complaints.

(c) Department of Personnel staff may be assigned to assist in performing the delegated functions.

(d) The Commissioner may cancel, modify or limit the delegation order at any time.

(e) The following functions may not be delegated:

1. The construction of an examination;
2. Appeal decisions of the Department, Commissioner or Board; and
3. A function of the Board.

(f) In local service, the delegation must be approved by the affected appointing authority when the delegation requires substantial costs.

[g] **The Department of Personnel will conduct appropriate audits of delegated functions.***

4A:1-4.2 Consolidation *State service*

(a) The Commissioner, in consultation with affected departments, may direct the temporary or permanent consolidation and coordination of personnel, training and related functions in the State service.

(b) A consolidation order may affect one or more State agencies and shall designate the functions to be consolidated.

(c) Consolidation may be directed for one or more of the following reasons:

1. An appointing authority has demonstrated inadequate or improper performance;
2. Economy or efficiency; or
3. Emergent situations.

(d) To effectuate a consolidated function, the Commissioner may transfer necessary employees, positions, funding and equipment to the Department of Personnel from other State departments.

4A:1-4.3 Pilot programs

(a) The Commissioner may establish pilot programs, not to exceed one year, outside of the provisions of Title 11A, New Jersey Statutes, and these rules.

- (b) Pilot programs may include, but are not limited to, the following:
1. Recruitment and selection;
 2. Classification; and
 3. Job sharing.

(c) Appointing authorities that request a pilot program shall consult with affected negotiations representatives prior to submission of a proposal.

(d) A proposal for a pilot program shall be submitted to the Commissioner and include:

1. A description of the program;
2. The individuals affected by the program;
3. The duration of the program;
4. The anticipated benefits of the program;
5. A summary of appointing authority consultations with negotiations representatives; and
6. Such other information as required by the Commissioner.

(e) The Commissioner may accept, modify or reject the program and establish appropriate conditions.

CHAPTER 2
APPEALS, DISCIPLINE AND SEPARATIONS

OLD CITATION	NEW CITATION	OLD CITATION	NEW CITATION
4:1-5.1	4A:2-1.1 4A:2-2.5 4A:2-2.6 4A:2-2.8		4A:2-2.4 4A:2-2.9 4A:2-2.1 4A:2-2.2
4:1-5.2	4A:2-1.1	4:1-16.8	4A:2-2.1
4:1-5.3	4A:2-1.1 4A:2-2.9	4:1-16.9 4:1-16.10 4:1-16.11	4A:2-2.3 4A:2-2.9 REPEALED
4:1-5.4	4A:2-2.9	4:1-16.12	4A:2-6.1
4:1-5.5	4A:2-1.5 4A:2-2.10	4:1-16.14	4A:2-6.2
4:1-5.6	4A:2-1.5 4A:2-2.12	4:1-23.1	4A:2-3.1
4:1-5.7	4A:2-2.7	4:1-23.2	4A:2-3.1
4:1-5.8	REPEALED	4:2-16.4	REPEALED
4:1-5.9	4A:2-1.3	4:2-16.5	4A:2-6.2
4:1-5.10	4A:2-1.4	4:2-23.1	4A:2-3.1
4:1-5.11	4A:2-1.2		4A:2-3.2
4:1-5.12	4A:2-1.6	4:2-23.2	4A:2-3.3
4:1-5.13	REPEALED	4:2-23.3	4A:2-3.4
4:1-5.14	REPEALED	4:2-23.4	4A:2-3.5
4:1-13.6	4A:2-4.1	4:2-23.5	4A:2-3.2
4:1-13.7	4A:2-4.1 4A:2-4.2	4:2-23.6	4A:2-3.6
	4A:2-4.3	4:2-23.7	4A:2-3.6
	4A:2-2.2	4:2-23.8	4A:2-3.7
		4:3-16.3	REPEALED
4:1-16.7		4:3-16.4	4A:2-6.2

SUBCHAPTER 1. APPEALS

4A:2-1.1 Filing of appeals

(a) All appeals to the Commissioner or Board shall be in writing, signed by the person appealing (appellant) or his or her representative and must include the reason for the appeal and the specific relief requested.

(b) Unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation or action being appealed.

(c) The appellant must provide any additional information that is requested, and failure to provide such information may result in dismissal of the appeal.

(d) Except where a hearing is required by law or these rules, or where the Commissioner or Board finds that a material and controlling dispute of fact exists that can only be resolved by a hearing, an appeal will be reviewed on a written record.

(e) A party in an appeal may be represented by an attorney, authorized union representative or authorized appointing authority representative. See N.J.A.C. 1:1-5.4 for contested case representation at the Office of Administrative Law.

4A:2-1.2 Interim relief

(a) Upon the filing of an appeal, a party to the appeal may petition the Commissioner for a stay or other relief pending final decision of the matter.

(b) A request for interim relief shall be in writing, signed by the petitioner or his or her representative and must include supporting information for the request.

(c) The following factors will be considered in reviewing such requests:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm if the request is not granted;
3. Absence of substantial injury to other parties if the request is granted; and
4. The public interest.

(d) The filing of a petition for interim relief will not stay the processing of the case.

(e) Each party must serve copies of all materials submitted on all other parties.

(f) See N.J.A.C. 1:1-12.6 for Office of Administrative Law interim relief rules.

4A:2-1.3 Adjournments

(a) Any party requesting an adjournment of a hearing or other review must establish good and sufficient reason for such request. Such reason may include, but is not limited to:

1. Unavoidable appearance by an attorney for a party in any state or federal court; or

2. Illness of a party evidenced by an affidavit and a doctor's certificate.

(b) Where an adjournment is found not to be for good and sufficient reason, the Commissioner or Board may impose a fine or penalty.

(c) See N.J.A.C. 1:1-9.6 for Office of Administrative Law adjournment rules.

4A:2-1.4 Burden of proof

(a) In appeals concerning major disciplinary actions, N.J.A.C. 4A:2-2.1 et seq., the burden of proof shall be on the appointing authority.

(b) In all other Commissioner and Board appeals, the burden of proof shall be on the appellant.

4A:2-1.5 Remedies

(a) Seniority credit may be awarded in any successful appeal.

(b) Back pay, benefits and counsel fees may be awarded in disciplinary appeals and where a layoff action has been in bad faith. See N.J.A.C. 4A:2-2.10. In all other appeals, such relief may be granted where the appointing authority has unreasonably failed or delayed to carry out an order of the Commissioner or Board or where the Board finds sufficient cause based on the particular case.

4A:2-1.6 Reconsideration of decisions

(a) Upon the receipt of a decision, a party to the appeal may petition the Commissioner or Board for reconsideration.

(b) A petition for reconsideration shall be in writing signed by the petitioner or his or her representative and must show the following:

1. The new evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

(c) Each party must serve copies of all materials submitted on all other parties.

4A:2-1.7 Specific appeals

(a) For specific appeal procedures see:

1. Awards in State service (N.J.A.C. 4:4-3.6);
2. Classification (N.J.A.C. 4:1-6.5A);
3. Discipline, major (N.J.A.C. 4A:2-2.1 et seq.);
4. Discipline, minor (N.J.A.C. 4A:2-3.1 et seq.);
5. Discrimination in State service (N.J.A.C. 4A:7-3.2 through 4A:7-3.4);
6. Employment list removal for medical unfitness (N.J.A.C. 4:1-8.27);
7. Employment list removal for psychological unfitness (N.J.A.C. 4:1-8.26);
8. Examinations (N.J.A.C. 4:1-8.21);
9. Grievances (N.J.A.C. 4A:2-3.1 et seq.);
10. Layoffs in local service (N.J.A.C. 4:3-16.2);
11. Layoffs in State service (N.J.A.C. 4:2-16.2);
12. Overtime in State service (N.J.A.C. 4:6-8.1 et seq.);
13. Performance Assessment Review in State service (N.J.A.C. 4:2-20.2);
14. Reprisals (N.J.A.C. 4A:2-5.1 et seq.);
15. Resignations (N.J.A.C. 4A:2-6.1 et seq.);
16. Salary in state service (N.J.A.C. 4:2-7.1);
17. Sick leave injury in State service (N.J.A.C. 4:2-17.4); and
18. Supplemental compensation on retirement in State service (N.J.A.C. 4:2-26.12).

(b) Any appeal not listed above must be filed in accordance with N.J.A.C. 4A:2-1.1.

SUBCHAPTER 2. MAJOR DISCIPLINE

4A:2-2.1 Employees covered

(a) This subchapter applies only to permanent employees in the career service or a person serving a working test period.

(b) Appointing authorities may establish major discipline procedures for other employees.

4A:2-2.2 Types of discipline

(a) Major discipline shall include:

1. Removal;
2. Disciplinary demotion;
3. Suspension or fine for more than five working days at any one time;
4. Suspension or fine for five working days or less where the aggregate number of days suspended or fined in any one calendar year is 15 working days or more;
5. The last suspension or fine where an employee receives more than three suspensions or fines of five working days or less in a calendar year.

4A:2-2.3 General causes

(a) An employee may be subject to discipline for:

1. Incompetency, inefficiency or failure to perform duties;
2. Insubordination;
3. Inability to perform duties;
4. Chronic or excessive absenteeism or lateness;
5. Conviction of a crime;
6. Conduct unbecoming a public employee;
7. Neglect of duty; and
8. Other sufficient cause.

4A:2-2.4 Limitations on suspensions and fines

(a) No suspension or fine shall exceed six months except for suspensions pending criminal complaint or indictment. See N.J.A.C. 4A:2-2.7.

(b) In local service, the appointing authority may provide that a suspension be with or without pay. In State service, suspensions shall be without pay unless directly authorized to be with pay by the department head.

(c) An appointing authority may only impose a fine as follows:

1. As a form of restitution;
 2. In lieu of a suspension, when the appointing authority establishes that a suspension of the employee would be detrimental to the public health, safety or welfare; or
 3. Where an employee has agreed to a fine as a disciplinary option.
- (d) An employee may pay a fine of more than five days salary in a lump sum or through installments. Unless otherwise agreed to by the employee, an installment may not be more than five percent of the gross salary per pay for a fine under \$500.00; 10 percent of gross salary per pay period for a fine between \$500.00 and \$1,000.00; or 15 percent of gross salary per pay period for a fine over \$1,000.00.

4A:2-2.5 Opportunity for hearing before the appointing authority

(a) An employee must be served with a Preliminary Notice of Disciplinary Action setting forth the charges and afforded the opportunity for a hearing prior to imposition of major discipline, except:

1. An employee may be suspended immediately and prior to a hearing where it is determined that the employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. However, a Preliminary Notice of Disciplinary Action with opportunity for a hearing must be served in person or by certified mail within five days following the immediate suspension.

2. An employee may be suspended immediately when the employee is formally charged with a crime of the first, second or third degree, or a crime of the fourth degree on the job or directly related to the job. See N.J.A.C. 4A:2-2.7.

(b) Where a*[n immediate]* suspension is *[without pay]* ***immediate*** under (a)1 and (a)2 above, ***and is without pay,*** the employee must first be apprised either orally or in writing, of ***why an immediate suspension is sought,*** [the nature of]* the charges and general evidence in support of the charges and provided with *[an]* ***sufficient*** opportunity *[at that time]* ***to review the charges and the evidence in order*** to respond to the charges before a representative of the appointing authority. The response may be oral or in writing, at the discretion of the appointing authority.

(c) The employee may request a departmental hearing within five days of receipt of the Preliminary Notice. If no request is made within this time or such additional time as agreed to by the appointing authority ***or as provided in a negotiated agreement***, the departmental hearing may be considered to have been waived and the appointing authority may issue a Final Notice of Disciplinary Action.

(d) A departmental hearing, if requested, shall be held within 30 days of the Preliminary Notice of Disciplinary Action waived by the employee or a later date as agreed to by the parties.

4A:2-2.6 Hearings before the appointing authority

(a) The hearing shall be held before the appointing authority or its designated representative.

(b) The employee may be represented by an attorney or authorized union representative.

(c) The parties shall have the opportunity to review the evidence supporting the charges and present and examine witnesses. The employee shall not be required to testify, but an employee who does testify will be subject to cross-examination.

(d) Within 20 days of the hearing, or such additional time as agreed to by the parties, the appointing authority shall make a decision on the charges and furnish the employee either by personal service or certified mail with a Final Notice of Disciplinary Action.

4A:2-2.7 Actions involving criminal matters

(a) When an appointing authority suspends an employee based on pending criminal complaint or indictment, the employee must be served with a Preliminary Notice of Disciplinary Action.

1. The employee may request a departmental hearing within five days of receipt of the Notice. If no request is made within this time, or such additional time as agreed to by the appointing authority ***or as provided in a negotiated agreement***, the appointing authority may then issue a Final Notice of Disciplinary Action under 3. below. A hearing shall be limited to the issue of whether the public interest would best be served by suspending the employee until disposition of the criminal complaint or indictment.

2. The appointing authority may impose an indefinite suspension to extend beyond six months where an employee is subject to criminal charges as set forth in N.J.A.C. 4A:2-2.5(a)2, but not beyond the disposition of the criminal complaint or indictment.

3. Where the appointing authority determines that an indefinite suspension should be imposed, a Final Notice of Disciplinary Action shall be issued stating that the employee has been indefinitely suspended pending disposition of the criminal complaint or indictment.

(b) The appointing authority shall issue a second Preliminary Notice of Disciplinary Action specifying any remaining charges against the employee upon final disposition of the criminal complaint or indictment. The appointing authority shall then proceed under N.J.A.C. 4A:2-2.5 and 2.6.

(c) Where an employee has pled guilty or been convicted of a crime or offense which is cause for forfeiture of employment under N.J.S.A. 2C:51-2, the departmental hearing shall be limited to the issue of the applicability of N.J.S.A. 2C:51-2. If N.J.S.A. 2C:51-2 is found not applicable, related disciplinary charges, if any, may be addressed at the hearing.

4A:2-2.8 Appeals to Merit System Board

(a) An appeal from a Final Notice of Disciplinary Action must be filed within 20 days of receipt of the Notice.

(b) If the appointing authority fails to provide the employee with a Final Notice of Disciplinary Action, an appeal may be made directly to the Board within a reasonable time.

4A:2-2.9 Board hearings

(a) Requests for a Board hearing will be reviewed by the Board. However, the Commissioner may grant hearings during August when the Board does not meet.

(b) Major discipline hearings will be heard by the Board or referred to the Office of Administrative Law for hearing before an administrative law judge. See N.J.A.C. 1:1-1.1 et seq. for OAL hearing procedures.

(c) The Board may adopt, reject or modify the recommended report and decision of an administrative law judge. Copies of all Board decisions shall be served personally or by regular mail upon the parties.

(d) The Board may reverse or modify the action of the appointing authority, except that removal shall not be substituted for a lesser penalty.

4A:2-2.10 Back pay, benefits and seniority

(a) Where a disciplinary penalty has been reversed ***[or modified]***, the Board ***[may]* *shall*** award back pay, benefits, seniority or restitution of a fine. ***Such items may be awarded when a disciplinary penalty is**

modified.* Back pay shall include unpaid salary, including regular wages, ***overlap shift time*** increments and across-the-board adjustments. Benefits shall include vacation and sick leave credits and additional amounts expended by the employee to maintain his or her health insurance coverage during the period of improper suspension or removal.

1. Back pay shall not include items such as overtime pay*[, overlap shift time]* and holiday *[bonus.]* ***premium pay.***

2. The award of back pay shall be reduced by the amount of taxes, social security payments, dues, pension payments, and any other sums normally withheld.

3. The award of back pay shall be reduced by the amount of money which was actually earned or could have been earned during the separation. If an employee also held other employment at the time of the adverse action, the earnings from such other employment shall not be deducted from the back pay. However, if the employee increased his or her work hours at the other employment during the back pay period, earnings from such additional hours shall be subtracted from the back pay award.

4. Funds that must be repaid by the employee shall not be considered when calculating back pay.

(b) Unless otherwise ordered, an award of back pay, benefits and seniority shall be calculated from the effective date of the appointing authority's improper action to the date of the employee's actual reinstatement to the payroll.

(c) When the Board awards back pay and benefits, determination of the actual amounts shall be settled by the parties whenever possible.

(d) If settlement on an amount cannot be reached, either party may request, in writing, Board review of the outstanding issue. In a Board review:

1. The appointing authority shall submit information on the salary the employee was earning at the time of the adverse action, plus increments and across-the-board adjustments that the employee would have received during the separation period; and

2. The employee shall submit an affidavit setting forth all income received during the separation.

4A:2-2.11 Interest

(a) When the Commissioner or Board makes an award of back pay, it may also award interest in the following situations:

1. When an appointing authority has unreasonably delayed compliance with an order of the Commissioner or Board; or

2. Where the Board finds sufficient cause based on the particular case.

(b) Where applicable, interest shall be at the annual rate as set forth in New Jersey court rules, R.4:42-11.

(c) Before interest is applied, an award of back pay shall be reduced in accordance with N.J.A.C. 4A:2-2.10(a)2. and 3.

4A:2-2.12 Counsel fees

(a) The Merit System Board *[may, in its discretion,]* ***shall*** award partial or full reasonable counsel fees where an employee has prevailed on all or substantially all of the primary issues.

(b) When the Board awards counsel fees, the actual amount shall be settled by the parties whenever possible.

(c) In determining the amount of counsel fees, the following factors should be considered:

1. The time and labor required; and

2. The customary hourly rate.

(d) The attorney shall submit an affidavit and any other documentation to the appointing authority.

(e) If settlement on an amount cannot be reached, either party may request, in writing, Board review.

SUBCHAPTER 3. MINOR DISCIPLINE AND GRIEVANCES

4A:2-3.1 General

(a) Minor discipline is a formal written reprimand or a suspension or fine of five working days or less.

(b) A grievance is an employee complaint regarding any term or condition which is beyond the employee's control and is remedied by management.

(c) This subchapter shall not apply to local service, where an appointing authority may establish procedures for processing minor discipline and grievances.

(d) In State service, this subchapter shall only apply to:

1. Minor discipline appeals of permanent employees in the career service or persons serving a working test period. Appointing authorities may establish procedures for other employees.

2. Grievance appeals of any employees in the career or unclassified services.

(e) Grievance procedures shall not be used to address any matter for which there is another specific type of appeal to the Commissioner or Board.

(f) These rules shall not be utilized to review a matter exclusively covered by a negotiated labor agreement.

4A:2-3.2 Minor discipline appeal to appointing authority*: **State service***

(a) Where departmental minor discipline appeal procedures are established by a negotiated agreement, such agreement shall be the applicable appeal process.

(b) Employees not covered by a negotiated agreement or covered by an agreement that does not address a minor discipline appeal process shall request a departmental hearing within five days of receipt of a notice of discipline or such additional time as may be agreed to by the appointing authority.

1. The departmental hearing shall be conducted within 30 days of such request unless adjourned by the consent of the parties.

2. The burden of proof shall be on the appointing authority.

3. The department shall make a final written disposition of the charges within 20 days of the hearing on Appeal of Minor Discipline Action form, unless the parties have consented to a time extension. The lack of response by the department within this period shall be considered a denial of the appeal.

(c) See N.J.A.C. 4A:2-3.6 for conduct and scheduling and 4A:2-3.7 for appeal to the Board.

4A:2-3.3 Grievance appeal to appointing authority*: **State service***

(a) Where departmental grievance procedures are established by a negotiated agreement, such agreement shall be the applicable appeal process.

(b) An employee not covered by a negotiated agreement or covered by an agreement that does not address a grievance appeal process shall utilize the appeal procedures in this subchapter.

(c) When a grievance directly concerns and is shared by more than one grievant, the grievants may appeal as a group to the first level of supervision common to the grievants.

(d) A department may consolidate two or more grievances on the same issue and process them as a group grievance. All grievants shall be promptly notified of this action.

(e) An employee may amend a grievance during the initial step at which it is processed. Such amendment may only be made for the purpose of clarification and shall not be utilized to change the nature of the grievance or to include additional items.

(f) The burden of proof shall be on the employee.

4A:2-3.4 Grievance procedure: **Step One***: **State service***

(a) A grievance shall be presented in writing on the Department of Personnel grievance form to the office or individual designated by the department to process the matter. It must be filed within *[20]* ***30*** calendar days from either the date on which the alleged act occurred or the date on which the grievant should reasonably have known of its occurrence. Efforts should be made to resolve the matter informally.

(b) All grievances shall:

1. Specify the particular act or circumstance being grieved;

2. State the requested remedy; and

3. Indicate whether the employee is representing himself or herself or the name of the employee's counsel or agent.

(c) The office or individual receiving the grievance shall notify the employee of the scheduled hearing or grievance meeting date within seven days of receipt of the grievance. ***Such hearing or grievance meeting shall be conducted within 30 days of receipt of the grievance, unless an additional time period is agreed to by the parties.***

(d) A written decision shall be rendered within 14 days after the conclusion of the hearing or grievance meeting.

(e) Lack of response by the department within the periods set forth in (c) and (d) above, unless the parties have consented to a time extension, shall be considered a negative response.

4A:2-3.5 Grievance procedure: **Step Two**

(a) A grievant may appeal to the Department head or his or her designee within 10 calendar days of:

1. Receipt of the written decision at Step One; or

2. A lack of timely response by the department. See N.J.A.C. 4A:2-3.4(e).

(b) The appeal shall be accompanied by material presented at Step One and any written records or decisions from Step One.

(c) The department shall notify the employee of the scheduled hearing or grievance meeting date within 10 days of receipt of the grievance.

(d) A written decision shall be rendered within 21 days after the conclusion of the hearing or grievance meeting.

(e) Lack of response by the department within the periods set forth in (c) and (d) above, unless the parties have consented to a time extension, shall be considered a denial of the grievance appeal.

4A:2-3.6 Conduct and scheduling of hearings and grievance meetings

: State service

(a) A grievant shall be entitled to at least one hearing on a grievance prior to the conclusion of Step Two, unless the grievance is satisfactorily resolved at Step One. In addition, a department, at its option, may also schedule a grievance meeting at either Step One or Step Two of the grievance process.

(b) A department may advance a grievance to Step Two of the grievance process. Timely notice of this action shall be supplied to the grievant.

(c) The following shall apply during a hearing at the department level:

1. An employee may be represented by legal counsel, an authorized union representative or appear on his or her own behalf. An employee may also be represented by such other agent as agreed to by the appointing authority. In a group grievance, a member of the group may be designated as the group representative;

2. Permission for a reasonable number of relevant witnesses shall be granted upon the request of the employee or his or her representative or agent;

3. The employee or his or her representative or agent shall act as a spokesperson for the grievant and one person shall act as a spokesperson for the department; and

4. The spokesperson for either party shall have the right to present evidence and examine witnesses.

(d) Any grievance meeting shall be attended only by a designated supervisor, a spokesperson for the department, the grievant, or a spokesperson in a group grievance situation, and the grievant's representative. The department may also permit the attendance of resource persons possessing direct information important to the clarification of the matter.

(e) Departmental management shall schedule minor discipline and grievance hearings or grievance meetings during the employee's regular work hours as far as possible.

(f) The employee or employee agent, if applicable, and witnesses shall be given time off with pay from their regular work duties to participate in hearings or grievance meetings. Such time off shall include reasonable travel time and shall not extend to any time necessary for the preparation of a grievance.

4A:2-3.7 Appeals from appointing authority decisions*: State service*

(a) Minor discipline may be appealed to the Board under a negotiated labor agreement or within 20 days of the conclusion of departmental proceedings under this subchapter, provided any further appeal rights to mechanisms under the agreement are waived.

1. The Commissioner shall review the appeal upon a written record or such other proceeding as the Commissioner directs and determine if the appeal presents issues of general applicability in the interpretation of law, rule, or policy. If such issues or evidence are not fully presented, the appeal may be dismissed and the commissioner's decision will be a final administrative decision.

2. Where such issues or evidence under 1 above are presented, the Board will render a final administrative decision upon a written record or such other proceeding as the Board directs.

(b) Grievances may be appealed to the Commissioner within 20 days of the conclusion of Step Two procedures under these rules or the conclusion of departmental procedures under a negotiated agreement.

1. The Commissioner shall review the appeal on a written record or such other proceeding as the commissioner directs and render the final administrative decision.

2. Grievance appeals must present issues of general applicability in the interpretation of law, rule, or policy.

(c) Appeals shall include:

1. A copy of the Appeal of Minor Discipline Action form or Department of Personnel grievances form and all written records and decisions established during departmental reviews; and

2. Written argument and documentation.

(d) A copy of all material submitted to the Department of Personnel must be served on the employee's appointing authority.

(e) Failure to submit the material specified in (c) above may result in dismissal.

(f) The employee shall have the burden of proof in Commissioner or Board reviews.

SUBCHAPTER 4. TERMINATION AT END OF WORKING TEST PERIOD

4A:2-4.1 Notice of termination

(a) An employee terminated from service or returned to his or her former permanent title at the conclusion of a working test period due to unsatisfactory performance shall be given written notice in person or by certified mail by the appointing authority.

(b) The notice shall inform the employee of the right to request a hearing before the Board within 20 days of receipt of the notice.

(c) The notice shall be served not more than ten working days prior to the last day of the working test period.

4A:2-4.2 Time for appeal

(a) An appeal shall be made in writing to the Board no later than 20 days from the employee's receipt of written notification from the appointing authority of the termination from service or return to a former permanent title.

(b) If the appointing authority fails to provide the notice as specified in N.J.A.C. 4A:2-4.1, an appeal must be filed within a reasonable time.

4A:2-4.3 Board hearing

(a) An appeal to the Board shall be processed in accordance with N.J.A.C. 4A:2-2.9 et seq.

(b) The employee has the burden of proof to establish that the action was in bad faith.

(c) If bad faith is found by the Board, the employee shall be entitled to a new full or shortened working test period and other appropriate remedies. See N.J.A.C. 4A:2-1.5.

SUBCHAPTER 5. EMPLOYEE PROTECTION AGAINST REPRISALS OR POLITICAL COERCION

4A:2-5.1 General *provisions*

(a) An appointing authority shall not take or threaten to take any reprisal action against an employee in the career, senior executive or unclassified service in retaliation for an employee's lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority.

(b) An appointing authority shall not take or threaten to take any action against an employee in the career service or an employee in the senior executive service with career status based on the employee's permissible political activities or affiliations. This subchapter shall also apply to *State service* employees in the unclassified service who do not serve in policy-making or confidential positions.

4A:2-5.2 Appeals

(a) An employee may appeal a reprisal or political coercion action to the Board within 20 days of the action or the date on which the employee should reasonably have known of its occurrence.

(b) The appeal must be in writing and specify the basis for appeal.

(c) The Commissioner shall review the appeal and request any additional information, or conduct any necessary investigation.

(d) The Board shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate.

(e) Where improper reprisal or political coercion is established, the Board shall provide appropriate protections and remedies to the employee.

SUBCHAPTER 6. RESIGNATIONS

4A:2-6.1 Resignation in good standing

(a) Any permanent employee in the career service may resign in good standing by giving the appointing authority at least 14 days' written or verbal notice, unless the appointing authority consents to a shorter notice.

(b) The resignation shall be considered accepted by the appointing authority upon receipt of the notice of resignation.

(c) A request to rescind the resignation prior to its effective date may be consented to by the appointing authority.

(d) Where it is alleged that a resignation was the result of duress or coercion, an appeal may be made to the Board under N.J.A.C. 4A:2-1.1.

4A:2-6.2 Resignation not in good standing

(a) If an employee resigns without complying with the required notice in N.J.A.C. 4A:2-6.1, he or she shall be held as having resigned not in good standing.

(b) Any employee who is absent from duty for five or more consecutive business days without the approval of his or her superior shall be con-

sidered to have abandoned his or her position and shall be recorded as a resignation not in good standing.

(c) Any employee who has not returned to duty for five or more consecutive business days following an approved leave of absence shall be considered to have abandoned his or her position and shall be recorded as a resignation not in good standing.

(d) Where an employee is resigned not in good standing under (a), (b), or (c), the employee shall be provided with notice and an opportunity for a departmental hearing under N.J.A.C. 4A:2-2.5, and Final Notice and a right to appeal to the Board under N.J.A.C. 4A:2-2.8. An employee shall be in unpaid status pending the departmental decision. Should an employee seek to return to employment pending the departmental decision, a review under N.J.A.C. 4A:2-2.5(b) shall be conducted prior to continuation of the unpaid status.

(e) Where the resignation is reversed, the employee shall be entitled to remedies under N.J.A.C. 4A:2-2.10.

(f) The appointing authority or the Board may modify the resignation not in good standing to an appropriate penalty or to a resignation in good standing.

CHAPTER 5
VETERANS AND DISABLED
VETERANS PREFERENCE

OLD CITATION	NEW CITATION
4:1-10.3	4A:5-1.3
	4A:5-2.3

SUBCHAPTER 1. ELIGIBILITY

4A:5-1.1 Veterans preference

(a) A person is entitled to veterans preference (abbreviated as "V") if he or she:

1. Served at least 90 days in the active United States military or naval service and had been discharged under conditions other than dishonorable, during:

- i. World War I, between April 6, 1917 and November 11, 1918;
- ii. World War II, ***[between]* *after* September 16, 1940 and *on or before* September 2, 1945;**
- iii. Korean Conflict, ***[between]* *after* June 23, 1950 and *on or before* July 27, 1953;** or
- iv. Vietnam Conflict, ***[between]* *after* December 31, 1960 and *on or before* August 1, 1974;**

The 90 day period must have begun on or before one of the ending dates above, and shall not include any period of education or training under the Army Specialized Training Program or the Navy College Training Program which was a continuation of a civilian course, nor any time spent as a cadet or midshipman at one of the service academies. During the period of the Vietnam conflict, the following are excluded: any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code; or any service performed pursuant to enlistment in the National Guard or the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve or Coast Guard Reserve.

2. Received a service-incurred injury or disability during a period in (a)1 above, regardless of the length of service;

3. Served in any army or navy of the United States allies in World War I between July 14, 1914 and November 11, 1918, or World War II between September 1, 1939 and September 2, 1945, provided he or she voluntarily enlisted in such service, was a United States citizen at the time of enlistment, did not renounce or lose United States citizenship, and was honorably discharged; or

4. Is the surviving spouse of a person entitled to veterans preference and has not remarried.

4A:5-1.2 Disabled veterans preference

(a) A person is entitled to disabled veterans preference (abbreviated as "DV") if he or she:

1. Receives or is entitled to receive, under United States Veterans Administration guidelines, compensation for service connected disability of 10 percent or more arising out of military or naval service during any of the periods in N.J.A.C. 4A:5-1.1(a);

2. Is the spouse of a person entitled to disabled veterans preference who:

- i. Is not employed by any jurisdiction operating under Title 11A, New Jersey Statutes; and
- ii. Waives any right to preference for the duration of the spouse's employment;

3. Is the surviving spouse of a person entitled to disabled veterans preference and has not remarried; or

4. Is a parent or surviving spouse of a person who would have been entitled to veterans preference under N.J.A.C. 4A:5-1.1 but who died while in service. The use of the preference by one such survivor shall suspend the right of any other so long as the first individual who uses the preference is employed by any jurisdiction operating under Title 11A, New Jersey Statutes.

4A:5-1.3 Filing for veterans or disabled veterans preference

(a) To establish veterans or disabled veterans preference, an individual must submit a completed "Veterans Preference Claim Form" (DPF-189) along with a copy of Veterans Separation Papers (Form DD214) to the New Jersey Department of Personnel, CN 310, Trenton, New Jersey 08625.

(b) When an individual does not possess Veterans Separation Papers and the Veterans Administration or National Personnel Records Center copy has been destroyed, the applicant must submit a letter from the appropriate agency attesting to the destruction of such records and a notarized statement by the applicant attesting to the dates of active service, branch of service, rank and type of discharge.

(c) Veterans or disabled veterans preference is effective for all examinations in which the closing date for applications falls on or after the filing of the required documents.

(d) For initial employment in the noncompetitive division, documentation to establish veterans or disabled veterans preference shall be furnished by the applicant to the appointing authority prior to hiring or within a reasonable time thereafter as permitted by the appointing authority. However, veterans and disabled veterans preference shall not be applied for promotion to a competitive title until the required documents have been filed with the Department of Personnel.

SUBCHAPTER 2. USE OF PREFERENCE

4A:5-2.1 Open competitive examinations

(a) A list of eligibles who have passed an open competitive examination shall appear in the following order:

- 1. Eligibles entitled to disabled veterans preference in the order of their scores;
- 2. Eligibles entitled to veterans preference in the order of their scores;
- 3. Non-veteran eligibles (abbreviated as "NV") in the order of their scores.

(b) Whenever more than one eligible has the same score and same veterans status, the tie shall not be broken and they shall have the same rank.

(c) Whenever a disabled veteran or veteran is certified from an open competitive list and a regular appointment is to be made, the appointing authority shall first appoint disabled veterans and then veterans in the order of ranking. For example:

TEST SCORES		RANKED LIST OF ELIGIBLES		
Name and Status	Score	Name and Status	Score	Rank
John Green (NV)	90	Robert Brown (DV)	80	1
Charles Black (V)	85	Charles Black (V)	85	2
Mary White (V)	85	Mary White (V)	85	2
Robert Brown (DV)	80	John Green (NV)	90	3
Jane Silver (NV)	80	Jane Silver (NV)	80	4
Tom Gold (NV)	75	Tom Gold (NV)	75	5

Assuming all eligibles are interested in appointment. Robert Brown must receive the first appointment. The next vacancy must be filled by appointing either Charles Black or Mary White. Assuming Mary White is appointed, the next vacancy must be filled by appointing Charles Black. The next vacancy must be filled by choosing among John Green, Jane Silver and Tom Gold, in accordance with the "rule of three." See N.J.S.A. 11A:4-8.

(d) Appointing authorities are not required to give preference to disabled veteran or veterans when making a provisional appointment from an incomplete list. See N.J.A.C. 4:1-14.2.

4A:5-2.2 Promotional examinations

(a) No distinction shall be made between disabled veterans and veterans in promotional examinations. Both are referred to as veterans in this rule.

(b) A list of eligibles who have passed a promotional examination shall appear in the order of their scores regardless of veteran or nonveteran status. However, when scores are tied, the names of veterans shall be listed first within each rank.

(c) Whenever the name of a veteran appears in the highest rank on a promotional certification, a nonveteran shall not be appointed unless the appointing authority shows cause why the veterans should be removed from the promotional list. See N.J.A.C. 4:1-12.11 for removal procedures.

(d) If the names of one or more veterans appear on a promotional certification headed by a veteran, any veteran ***among the top three interested eligibles*** may be appointed in accordance with the "rule of three." See N.J.S.A. 11A:4-8.

(e) Whenever a nonveteran heads a promotional certification, any ***reachable*** eligible may be appointed in accordance with the "rule of three." See N.J.S.A. 11A:4-8.

(f) As an example, assume that the following represents the ranked order and status of ***[names]*** ***interested eligibles*** which appear on promotional certifications:

- 1. Veteran 2. Non-Veteran 3. Non-Veteran
Veteran must be offered the appointment.
- 1. Veteran 2. Non-Veteran 3. Veteran
Either (1) or (3) must be offered the appointment.
- 1. Non-Veteran 2. Veteran 3. Non-Veteran
Either (1), (2) or (3) may be offered the appointment.
- 1. Veteran (Tied) 1. Non-Veteran (Tied) 2. Non-Veteran
Veteran must be offered the appointment.

4A:5-2.3 Veterans and disabled veterans preference in the noncompetitive division

In making appointments in the noncompetitive division, preference shall be given among qualified applicants to disabled veterans, then veterans.

CHAPTER 7
EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION

OLD CITATION	NEW CITATION	OLD CITATION	NEW CITATION
4:1-21.2	4A:7-1.1	4:2-21.4	4A:7-2.1
4:1-21.6	4A:7-1.2		4A:7-2.2
4:2-21.1	4A:7-1.1		4A:7-3.1
	4A:7-2.1	4:2-21.5	4A:7-1.3
	4A:7-2.2	4:2-21.6	4A:7-3.2
	4A:7-2.3		4A:7-3.3
	4A:7-3.1		4A:7-3.4
4:2-21.2	4A:7-1.1	4:3-21.1	4A:7-1.1
	4A:7-2.2		4A:7-2.2
4:2-21.3	4A:7-1.1	4:3-21.2	4A:7-1.1

SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY

4A:7-1.1 General ***[policy]*** ***provisions***

(a) There shall be equal employment opportunity for all persons in, or applicants for the career, unclassified and senior executive services, regardless of race, creed, color, national origin, sex, age, marital status, religion or handicap, except where a particular qualification is specifically permitted and is essential to successful job performance. See N.J.A.C. 4:1-12.7, 4:2-6.3 and 4:3-6.4 on bona fide occupational qualifications.

(b) Equal employment opportunity includes, but is not limited to, recruitment, selection, hiring, training, promotion, transfer, ***work environment***, layoff, return from layoff, compensation and fringe benefits. Equal employment opportunity further includes policies, procedures and programs for recruitment, employment, training, promotion, and retention of minorities, women and handicapped persons.

(c) Handicapped persons shall include any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. See 29 U.S.C. 706. See also N.J.A.C. 4:1-8.16 and 8.17 for accommodation and waiver of examinations for handicapped persons.

(d) The following race/ethnic categories shall be used by the Department of Personnel:

- 1. W: "White, not of Hispanic origin" means persons having origins in any of the original peoples of Europe, North Africa or the Middle East;
- 2. B: "Black, not of Hispanic origin" means persons having origins in any of the Black racial groups of Africa;
- 3. H: "Hispanic" means persons of Mexican, Puerto Rico, Cuban, Central or South America or other Spanish culture or origin, regardless of race;

4. I: "American Indian or Alaskan Native" means persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition; and

5. A: "Asian or Pacific Islander" means persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or Pacific Islands. This area includes, for example, China, Japan, Korea, the Phillipine Islands and Samoa.

4A:7-1.2 Discriminatory inquiries

(a) A preemployment application shall not require an applicant to provide information covering subject matters which may be discriminatory, except where related to a job requirement or required by law. See Division on Civil Rights rules at N.J.A.C. 13:7-1.1.

(b) Preemployment and employment information which is required by the State or Federal government for statistical purposes may be obtained by an appointing authority or the Department of Personnel.

4A:7-1.3 Prohibition of sexual harassment in State government

(a) Deliberate or repeated unwelcome sexual advances, requests for sexual favors, comments, gestures and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

[(b)]**[(c)] In local service, an appointing authority may establish procedures for processing complaints of sexual harassment.*

[(b)]**[(c)] The sexual harassment of any State employee by any other State employee or person doing business with the State shall constitute prohibited discrimination under this chapter.

[(c)]**[(d)] It shall be the responsibility of each appointing authority to:

- 1. Ensure that the working environment is free from acts of sexual harassment by its supervisors, employees and non-employees;
- 2. Take immediate and corrective action when sexual harassment has occurred; and
- 3. Make all employees aware of the policy against sexual harassment and of the procedure for filing complaints when sexual harassment has occurred.

[(d)]**[(e)] Employee complaints of sexual harassment in the State career, unclassified and senior executive services shall be processed in accordance with N.J.A.C. 4A:7-3.2 through 4A:7-3.4. ***[In local service, an appointing authority may establish procedures for processing complaints of sexual harassment.]***

SUBCHAPTER 2. DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

4A:7-2.1 Division responsibilities: ***State service***

(a) The Division of Equal Employment Opportunity and Affirmative Action (Division of EEO/AA) shall develop, implement and administer an equal employment opportunity and affirmative action program for all State employees in the career, ***[unclassified and senior executive]*** ***senior executive and unclassified*** services. Such program shall:

- 1. Ensure that each State agency's ***[affirmative action and equal employment opportunity]*** ***equal employment and affirmative action*** goals for minorities, women and handicapped persons are in accordance with the Standard for Determining Underrepresentation of Women and Minorities in New Jersey State Government, and are related to their population in the New Jersey labor market as determined by the relevant federal census;
- 2. Ensure that each agency complies with all laws and rules relating to equal employment opportunity¹; ***and oversee that the purposes of this subchapter are implemented through the agency affirmative action officers;***
- 3. Seek correction of discriminatory policies, practices and procedures;
- 4. Recommend appropriate sanctions for non-compliance to the Commissioner;
- 5. Review State personnel policies, practices and procedures, and where appropriate, eliminate artificial barriers to equal employment opportunity;
- 6. Act as liaison with federal, state and local enforcement agencies;
- 7. Perform such other duties as prescribed by law and these rules.

4A:7-2.2 Department of Personnel responsibilities*: State service*

(a) The Department of Personnel, through the Division of EEO/AA, shall:

1. Ensure that minorities, women and handicapped persons are among the pool of applicants for all vacant positions in the career, unclassified and senior executive services;
2. Review its rules, selection devices and testing procedures to eliminate those which are discriminatory;
3. Analyze job specifications to eliminate artificial barriers to employment;
4. Review all certification dispositions for compliance with this chapter;
5. Review all discrimination complaints under Title VII of the Civil Rights Act of 1964, evaluate trends and recommend appropriate policy changes;
6. Transmit to the Governor, at least semi-annually, progress reports on affirmative action in all State agencies; ***and***
 - *[7. Upon request, advise and assist local appointing authorities in developing affirmative action and equal employment policies; and]*
 - *[8.]**7.* Perform such other duties as prescribed by law and these rules.

4A:7-2.3 Equal Employment Opportunity Advisory Commission*: State service*

(a) An Equal Employment Opportunity Advisory Commission shall be established and shall consist of 11 members appointed by the Governor, at least six of whom shall be minorities, women and handicapped persons, and shall meet at least quarterly.

(b) The Commission shall advise the Division of EEO/AA and make recommendations on improving the State affirmative action plan.

SUBCHAPTER 3. COMPLIANCE AND APPEALS**4A:7-3.1 *Appointing authority* *[R]**r*esponsibilities *[of State agencies]***

(a) In local service, an appointing authority may establish equal employment opportunity and affirmative action programs. Upon request, the Division of EEO/AA shall advise and assist local appointing authorities in the development of such programs.

(a)](b)* Each State agency shall:**

1. Ensure equality of opportunity for all of its employees and applicants seeking employment.
2. Appoint at least one person as the affirmative action officer with the responsibility for affirmative action and equal employment opportunity, who shall serve on a full-time basis, unless otherwise requested by the agency head and approved by the Commissioner and Director of the division of EEO/AA.
3. Submit an affirmative action plan to the Director*[.]* ***for approval,*** which shall include, but not be limited to, a policy statement, organization of the agency, a description of how the plan is communicated to its employees, an analysis of the workforce and job categories, goals and timetables and specific remedial action to meet its goals.
4. Submit to the Director quarterly affirmative action reports and an annual update of its affirmative action plan which shall include an evaluation of the goals set for the prior year, the goals for the upcoming year and the number, subject matter, time for processing and disposition of all discrimination complaints filed with the agency.
5. Make a good faith effort to meet the affirmative action goals and timetables set forth in its affirmative action plan and updates. Any agency which fails either to achieve or make a good faith effort to achieve its goals may be subject to sanctions and penalties.
6. Ensure that minorities, women and handicapped persons are considered for employment opportunities where the need for aggressive efforts have been identified.
7. Explore and, where appropriate, implement innovative personnel policies to enhance equal employment opportunity and affirmative action.

4A:7-3.2 Discrimination appeals*: State service*

***(a) Employees in the State career, unclassified and senior executive services who claim unlawful discrimination may appeal such action using the procedures in this section. In local service, an appointing authority may establish procedures for processing discrimination complaints.**

(b) Appeals involving disciplinary actions, removal, demotions and layoffs, removal at the end of or during the working test period, classification review, examinations and unsatisfactory performance shall utilize those specific procedures. See N.J.A.C. 4A:2-1.7.

(c) The Commissioner may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in N.J.A.C. 4A:7-3.3 and 3.4 or such combination of procedures as the Commissioner deems appropriate.

(d) A discrimination complaint may also be simultaneously filed with the New Jersey Division on Civil Rights and filed with the United States Equal Employment Opportunity Commission. Any complaint which is simultaneously filed will be referred to the proper agency for processing.

(e) The appellant shall have the burden of proof in all discrimination appeals.]*

***(a) Appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. See N.J.A.C. 4A:2-1.7.**

(b) A discrimination complaint may also be simultaneously filed with the New Jersey Division on Civil Rights and filed with the United States Equal Employment Opportunity Commission. Any complaint which is simultaneously filed will be referred to the proper agency for processing.

(c) In local service, an appointing authority may establish procedures for processing discrimination complaints.

(d) Employees in the State career, senior executive and unclassified services who claim unlawful discrimination may appeal such action using the procedures set forth in N.J.A.C. 4A:7-3.3 and 3.4.

1. The Commissioner may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in N.J.A.C. 4A:7-3.3 and 3.4 or such combination of procedures as the Commissioner deems appropriate.

2. The appellant shall have the burden of proof in all discrimination appeals.*

4A:7-3.3 Departmental review*: State service*

(a) A discrimination complaint shall be presented to the affirmative action officer of the appointing authority, with a copy to the Director of the Division of EEO/AA, within 20 days of either the discriminatory action or the date on which the individual should reasonably have known of its occurrence. It shall be in writing and specify the basis for the complaint.

(b) The affirmative action officer shall investigate the complaint and prepare a report to the department head. The department head shall render a written decision within 45 days of the receipt of the complaint by the affirmative action officer, unless a longer period is agreed to by the parties.

1. The decision shall advise of the right of appeal to the Division of EEO/AA.

2. The individual and the Division of EEO/AA shall be furnished with a copy of the final decision by the department head.

4A:7-3.4 Department of Personnel proceedings*: State service*

(a) An individual may appeal a final decision of the department head to the Division of EEO/AA within 20 days of receipt of the decision.

1. If no decision is received within the timeframe specified in N.J.A.C. 4A:7-3.3(b), the individual may request, in writing, that the Division of EEO/AA assume jurisdiction of the complaint. The Division of EEO/AA shall notify the appointing authority of its action.

2. The appeal shall be in writing and include all materials presented at the department level and the written decision of the department head.

3. The Division of EEO/AA shall review the written record and render a *[final]* decision within 45 days after receipt of the appeal. The *[final]* decision shall advise of the right to appeal to the Merit System Board.

(b) A party may appeal the decision of the Division of EEO/AA to the Merit System Board within 20 days of receipt of the decision.

1. The appeal shall be in writing and contain all information which was presented to the Division of EEO/AA, plus a copy of the Division's final decision.

2. The Commissioner shall review the appeal and request any additional information or conduct any necessary investigation.

3. The Board shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. *See N.J.A.C. 4A:2-1.1(d).*

**CHAPTER 9
POLITICAL SUBDIVISIONS****SUBCHAPTER 1. PROCEDURES FOLLOWING TITLE 11A
COVERAGE****4A:9-1.1 Jurisdictions adopting Title 11A, New Jersey Statutes by
referendum**

(a) Upon the adoption by referendum of Title 11A, New Jersey Statutes, by a political subdivision, the Commissioner shall provide for the

classification of all positions in the jurisdiction. See N.J.S.A. 11A:9-2 through 11A:9-7 for referendum procedures.

(b) Any employee who holds a position allocated to the career service and who has been continuously employed by the political subdivision for a period of at least one year prior to the adoption of Title 11A, New Jersey Statutes, including any such employee on an approved leave of absence, shall be considered a permanent employee under Title 11A, New Jersey Statutes and these rules as of the date of adoption.

(c) Seniority calculations for employees determined to be permanent under (b) above shall be based upon the length of their continuous service with that political subdivision.

(d) Vacation and sick leave entitlements under Title 11A, New Jersey Statutes, for employees determined to be permanent under (b) above shall be based upon seniority and ***[begin to accrue]* *are effective*** on a date set by the appointing authority. However, the date shall in no event be more than 60 days following the adoption of Title 11A, New Jersey Statutes.

4A:9-1.2 Jurisdictions subject to Title 11A, New Jersey Statutes, by consolidation or legislation

(a) This rule applies to political subdivisions which are subject to Title 11A, New Jersey Statutes through consolidation of governmental functions or by legislation.

(b) When functions of two or more political subdivisions are consolidated, and any one of the political subdivisions shall be operating under Title 11A, New Jersey Statutes, at the time of such consolidation, the other political subdivision or subdivisions shall be deemed to have adopted Title 11A, New Jersey Statutes with regard to the combined functions.

(c) The Commissioner shall provide for classification of all positions in the jurisdictions following such consolidation or enactment of legislation.

(d) Any employee who holds a position allocated to the career service and who has been continuously employed by that jurisdiction for a period of at least one year prior to the effective date of such consolidation or legislation, including any such employee on an approved leave of absence, shall be considered a permanent employee under Title 11A, New Jersey Statutes and these rules as of that date, except as may be provided in such legislation.

(e) Seniority calculations for employees determined to be permanent under (d) above shall be based upon the length of their continuous service with the political subdivision.

(f) Vacation and sick leave entitlements under Title 11A, New Jersey Statutes, for employees determined to be permanent under (d) above shall be based upon seniority and shall ***[begin to accrue]* *be effective*** on the effective date of consolidation or legislation.

EMERGENCY ADOPTION

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Speed Limits

Route 15 in Morris and Sussex Counties

Adopted Emergency New Rule and Concurrent Proposal: N.J.A.C. 16:28-1.76

Emergency New Rule Adopted: September 8, 1987, by Hazel Frank Gluck, Commissioner, Department of Transportation

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)): September 11, 1987.

Emergency New Rule Filed: September 15, 1987 as R.1987, d.411.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Emergency New Rule Effective Date: September 15, 1987.

Emergency New Rule Expiration Date: November 14, 1987.

Concurrent Proposal Number: PRN 1987-414

Submit comments by November 4, 1987 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

This new rule was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B (c) as implemented by N.J.A.C. 1:30-4.5). Concurrently, the provisions of this emergency new rule are being proposed for re-adoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted new rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

The agency emergency adoption and concurrent proposal follows:

Summary

This new rule will establish "speed limit" zones along Route 15 in the Town of Dover, Rockaway Township, Wharton Borough and Jefferson Township in Morris County, and in Sparta Township, Lafayette Township and Frankford Township in Sussex County for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace. Based upon requests from the local officials expressing the urgency for the speed limit zones, engineering studies were conducted by the Department's Bureau of Traffic Engineering and Safety Programs. The engineering studies found that the establishment of speed limits zones was warranted.

The Department therefore has adopted Emergency New Rule N.J.A.C. 16:28-1.76 along with a concurrent proposal, in accordance with the requests from local officials and the Department's engineering studies.

Social Impact

The new rule will establish speed limit zones along Route 15 in Morris and Sussex Counties, for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department will incur direct and indirect costs for mileage, personnel and equipment requirements. The Departments will bear the costs for the installation of signs advising the motoring public.

Regulatory Flexibility Statement

This emergency rule does not affect small businesses, because it does not impose reporting, recordkeeping or other requirements on small businesses. The rule will primarily affect the motoring public.

Full text of the emergency adoption and concurrent proposal follows:

16:28-1.76 Route 15

(a) The rate of speed for the certain parts of State highway Route 15 described in this section shall be established and adopted as the maximum legal rate of speed thereat:

- 1. For both directions of traffic in Sussex County:
 - i. Zone 1: 25 miles per hour in the Town of Dover from its southerly Junction with Route 46 at Mt. Hope Avenue to Fairview Avenue (milepost 0.5); thence
 - ii. Zone 2: 40 miles per hour in the Town of Dover extending through Rockaway Township and into Wharton Borough to the Route I-80 interchange (milepost 2.0).
- 2. For northbound traffic in Sussex County:
 - i. Zone 3: 55 miles per hour in Wharton Borough extending through Rockaway Township, Jefferson Township and into Sparta Township to the northerly terminus of Route 181 (milepost 14.2).
- 3. For southbound traffic in Sussex County:
 - i. Zone 4: 55 miles per hour in Sparta Township from the northerly terminus of Route 181 (mile post 14.2) extending into Jefferson Township to the bridge over Lake Shawnee (milepost 6.7); thence
 - ii. Zone 5: 50 miles per hour in Jefferson Township to 2,000 feet north of Taylor Road (milepost 4.9); thence
 - (A) 50 miles per hour in Jefferson Township to 1,500 feet south of Lake Shawnee (milepost 6.4); thence
 - iii. Zone 6: 55 miles per hour in Jefferson Township extending through Rockaway Township and into Wharton Borough to the Route I-80 interchange (milepost 2.0); thence
 - (A) 50 miles per hour to 2,000 feet north of Taylor Road (milepost 4.9); thence
 - (B) 40 miles per hour to 3,000 feet south of Edison Road—(County Road 615) (milepost 5.4); thence
- 4. For both directions of traffic in Sussex County:
 - i. Zone 7: 50 miles per hour in Sparta Township from the northerly terminus of Route 181 extending into Lafayette Township to 500 feet north of Limecrest Road—Route 94 (milepost 16.8); thence
 - ii. Zone 8: 35 miles per hour Lafayette Township to the bridge over the Paulins Kill Creek (milepost 18.3); thence
 - iii. Zone 9: 50 miles per hour in Lafayette Township extending into Frankford Township to Route 565—Route US 206 (milepost 19.6).

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

INTERSTATE SANITATION COMMISSION

Notice of Appending of Water Quality Regulations to N.J.A.C. 7

Take notice that, pursuant to a request made to the Office of Administrative Law by the Interstate Sanitation Commission, a tri-state agency composed of representatives from New Jersey, New York and Connecticut, statutorily authorized to control future pollution and abate existing pollution in the tidal and coastal waters of the adjacent portions of those states (see N.J.S.A. 32:18-1 et seq. and 32:19-1 et seq.), and with the approval of the Department of Environmental Protection, the Water Quality Regulations of the Interstate Sanitation Commission shall be published in the New Jersey Administrative Code as Appendix A to Title 7.

Take further notice that the Commission's Water Quality Regulations are not promulgated in strict accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and are not codified in accordance with the guidelines of the Office of Administrative Law. The regulations are being published verbatim as enacted by the Commission, and are appended to the rules of the Department of Environmental Protection to provide a convenient reference for those seeking regulatory information in the environmental field. The Commission's regulations are not rules of the Department of Environmental Protection.

Full text of the Water Quality Regulations of the Interstate Sanitation Commission as shall appear in N.J.A.C. 7 Appendix A follows:

TITLE 7

APPENDIX A

INTERSTATE SANITATION COMMISSION WATER QUALITY REGULATIONS

OAL NOTE: The Water Quality Regulations of the Interstate Sanitation Commission (see N.J.S.A. 32:18-1 et seq. and 32:19-1 et seq.) are herein appended to the rules of the Department of Environmental Protection pursuant to a request by the Commission to the Office of Administrative Law, and with the approval of the Department of Environmental Protection. These regulations were neither promulgated by nor are they rules of the Department of Environmental Protection, but are included as an appendix to Title 7 for reference purposes to aid those consulting this title. The regulations are reproduced verbatim as promulgated by the Commission and are not codified pursuant to OAL standards.

Water Quality Regulations

(As amended through June, 1986.)

The Commission's administratively made water quality regulations were adopted in 1971 with revisions in 1977 and further amendments in 1984 and 1986.

1. General

1.01. All waters of the Interstate Sanitation District (whether of Class A, Class B, or any subclass thereof) shall be of such quality and condition that they will be free from floating solids, settleable solids, oil, grease, sludge deposits, color or turbidity to the extent that none of the foregoing shall be noticeable in the water or deposited along the shore or on aquatic substrata in quantities detrimental to the natural biota; nor shall any of the foregoing be present in quantities that would render the waters in question unsuitable for use in accordance with their respective classifications.

1.02. No toxic or deleterious substances shall be present, either alone or in combination with other substances, in such concentrations as to be detrimental to fish or inhibit their natural migration or that will be offensive to humans or which would produce offensive tastes or odors or be unhealthful in biota used for human consumption.

1.03. No sewage or other polluting matters shall be discharged or permitted to flow into, or be placed in, or permitted to fall or move into the waters of the District, except in conformity with these regulations.

2. Classifications of Waters

2.01. There are two classes of waters within the Interstate Sanitation District: Class A and Class B. Each class is divided into subclasses. The requirements of Section 1 of these regulations shall apply to all waters within the Interstate Sanitation District. In addition, each subclass of the waters shall meet the requirements and be available for the uses as provided for that subclass.

2.02. It is the underlying principle of these regulations that each class and subclass of waters within the Interstate Sanitation District is to be suitable for its best intended uses and that all waters are to be protected, maintained, and improved to the end that they will afford as satisfactory conditions as possible for the maintenance and restoration of the natural ecosystems. It is also recognized that different classifications of waters are appropriate for different areas because of varying activities such as are associated with industry, commerce (including waterborne transportation), recreation, and aesthetic enjoyment. All waters should be aesthetic assets and should, at a minimum, be available for those recreational uses which do not bring the human body into direct contact with the water.

2.03(a). Streams and other waterbodies shall have a minimum dissolved oxygen content in accordance with their respective classifications as follows:

A: Dissolved Oxygen: 5 milligrams per liter

B-1: Dissolved Oxygen: 4 milligrams per liter

B-2: Dissolved Oxygen: 3 milligrams per liter

2.03(b). In addition to meeting the requirements set forth in Section 2.03(a) hereof, waters shall in all respects be suitable for their best intended uses as follows:

A: Suitable for all forms of primary and secondary contact recreation and for fish propagation. In designated areas, they also shall be suitable for shellfish harvesting.

B-1: Suitable for fishing and secondary contact recreation. They shall be suitable for the growth and maintenance of fish life and other forms of marine life naturally occurring therein, but may not be suitable for fish propagation.

B-2: Suitable for passage of anadromous fish and for the maintenance of fish life in a manner consistent with the criteria established in Sections 1.01 and 1.02 of these regulations.

2.04. As used in these regulations:

2.04(a). "Primary Contact Recreation" means recreational activity that involves significant ingestion risk, including but not limited to wading, swimming, diving, surfing, and waterskiing.

2.04(b). "Secondary Contact Recreation" means recreational activity in which the probability of significant contact with the water or water ingestion is minimal including but not limited to boating, fishing, and shoreline recreational activity involving limited contact with surface waters.

2.05. Effluents discharged or flowing into waters of any class shall meet the requirements provided herein. The effluent limitation values contained in subsection 2.05(b) are geometric means and in subsections 2.05(c) and (d) are arithmetic means. Industrial effluent limitation values are for process water volume. Any contaminants taken into the discharger's plant or process from the waters of the Interstate Sanitation District shall not be charged against the effluent quality in computing the values for compliance with these regulations.

2.05(a). pH within the range from 6.0 to 9.0 may be required if the receiving waters are outside this range.

2.05(b). Fecal coliform content shall not exceed 200 per 100 ml on a 30 consecutive day average; 400 per 100 ml on a 7 consecutive day average; and 800 per 100 ml on a 6 consecutive hour average, but no sample may contain more than 2400 per 100 ml. The only portion of the Interstate Sanitation District to which this provision shall not apply at all times is that referred to in Section 3.01(a)(2) hereof. For the aforementioned portion of the District, these disinfection requirements shall apply when disinfection is required to protect the best intended uses of the waters in question. For example, in the case of discharge into waters used primarily for bathing, this bacterial standard need not be required except during the bathing season.

2.05(c). Biochemical Oxygen Demand shall not exceed 30 mg/l on a 30 consecutive day average, 45 mg/l on a 7 consecutive day average, and 50 mg/l on a 6 consecutive hour average. Further, all sewage or other polluting matter discharged or permitted to flow into waters of the

District shall first have been so treated as to effect a reduction in the oxygen demand of the effluent sufficient to maintain the dissolved oxygen content in the waters of the District and in the general vicinity of the point of discharge of the sewage or other polluting matter into those waters, at a depth of about five feet below the surface, of not less than the dissolved oxygen concentration set forth in Section 2.03.

2.05(d). Total Suspended Solids content shall not exceed 30 mg/l on a 30 consecutive day average, 45 mg/l on a 7 consecutive day average, and 50 mg/l on a 6 consecutive hour average.

2.05(e). Effluents shall contain no floating solids.

2.05(f). All wastes shall be of a character that will not violate or cause violation of the requirements contained in Section 1 "General".

2.05(g). An effluent discharge which does not satisfy the requirements of the Commission shall not be considered to be in violation thereof if caused by temporary excess flows due to storm water conveyed to treatment plants through combined sewer systems, provided that the discharger is operating the facility with reasonable care, maintenance, and efficiency and has acted and continues to act with due diligence and speed to correct the condition resulting from the storm water flow.

2.06. Unless there has been rainfall in greater than trace amounts or significant melting of frozen precipitation during the immediately preceding 24 hours, no discharges to the waters of the Interstate Sanitation District shall occur from combined sewer regulating devices.

3. Consistency with States

3.01(a). The following waters of the Interstate Sanitation District are hereby classified as Class A:

(1) the East River east of the Whitestone Bridge and extending out and including the Long Island Sound waters west of a line from the easterly side of New Haven Harbor at Morgan Point in Connecticut to the easterly side of Port Jefferson Harbor in New York;

(2) the Hudson River from the New York-New Jersey State line opposite Hastings-on-Hudson to the northerly line of Rockland County on the westerly side and the northerly line of Westchester County on the easterly side.

(3) the Hudson River from its confluence with the Harlem River to the New York-New Jersey State line opposite Hastings-on-Hudson.

(4) the Raritan River east of the Victory Bridge and into Raritan Bay and to the lower end of the Arthur Kill on a line drawn from the southernmost point of Staten Island to the southernmost point of Perth Amboy;

(5) Sandy Hook Bay;

(6) the lower New York Bay northerly to a line drawn from the tip of Fort Wadsworth on Staten Island to the tip of Seagate in Brooklyn;

(7) the Atlantic Ocean and the estuaries and tidal waters thereof west of the easterly side of Fire Island Inlet and continuing into lower New York Bay.

3.01(b). The following waters of the Interstate Sanitation District are hereby classified as Class B-1:

(1) the Hudson River south of a line from the confluence with the Harlem River into the upper New York Harbor and the portion of the Lower Bay which is north of a line from Fort Wadsworth in Staten Island to the tip of Seagate in Brooklyn. For the purposes of these regulations, the upper New York Harbor terminates at the mouth of the Kill Van Kull (at a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Hook in Bayonne) and to the mouth of the East River (a true east-west line passing through the southernmost tip of Manhattan Island at the Battery and extending to the east shore of the East River in Brooklyn);

(2) the waters of the East River north of a true east-west line passing through the southernmost tip of Manhattan Island to the Battery extending to the Whitestone Bridge (except that Newtown Creek shall remain B-2) and including the Harlem River to its confluence with the Hudson River;

(3) the lower portion of the Arthur Kill north of a line from the southernmost part of Staten Island to the southernmost part of Perth Amboy and south of Outerbridge Crossing.

3.01(c). The following waters of the Interstate Sanitation District are hereby classified as Class B-2:

The waters of the Arthur Kill north of Outerbridge Crossing and into and including the Newark Bay up to the mouths of the Passaic and Hackensack Rivers and into the Kill Van Kull west of a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Point in Bayonne.

3.02. The classifications made by these regulations shall be governed by and implement any water and related land resource plans, water use plans, or pollution control plans adopted by appropriate agencies of the

signatory states. To this end, particular waters within a geographic area designated by these regulations as belonging to a given class or subclass shall, notwithstanding such designation, be deemed to belong to the class or subclass which is appropriate for the use or uses prescribed in the state water and related land resource plan, water use plan, or pollution control plan of the state in which the waters in question are situated and which is applicable thereto.

4. Commission Requirements Consolidated

4.01. It is the purpose and effect of these regulations to contain all of the water quality requirements of the Commission, whether in force because expressly set forth in the Tri-State Compact or in force because adopted by the Commission pursuant to the provision of the Compact variously known as Article XVII or Article VII.3. Accordingly, requirements contained in the Compact and still in force are repeated in these regulations and made part hereof. In accordance with Article XVII or Article VII.3 of the Compact, the other provisions of these regulations are in addition to or in substitution for requirements previously in force.

5. Variances

5.01. Any person or other entity discharging effluents is relieved of the requirements for such effluent contained in Section 2.05(c) and (d) if at all times of the year the waters into which the discharge enters meet the requirements of Section 2.03 of these regulations.

The foregoing applies only if the discharger who is discharging biochemical oxygen demand or total suspended solids or both has a permit from the U.S. Environmental Protection Agency or the state pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1342), which permit has requirements or limitations relating to discharge of biochemical oxygen demand, total suspended solids, or both, as the case may be, and the discharger is complying with those requirements or limitations.

5.02. Nothing in these regulations shall be construed to encourage or give the sanction of the Interstate Sanitation Commission to the degradation of any waters which are of a quality consistent with these regulations. Accordingly, it is the responsibility of any discharger determining that he will proceed under these variance provisions to plan and operate his facilities and processes with due regard for present and changing conditions of and affecting the waters in his area. It shall not be a defense to a violation that the discharger did not anticipate or was not aware of changes which have resulted in the applicability of Sections 2.05(c) and (d) to his effluent discharge.

6. Policy

6.01. It is recognized that requirements with respect to the treatment and discharge of liquid wastes are subject to change from time to time and that an upgrading of requirements and standards may occur as circumstances make appropriate.

LABOR

(a)

THE COMMISSIONER

Registration for Work and Claims for Benefits

Notice of Correction: N.J.A.C. 12:17-2.1

Take notice that an error appears in the New Jersey Administrative Code at N.J.A.C. 12:17-2.1 concerning registration for work and claims for benefits. The adoption of these rules appeared in the October 15, 1984 issue of the New Jersey Register at 16 N.J.R. 2822(a). N.J.A.C. 12:17-2.1 should appear in the Code as follows:

12:17-2.1 Claims and registration for individuals generally

(a)-(g) (No change in text.)

(h) With reference to reporting requirements, good cause includes any situation over which the claimant did not have control and which was so compelling as to prevent the claimant from reporting on the assigned reporting date, or as soon as possible thereafter.

1. Failure to report shall **not** be considered to have resulted from good cause if the reason for the failure is noncompelling in nature or is characterized by negligence on the part of the claimant or if the claimant could have reasonably adjusted his outside activities to conform to the reporting schedule and failed to do so.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Notice of Application for Contract Carrier Permit

Take notice that Glenn R. Paulsen, Director, Division of Motor Vehicles, pursuant to the authority of N.J.S.A. 39:5E.11 hereby list the name and address of an applicant who has filed an application for a Contract Carrier Permit.

CONTRACT CARRIER (NON-GRANDFATHER)

Dan Junior Trucking, Inc.
622 High Street
Unionville, NY 10988

Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

TREASURY-GENERAL

(b)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection

Notice of Assignments—August 1987

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, pre-qualified New Jersey consulting firms. For information on DBC's pre-qualification and assignment procedures, call (609) 984-6979.

Last list dated August 5, 1987.

The following assignments have been made:

DBC No.	PROJECT	A/E	CCE
C342	Renovations—Cottage 7 Training School for Boys Jamesburg, NJ	Matthew L. Rue, AIA	\$200,000
A539	Renovation of New Central Motor Pool Facility Calhoun & W. Hanover Streets Trenton, NJ	Edward A. Sears Assoc.	\$3,767 Services
T198	Print Shop Thiokol Building No. 6 Dept. of Transportation Trenton, NJ	Vincent E. Paolicelli & Associates	\$225,000
M727	Roof Replacement Cottage C-2, Laundry & Food Service Bldgs. Woodbine Developmental Center Woodbine, NJ	Herbert J. Cannon & Associates, PA	\$110,000
T195	Two 4,000 Gallon Fuel Oil Tanks DOT Maintenance Yard Frelinghuysen Township, NJ	Turek Associates	\$60,000
T196	4,000 Gallon Fuel Oil Tank DOT Maintenance Facility Berlin, NJ	Roy Larry Schlein & Associates	\$39,000
A537-01	Testing/Inspection Services Parking Lot Area #35 N. Willow and Bank Streets Trenton, NJ	Certified Testing Labs, Inc.	\$3,000 Services
P272-02	Testing/Inspection Services Sanitary Facilities Round Valley Recreation Area Hunterdon County, NJ	Ambric Testing Assoc. of NJ, Inc.	\$4,000 Services
M548	Roofing System Study Skylands Manor House Ringwood State Park Ringwood, NJ	ARMM Designs, Inc.	\$2,000 Services
C348	80 Bed Modular Unit Clinton Correctional Institute for Women Clinton, NJ	Capriotti & Vining	\$950,000
P547	Exterior Stabilization & Repair Skylands Lodge Ringwood State Park Ringwood, NJ	James N. Lindemon	\$83,300

D031	Facility Consultant FY 88 Dept. of Corrections	John C. Morris Associates	\$10,000 Services
D032	Facility Consultant FY 88 Dept. of Corrections	Pedro E. Campos, AIA	\$10,000 Services
D033	Facility Consultant FY 88 Dept. of Corrections	Frank R. Holtaway & Son	\$10,000 Services
D034	Facility Consultant FY 88 Dept. of Corrections	Barnickel Engineering Corp.	\$10,000 Services
D035	Facility Consultant FY 88 Dept. of Corrections	Borda Engineers & Energy Consultants	\$10,000 Services
D036	Facility Consultant FY 88 Dept. of Corrections	J. M. DiGiacinto & Associates	\$10,000 Services
D037	Facility Consultant FY 88 Dept. of Corrections	M. Benton & Assoc.	\$10,000 Services
D038	Facility Consultant FY 88 Dept. of Corrections	Maitra Assoc., Inc.	\$10,000 Services
D039	Facility Consultant FY 88 Dept. of Corrections	Capriotti & Vining	\$10,000 Services
D040	Facility Consultant FY 88 Dept. of Corrections	Vaughn Organization, PC	\$10,000 Services
R013	Facility Consultant FY 88 Dept. of Human Services	London Kantor Umland & Associates	\$10,000 Services
R015	Facility Consultant FY 88 Dept. of Human Services	Edward A. Sears Associates	\$10,000 Services
J021	Facility Consultant FY 88 Div. of Property & Facilities Management	Frank R. Holtaway & Son	\$50,000 Services
J022	Facility Consultant FY 88 Div. of Property & Facilities Management	Edward A. Sears & Associates	\$50,000 Services
J023	Facility Consultant FY 88 Div. of Property & Facilities Management	London Kantor Umland & Associates	\$50,000 Services
J024	Facility Consultant FY 88 Div. of Property & Facilities Management	Nadaskay-Kopelson, PA	\$50,000 Services
J025	Facility Consultant FY 88 Div. of Property & Facilities Management	Maitra Associates	\$50,000 Services
J026	Facility Consultant FY 88 Div. of Property & Facilities Management	Vaughn Organization, PC	\$50,000 Services
P542	Recreational Facilities Freda Marden Common Site D & R Canal State Park	BBM Architects	\$450,000

COMPETITIVE PROPOSALS

BBM Architects	9.45%	
James R. Guerra, PA	13.20%	
Shive/Spinelli/Perantoni/Architects	16.90%	
P535 Caven Point Pier Study Liberty State Park Jersey City, NJ	Frederick R. Harris Inc.	\$77,500 Services

COMPETITIVE PROPOSALS

Frederick R. Harris, Inc.	\$77,500 Lump Sum	
STV/Seelye Stevenson Value & Knecht	\$134,000 Lump Sum	
Kaiser Engineers, Inc.	\$153,000 Lump Sum	
T184 CPM Scheduling Services Renovations of Main Office Building Dept. of Transportation Trenton, NJ	Wagner-Hohns-Ingliis, Inc.	\$72,700 Services

COMPETITIVE PROPOSALS

Wanger-Hohns-Ingliis, Inc.	\$72,700 Lump Sum
Tri-Tech Planning Consultants	\$87,600 Lump Sum
O'Brien-Kreitzberg & Associates, Inc.	\$92,350 Lump Sum
URS Company, Inc.	\$125,000 Lump Sum

TREASURY-TAXATION**(a)****DIVISION OF TAXATION****Sales and Use Tax: Food Stamps****Public Notice**

Take notice that on and after October 1, 1987 the receipts from retail sales of food and food products and beverages eligible for purchase with food stamps, but taxable in New Jersey, such as candy and confectionery, chewing gum, soft drinks and soda, vegetable seeds and food plants, are exempt from sales tax in New Jersey **when purchased with food stamps**. See N.J.S.A. 54:32B-2(d) as amended by P.L. 1987, c.254, effective October 1, 1987.

Under the provisions of P.L. 1987, c.254, food stampable and taxable items of food and beverage will be exempt from sales tax when food stamps are presented in full payment or cash is submitted with food

stamps as a part payment. Nontaxable food or food products, non-carbonated beverages, and dietary food and health supplements remain exempt from sales tax in New Jersey whether or not any of these are purchased with food stamps. N.J.S.A. 54:32B-8.2.

For example, if the purchaser presents \$10 in food stamps and \$32 in cash as payment for \$42 worth of food stampable items, the entire food stampable portion of the receipt is exempt from tax. Under these facts, the exemption would apply even if the \$42 worth of food stampable items consisted of food stamp eligible and taxable food and beverages, such as candy and soda. Please note, however, that the purchase of items which are not food stampable remains subject to sales tax.

For further information concerning the application of P.L. 1987 c.254 to receipts from retail sales of food stampable items, please contact the Division of Taxation, Taxpayer Information Service, CN269, 50 Barrack Street, Trenton, NJ 08646.

Statement of Ownership, Management and Circulation (Required by 39 U.S.C. 3685) 1A. Title of Publication: NEW JERSEY REGISTER. 1B. Publication number: 03006069. 2. Date of filing: September 18, 1987. 3. Frequency of issue: Biweekly. A. Number of issues published annually: 24. B. Annual subscription price: \$75 controlled circulation; \$150 first class. 4. Location of known office of publication: New Jersey Office of Administrative Law, 9 Quakerbridge Plaza, CN 301, Trenton, NJ 08625. 5. Location of general business offices of the publisher: New Jersey Office of Administrative Law, CN 301, Trenton, NJ 08625. 6. Names and addresses of publisher, editor, managing editor. Publisher: New Jersey Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Editor: Norman Olsson, New Jersey Office of Administrative Law, CN 301, Trenton, NJ 08625. Managing Editor: Karen Garfing, New Jersey Office of Administrative Law, CN 301, Trenton, NJ 08625. 7. Owner: Office of Administrative Law, State of New Jersey, CN 301, Trenton, NJ 08625. 8. Known bondholders, mortgagees, or other security holders owning or holding one percent or more of total amount of bonds, mortgages or other securities: None. 9. Purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes: Has not changed during preceding 12 months. 10. Average

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EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES

Pursuant to N.J.A.C. 1:30-4.4, all expiration dates are now affixed at the chapter level. The following table is a complete listing of all current New Jersey Administrative Code expiration dates by **Title** and **Chapter**. If a chapter is not cited, then it does not have an expiration date. In some instances, however, exceptions occur to the chapter-level assignment. These variations do appear in the listing along with the appropriate chapter citation, and are noted either as an exemption from Executive Order No. 66(1978) or as a subchapter-level date differing from the chapter date.

Current expiration dates may also be found in the loose-leaf volumes of the Administrative Code under the **Title** Table of Contents for each executive department or agency and on the **Subtitle** page for each group of chapters in a Title. Please disregard all expiration dates appearing elsewhere in a Title volume.

This listing is revised monthly and appears in the first issue of each month.

OFFICE OF ADMINISTRATIVE LAW—TITLE 1

N.J.A.C.	Expiration Date	N.J.A.C.	Expiration Date
1:1	5/4/92	3:21	2/2/92
1:5	10/20/91	3:22	5/21/89
1:6	5/4/92	3:23	7/6/92
1:6A	5/4/92	3:24	8/20/89
1:7	5/4/92	3:25	8/17/92
1:10	5/4/92	3:26	12/31/90
1:10A	5/4/92	3:27	9/16/90
1:10B	10/6/91	3:28	12/17/89
1:11	5/4/92	3:30	10/17/88
1:13	5/4/92	3:38	10/5/92
1:20	5/4/92	3:41	10/16/90
1:21	5/4/92		
1:30	2/14/91		
1:31	6/17/92		

AGRICULTURE—TITLE 2

N.J.A.C.	Expiration Date
2:1	9/3/90
2:2	10/3/88
2:3	6/18/89
2:5	6/18/89
2:6	9/3/90
2:7	9/29/88
2:9	7/7/91
2:16	5/7/90
2:22	7/6/92
2:23	6/6/88
2:24	2/11/90
2:32	6/1/92
2:48	11/27/90
2:50	5/1/92
2:52	6/7/90
2:53	3/3/91
2:54	Exempt (7 U.S.C. 601 et seq. 7 C.F.R. 1004)
2:68	8/1/88
2:69	10/3/88
2:70	5/7/90
2:71	9/1/88
2:72	9/1/88
2:73	7/18/88
2:74	9/1/88
2:76	8/29/89
2:90	6/24/90

BANKING—TITLE 3

N.J.A.C.	Expiration Date
3:1	1/6/91
3:2	4/15/90
3:6	3/3/91
3:7	9/16/90
3:11	3/19/89
3:13	11/17/91
3:17	6/18/91
3:19	3/17/91

CIVIL SERVICE—TITLE 4

N.J.A.C.	Expiration Date
4:1	1/28/90
4:2	1/28/90
4:3	6/4/89
4:4	12/5/91
4:6	5/5/91

COMMUNITY AFFAIRS—TITLE 5

N.J.A.C.	Expiration Date
5:3	9/1/88
5:4	10/5/92
5:10	12/1/88
5:11	3/1/89
5:12	1/1/90
5:13	1/1/88
5:14	12/1/90
5:17	6/1/89
5:18	2/1/90
5:18A	2/1/90
5:18B	2/1/90
5:22	12/1/90
5:23	4/1/88
5:24	9/1/90
5:25	3/1/91
5:26	3/1/91
5:27	6/1/90
5:28	12/20/90
5:29	6/18/91
5:30	6/1/88
5:31	12/1/89
5:37	11/18/90
5:38	11/7/88
5:51	9/1/88
5:70	7/9/92
5:71	3/1/90
5:80	5/20/90
5:91	6/16/91
5:92	6/16/91
5:100	5/7/89

DEPARTMENT OF DEFENSE—TITLE 5A

N.J.A.C.	Expiration Date
5A:2	5/20/90

EDUCATION—TITLE 6

N.J.A.C.	Expiration Date
5:2	3/1/89
5:3	8/18/88
5:8	1/5/92
5:11	12/12/90
5:12	4/2/91
5:20	8/9/90
5:21	8/9/90
5:22	9/3/90
5:24	4/2/91
5:26	1/24/90
6:27	1/24/90
6:28	6/1/89
6:29	3/25/90
6:30	8/31/88
6:31	1/24/90
6:39	10/18/89
6:43	4/7/91
6:46	12/1/87
6:53	7/7/92
6:64	5/1/88
6:68	4/12/90
6:69	6/4/91
6:70	1/25/90
6:79	2/1/88

ENVIRONMENTAL PROTECTION—TITLE 7

N.J.A.C.	Expiration Date
7:1	9/16/90
7:1A	6/5/92
7:1C	6/17/90
7:1D	12/1/88
7:1E	7/15/90
7:1F	4/20/92
7:1G	10/1/89
7:1H	7/24/90
7:1I	11/18/88
7:2	7/19/88
7:4	Expired 8/16/84
7:6	12/19/88
7:7	5/7/89
7:7E	7/24/90
7:7F	12/6/87
7:8	2/7/88
7:9	1/21/91
(Except for 7:9-1 which expired 4/25/85)	
7:10	9/4/89
7:11	6/6/88
7:12	6/6/88
7:13	5/4/89
7:14	4/27/89
7:14A	6/4/89
7:15	4/2/89
7:17	4/7/91
7:18	8/6/91
7:19	4/15/90
7:19A	2/19/90
7:19B	2/19/90
7:20	5/6/90
7:20A	12/19/88
7:22	1/5/92
7:23	6/18/89
7:24	5/19/91
7:25	2/18/91
(Except for 7:25-1 which expired 9/17/85)	
7:25A	5/6/90
7:26	11/4/90
(Except for 7:26-5 which expired 10/7/85)	
7:27	Exempt

N.J.A.C.	Expiration Date
7:27B-3	Exempt
7:28	10/7/90
7:29	3/18/90
7:29B	4/5/87
7:30	12/6/87
7:36-1	8/5/90
7:36-2	Expired 1/9/86
7:36-3	Expired 1/9/86
7:36-4	8/5/90
7:36-5	Expired 1/9/86
7:36-6	Expired 1/9/86
7:36-7	8/5/90
7:37	Exempt
7:38	9/18/90
7:45	Expired 1/11/85

HEALTH—TITLE 8

N.J.A.C.	Expiration Date
8:7	9/16/90
8:8	5/21/89
8:9	2/18/91
8:13	9/8/92
8:19	6/28/90
8:20	3/4/90
8:21	11/18/90
(Except for 8:21-1 which expired 5/15/85)	
8:21A	4/1/90
8:22	8/4/91
8:23	12/17/89
8:24	4/4/88
8:25	5/20/88
8:26	8/4/91
8:31	11/5/89
8:31A	3/18/90
8:31B	10/15/90
8:33	10/7/90
8:33A	4/15/90
8:33B	10/7/90
8:33C	8/20/89
8:33D	2/1/87
8:33E	6/23/92
8:33F	1/14/90
8:33G	7/20/89
8:33H	7/19/90
8:33I	9/15/91
8:33J	5/17/89
8:33K	4/16/89
8:34	11/18/88
8:39	6/20/88
8:40	4/15/90
8:41	2/17/92
8:42	8/17/92
8:42A	6/12/91
8:42B	8/1/88
8:43	1/21/91
8:43A	9/3/90
8:43B	1/21/91
8:43E	1/17/88
8:43F	3/18/90
8:43G	9/8/91
8:44	11/7/88
8:45	5/20/90
8:48	8/20/89
8:51	9/16/90
8:52	12/15/91
8:53	8/4/91
8:57	6/18/90
8:59	10/1/89
8:60	5/3/90
8:61	10/6/91
8:65	12/2/90
8:70	9/17/88
8:71	4/2/89

HIGHER EDUCATION—TITLE 9

N.J.A.C.	Expiration Date
9:1	1/17/89
9:2	6/17/90
9:3	10/17/88
9:4	10/30/91
9:5	1/21/91
9:6	5/20/90
9:7	4/13/88
9:8	11/4/90
9:9	10/3/88
9:11	1/17/89
9:12	1/17/89
9:14	5/20/90
9:15	10/25/88

HUMAN SERVICES—TITLE 10

N.J.A.C.	Expiration Date
10:1	5/6/88
10:2	1/5/92
10:3	9/19/88
10:4	1/3/88
10:5	12/19/88
10:6	2/21/89
10:12	1/5/92
10:36	8/18/91
10:37	11/4/90
10:38	5/28/91
10:40	3/15/89
10:42	8/18/91
10:43	9/1/88
10:44	10/3/88
10:44A	2/7/88
10:44B	4/15/90
10:45	9/19/88
10:47	11/4/90
10:48	1/21/91
10:49	8/12/90
10:50	3/3/91
10:51	10/28/90
10:52	2/19/90
10:53	4/29/90
10:54	3/3/91
10:55	3/11/90
10:56	8/26/91
10:57	3/3/91
10:58	3/3/91
10:59	3/3/91
10:60	8/27/90
10:61	3/3/91
10:62	3/3/91
10:63	11/29/89
10:64	3/3/91
10:65	11/5/89
10:66	12/15/88
10:67	3/3/91
10:68	7/7/91
10:69A	4/26/88
10:69B	11/21/88
10:70	6/16/91
10:71	1/6/91
10:80	8/23/89
10:81	10/15/89
10:82	10/29/89
10:85	1/30/90
10:87	3/1/89
10:89	9/11/90
10:90	11/15/87
10:94	1/6/91
10:95	8/23/89
10:97	4/16/89
10:99	2/19/90
10:100	2/6/89

N.J.A.C.	Expiration Date
10:109	3/17/91
10:112	2/17/89
10:120	9/26/88
10:121	3/13/89
10:121A	8/6/87
10:122	8/6/89
10:122A	Exempt
10:122B	9/10/89
10:123	7/20/90
10:124	7/19/87
10:125	7/16/89
10:127	9/19/88
10:129	10/11/89
10:130	9/19/88
10:131	9/20/87
10:132	1/5/92
10:140	12/31/86
10:141	2/21/89

CORRECTIONS—TITLE 10A

N.J.A.C.	Expiration Date
10A:1	7/6/92
10A:3	10/6/91
10A:4	7/21/91
10A:5	10/6/91
10A:9	1/20/92
10A:10-6	8/17/92
10A:16	4/6/92
10A:17	12/15/91
10A:18	7/6/92
10A:31	2/4/90
10A:32	3/4/90
10A:33	7/16/89
10A:34	4/6/92
10A:70	Exempt
10A:71	4/15/90

INSURANCE—TITLE 11

N.J.A.C.	Expiration Date
11:1	2/3/91
11:1-20	7/7/88
11:1-22	7/7/88
11:2	12/2/90
11:3	1/6/91
11:4	12/2/90
11:5	11/7/88
11:10	7/15/90
11:12	10/27/91
11:13	12/6/87
11:14	7/2/89
11:15	12/3/89
11:16	2/3/91

LABOR—TITLE 12

N.J.A.C.	Expiration Date
12:15	8/19/90
12:16	4/1/90
12:17	1/6/91
12:20	11/5/89
12:35	8/5/90
12:45	5/2/88
12:46	5/2/88
12:47	5/2/88
12:48	5/2/88
12:49	5/2/88
12:51	6/30/91
12:56	9/26/90
12:57	9/26/90
12:58	9/26/90

N.J.A.C.	Expiration Date
2:90	12/17/89
2:100	11/5/89
2:105	1/21/91
2:120	5/3/90
2:175	12/9/88
2:190	9/5/87
2:195	9/6/88
2:200	8/5/90
2:235	5/5/91

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

N.J.A.C.	Expiration Date
2A:10-1	8/15/89
2A:11	9/21/92
2A:12	9/21/92
2A:100-1	9/8/91

LAW AND PUBLIC SAFETY—TITLE 13

N.J.A.C.	Expiration Date
3:1	7/19/88
3:1C	Expired 12/1/83
3:2	8/5/90
3:3	8/1/88
3:4	1/21/91
3:10	5/27/89
3:13	6/17/90
3:18	4/1/90
3:19	8/23/89
3:20	12/18/90
3:21	12/16/90
3:22	1/7/90
3:23	6/4/89
3:24	11/5/89
3:25	3/18/90
3:26	10/17/88
3:27	4/1/90
3:27A	11/1/87
3:28	9/3/90
3:29	6/3/90
3:30	4/15/90
3:31	12/12/91
3:32	11/1/87
3:33	3/18/90
3:34	11/21/88
3:35	11/19/89
3:36	11/19/89
3:37	2/11/90
3:38	10/7/90
3:39	1/6/91
3:39A	7/7/91
3:40	9/3/90
3:41	9/3/90
3:42	11/3/88
3:43	9/8/88
3:44	8/20/89
3:44B	5/3/87
3:44C	6/2/91
3:45A	12/16/90
3:46	6/3/90
3:47	2/2/92
3:47A	10/5/92
3:47B	1/4/89
3:47C	8/20/89
3:48	1/21/91
3:49	12/19/88
3:51	4/27/92
3:54	10/5/91
3:58	9/7/89
3:59	9/16/90
3:60	1/20/92

N.J.A.C.	Expiration Date
13:70	2/25/90
13:71	2/25/90
13:75	8/20/89
13:76	9/6/88

PUBLIC UTILITIES—TITLE 14

N.J.A.C.	Expiration Date
14:1	12/16/90
14:3	5/6/90
14:5	12/16/90
14:6	3/3/91
14:9	4/15/90
14:11	1/27/92
14:10	9/8/91
14:17	5/7/89
14:18	7/29/90

ENERGY—TITLE 14A

N.J.A.C.	Expiration Date
14A:2	4/17/89
14A:3	10/7/90
14A:5	10/19/88
14A:6	8/6/89
14A:7	9/16/90
14A:8	9/20/89
14A:11	9/20/89
14A:12	2/7/88
14A:13	2/2/92
14A:14	2/6/89
14A:20	2/3/91
14A:21	11/21/90
14A:22	6/4/89

STATE—TITLE 15

N.J.A.C.	Expiration Date
15:2	3/7/88
15:3	7/7/91
15:5	2/17/92
15:10	2/18/91

TRANSPORTATION—TITLE 16

N.J.A.C.	Expiration Date
16:1	8/5/90
16:2	10/3/88
16:6	9/3/90
16:13	5/7/89
16:16	11/7/88
16:17	11/7/88
16:20A	12/17/89
16:20B	12/17/89
16:21	9/3/90
16:21A	8/20/89
16:22	2/3/91
16:25-12	Expired 2/5/84
16:25-13	Expired 2/5/84
16:26	8/6/89
16:27	9/8/91
16:28	11/7/88
16:28A	11/7/88
16:29	11/7/88
16:30	11/7/88
16:31	11/7/88
16:31A	10/20/88
16:32	4/15/90
16:33	9/3/90
16:41	7/28/92
16:41A	2/19/90
16:41B	3/4/90

N.J.A.C.	Expiration Date
16:43	9/3/90
16:44	10/3/88
16:49	3/18/90
16:51	4/6/92
16:53	3/19/89
16:53A	4/15/90
16:53C	9/19/88
16:53D	5/7/89
16:54	4/7/91
16:55	11/7/88
16:56	6/4/89
16:60	11/7/88
16:61	11/7/88
16:62	4/15/90
16:72	3/31/91
16:73	1/30/92
16:75	6/6/88
16:76	12/19/88
16:77	1/21/90
16:78	10/7/90
16:79	10/20/91

N.J.A.C.	Expiration Date
18:8	4/2/89
18:9	8/12/88
18:12	8/12/88
18:12A	8/12/88
18:14	8/12/88
18:15	8/12/88
18:16	8/12/88
18:17	8/12/88
18:18	4/2/89
18:19	4/6/89
18:22	4/2/89
18:23	4/2/89
18:23A	8/5/90
18:24	8/12/88
18:25	1/6/91
18:26	8/12/88
18:30	4/2/89
18:35	8/12/88
18:36	2/4/90
18:37	8/5/90
18:39	9/8/92

TREASURY-GENERAL—TITLE 17

N.J.A.C.	Expiration Date
17:1	6/6/88
17:2	12/17/89
17:3	6/6/88
17:4	7/1/90
17:5	12/2/90
17:6	2/19/89
17:7	6/6/88
17:8	6/27/90
17:9	6/6/88
17:10	6/6/88
17:12	8/15/89
17:16	12/2/90
17:19	3/18/90
(Except for 17:19-10 which expired 3/3/85)	
17:20	11/7/88
17:25	6/18/89
17:27	11/7/88
17:28	9/13/90
17:29	10/18/90
17:30	5/4/92

TREASURY-TAXATION—TITLE 18

N.J.A.C.	Expiration Date
18:3	4/23/89
18:5	4/16/89
18:6	4/2/89
18:7	4/2/89

OTHER AGENCIES—TITLE 19

N.J.A.C.	Expiration Date
19:3	6/19/88
19:3B	Exempt (N.J.S.A. 13:17-1)
19:4	11/7/88
19:4A	5/2/88
19:8	6/1/88
19:9	7/13/88
19:12	8/7/91
19:16	8/7/91
19:17	7/15/88
19:25	1/9/91
19:30	10/7/90
19:40	9/26/89
19:41	5/17/88
19:42	5/17/88
19:43	4/27/89
19:44	10/13/88
19:45	4/7/88
19:46	5/4/88
19:47	5/4/88
19:48	10/13/88
19:49	3/29/88
19:50	5/23/88
19:51	8/14/91
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REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the August 3, 1987 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1987 d.1 means the first rule adopted in 1987.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A number and date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: JULY 20, 1987.

NEXT UPDATE WILL BE DATED AUGUST 17, 1987.

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
18 N.J.R. 1979 and 2078	October 6, 1986	19 N.J.R. 587 and 672	April 20, 1987
18 N.J.R. 2069 and 2148	October 20, 1986	19 N.J.R. 673 and 794	May 4, 1987
18 N.J.R. 2149 and 2234	November 3, 1986	19 N.J.R. 795 and 898	May 18, 1987
18 N.J.R. 2235 and 2344	November 17, 1986	19 N.J.R. 899 and 1006	June 1, 1987
18 N.J.R. 2345 and 2408	December 1, 1986	19 N.J.R. 1007 and 1120	June 15, 1987
18 N.J.R. 2409 and 2472	December 15, 1986	19 N.J.R. 1121 and 1258	July 6, 1987
19 N.J.R. 1 and 164	January 5, 1987	19 N.J.R. 1259 and 1352	July 20, 1987
19 N.J.R. 165 and 260	January 20, 1987	19 N.J.R. 1353 and 1474	August 3, 1987
19 N.J.R. 261 and 324	February 2, 1987	19 N.J.R. 1475 and 1588	August 17, 1987
19 N.J.R. 325 and 392	February 17, 1987	19 N.J.R. 1589 and 1676	September 8, 1987
19 N.J.R. 393 and 430	March 2, 1987	19 N.J.R. 1677 and 1758	September 21, 1987
19 N.J.R. 431 and 476	March 16, 1987	19 N.J.R. 1759 and 1858	October 5, 1987
19 N.J.R. 477 and 586	April 6, 1987		

N.J.A.C. CITATION	ADMINISTRATIVE LAW—TITLE 1	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
1:1-9.1	Scheduling of prehearing conferences	19 N.J.R. 1591(a)		
1:1-14.4	Failure to appear at proceeding	19 N.J.R. 1591(b)		
1:1-14.10	Decision to grant requests for interlocutory review where agency head is board or commission	19 N.J.R. 1591(c)		
1:1-14.10, 18.1, 18.4	Interlocutory review of certain issues	19 N.J.R. 1592(a)		
1:1-18.4	Filing of exceptions to factual findings: submittal of transcripts	19 N.J.R. 1679(a)	Withdrawn	
1:1-19.1	Settlement terms and consent of agency head	19 N.J.R. 1593(a)		
1:1-21.6	Exceptions in uncontested cases	19 N.J.R. 1593(b)		
1:30-1.2, 2.8	Use of appendices	19 N.J.R. 675(a)		
1:30-3.1	Additional notice of proposed rulemaking	19 N.J.R. 675(b)	R.1987 d.345	19 N.J.R. 1543(a)
1:30-4.1, 4.5	Filing of adopted rules: emergency rule adoptions	19 N.J.R. 676(a)	R.1987 d.346	19 N.J.R. 1544(a)
(TRANSMITTAL 1987-2, dated July 20, 1987)				
AGRICULTURE—TITLE 2				
2:71-2.4, 2.5, 2.6	"Jersey Fresh" raspberry standards	19 N.J.R. 1593(c)		
2:71-2.28	Fees for grading of fruits and vegetables	19 N.J.R. 901(a)	R.1987 d.354	19 N.J.R. 1641(a)
2:76-5.3, 5.8	Cost-share funding of soil and water conservation projects	19 N.J.R. 1123(b)		
2:76-7	Review of nonagricultural development projects in agricultural areas	19 N.J.R. 1009(a)		
(TRANSMITTAL 1987-5, dated July 20, 1987)				
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3:1-2.16	Population: administrative correction to text			19 N.J.R. 1572(a)
3:1-14	Revolving credit equity loans	19 N.J.R. 1594(a)		
3:2-1.1, 1.2, 1.3, 1.4	Advertising by financial institutions	19 N.J.R. 1355(a)		
3:6-4	Banks and savings banks: action upon detection or discovery of crime	19 N.J.R. 1595(a)		
3:10-8, 9	Banks and savings banks: mortgage loan practices	19 N.J.R. 1356(a)		
3:11-7.10	Borrowing limitation of director or executive officer	19 N.J.R. 1124(a)	R.1987 d.369	19 N.J.R. 1641(b)
3:11-12	Commercial loans by savings banks	19 N.J.R. 1679(b)		
3:25-1	Debt adjustment and credit counseling fees	19 N.J.R. 901(b)	R.1987 d.334	19 N.J.R. 1544(b)
3:27-6, 7	Savings and loan associations: mortgage loan practices	19 N.J.R. 1358(a)		
3:38	Mortgage bankers and brokers	19 N.J.R. 1261(a)	R.1987 d.396	19 N.J.R. 1791(a)
3:38-4, 5, 7	Mortgage bankers and brokers: loan practices	19 N.J.R. 1360(a)		
(TRANSMITTAL 1987-3, dated July 20, 1987)				
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4:1-1, 2, 3, 4	Repeal (see 4A:1)	19 N.J.R. 1011(a)	R.1987 d.406	19 N.J.R. 1827(a)
4:1-5, 13.6, 13.7, 16.7-16.12, 16.14, 23	Repeal (see 4A:2)	19 N.J.R. 1013(a)	R.1987 d.407	19 N.J.R. 1827(a)

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:1-10.3	Repeal (see 4A:5)	19 N.J.R. 1018(a)	R.1987 d.404	19 N.J.R. 1827(a)
:1-16.1-16.6, 24.2	Repeal (see 4A:8)	19 N.J.R. 1363(a)		
:1-19, 21.1, 21.3-21.5	Repeal (see 4A:10)	19 N.J.R. 1366(a)		
:1-21.2, 21.6	Repeal (see 4A:7)	19 N.J.R. 1020(a)	R.1987 d.403	19 N.J.R. 1827(a)
:2-16.1, 16.2	Repeal (see 4A:8)	19 N.J.R. 1363(a)		
:2-16.4, 16.5, 23	Repeal (see 4A:2)	19 N.J.R. 1013(a)	R.1987 d.407	19 N.J.R. 1827(a)
:2-21.1-21.6	Repeal (see 4A:7)	19 N.J.R. 1020(a)	R.1987 d.403	19 N.J.R. 1827(a)
:3-16.1, 16.2	Repeal (see 4A:8)	19 N.J.R. 1363(a)		
:3-16.3, 16.4	Repeal (see 4A:2)	19 N.J.R. 1013(a)	R.1987 d.407	19 N.J.R. 1827(a)
:3-19	Repeal (see 4A:10)	19 N.J.R. 1366(a)		
:3-21.1, 21.2	Repeal (see 4A:7)	19 N.J.R. 1020(a)	R.1987 d.403	19 N.J.R. 1827(a)
:A:1	General rules and department organization	19 N.J.R. 1011(a)	R.1987 d.406	19 N.J.R. 1827(a)
:A:2	Appeals, discipline and separations	19 N.J.R. 1013(a)	R.1987 d.407	19 N.J.R. 1827(a)
:A:5	Veterans and disabled veterans preference	19 N.J.R. 1018(a)	R.1987 d.404	19 N.J.R. 1827(a)
:A:7	Equal employment opportunity and affirmative action	19 N.J.R. 1020(a)	R.1987 d.403	19 N.J.R. 1827(a)
:A:8	Layoffs	19 N.J.R. 1363(a)		
:A:9-1	Political subdivisions	19 N.J.R. 1022(a)	R.1987 d.405	19 N.J.R. 1827(a)
:A:10	Violations and penalties	19 N.J.R. 1366(a)		

(TRANSMITTAL 1987-2, dated July 20, 1987)

COMMUNITY AFFAIRS—TITLE 5

:4-2	Debarment and suspension from contracting	19 N.J.R. 1261(b)	R.1987 d.389	19 N.J.R. 1791(b)
:11-1.2, 2.1	Relocation assistance: lawful occupancy; eligibility	19 N.J.R. 1596(a)		
:14-1.1-1.4, 2.1-2.3, 3.1-3.23, 4.1-4.6	Neighborhood Preservation Balanced Housing Programs	19 N.J.R. 589(a)		
:18-2.4, 2.5, 2.6, 2.8	Uniform Fire Code: life hazard uses; annual registration fees	19 N.J.R. 1680(a)		
:18-4.1	Fire Safety Code: exemption of one and two family residences	19 N.J.R. 1263(a)	R.1987 d.388	19 N.J.R. 1792(a)
:18-4.7, 4.9	Fire safety in boarding homes, day nurseries, hotels and motels	19 N.J.R. 1023(a)	R.1987 d.373	19 N.J.R. 1720(a)
:19	Continuing care retirement communities: disclosure requirements	19 N.J.R. 597(a)		
:23-1.1, 3.10, 4.40, 5.2, 5.4, 5.18, 5.20, 5.21-5.26	UCC: local agency classification; appeal boards; licensing	19 N.J.R. 1264(a)		
:23-2.38, 3.11, 7.2, 7.3, 7.100-7.116	Barrier free subcode: recreation standards	19 N.J.R. 1270(a)		
:23-3.2, 3.4, 3.8A, 3.14, 3.15, 3.16, 3.17, 3.20, 3.21, 4.16	Uniform Construction Code: subcodes	19 N.J.R. 1024(a)	R.1987 d.374	19 N.J.R. 1720(b)
:23-3.18, 6.1-6.3	Energy subcode: solar energy property tax exemptions	19 N.J.R. 433(b)	R.1987 d.387	19 N.J.R. 1793(a)
:23-4.5	UCC enforcement: conflict of interest—withdrawal of proposal	19 N.J.R. 1033(a)		
:23-4.20, 8.17	Uniform Construction Code: inspection fees	19 N.J.R. 1684(a)		
:23-8	Asbestos Hazard Abatement Subcode	19 N.J.R. 902(a)		
:26-2.3, 2.4	Planned real estate development: plan review fees	19 N.J.R. 1684(a)		
:70	Congregate Housing Services Program	19 N.J.R. 678(a)	R.1987 d.315	19 N.J.R. 1430(a)
:80-3	Housing and Mortgage Finance: return on equity for housing sponsors	19 N.J.R. 1125(a)	R.1987 d.384	19 N.J.R. 1724(a)
:80-21	Housing and Mortgage Finance: single family loans	18 N.J.R. 2238(a)		
:80-22	Affirmative Fair Housing Marketing Plan	19 N.J.R. 798(a)	R.1987 d.385	19 N.J.R. 1725(a)
:80-26	Housing resale and rental affordability control	19 N.J.R. 802(a)		
:92-5.14, 12.11	Council on Affordable Housing: low and moderate income split: rental surcharge	19 N.J.R. 1597(a)		
:92-7.1	Council on Affordable Housing: drastic alteration of development	19 N.J.R. 806(a)	R.1987 d.314	19 N.J.R. 1431(a)
:100-2.5	Failure to report suspected abuse or exploitation of institutionalized elderly	19 N.J.R. 1686(a)		

(TRANSMITTAL 1987-5, dated July 20, 1987)

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(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

:8-7.1	High school proficiency standards and handicapped pupils	19 N.J.R. 1033(b)	R.1987 d.358	19 N.J.R. 1641(c)
:20-3.1	Sending and receiving districts: determining tuition rates	19 N.J.R. 1598(a)		
:28-3.6, 4.4	High school proficiency standards and handicapped pupils	19 N.J.R. 1033(b)	R.1987 d.358	19 N.J.R. 1641(c)
:31-1	Bilingual education	19 N.J.R. 1126(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
6:39-1.5	High school proficiency standards and handicapped pupils	19 N.J.R. 1033(b)	R.1987 d.358	19 N.J.R. 1641(c)
6:46	Area Vocational Technical and Private Schools: waiver of Executive Order No. 66 (1978) sunset provision	18 N.J.R. 1996(b)		
6:46	Local area vocational school districts and private vocational schools	19 N.J.R. 1368(a)		
6:53	Vocational education safety standards	19 N.J.R. 485(b)	R.1987 d.313	19 N.J.R. 1432(a)
6:68-1.4	State library aid to municipalities	19 N.J.R. 1128(a)	R.1987 d.398	19 N.J.R. 1796(a)
6:79-1	Child nutrition programs	19 N.J.R. 1599(a)		

(TRANSMITTAL 1987-6, dated June 15, 1987)

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7:1-3, 4	Environmental Cleanup Responsibility Act rules	19 N.J.R. 681(a)		
7:1A	Water Supply Bond Loan Program: extension of comment period	19 N.J.R. 806(b)		
7:1G-2.1, 2.2, 4.1, 4.2, 5.4	Worker and Community Right to Know: hazardous substances and materials	19 N.J.R. 438(a)		
7:1G-3.2, 5.2, 7	Worker and Community Right to Know: assessment of civil administrative penalties for nondisclosure of information	19 N.J.R. 703(a)		
7:2-11	Natural Areas System	18 N.J.R. 2349(b)		
7:7-2.1, 2.3	Coastal Permit Program: CAFRA exemptions; waterfront development	19 N.J.R. 807(a)		
7:7-2.2	Monmouth County wetlands maps	18 N.J.R. 2162(a)		
7:7E-7.4, 8.11	Coastal resources and development: high rise structures; public access to Hudson River waterfront	19 N.J.R. 1034(a)		
7:8-1.3, 1.7, 2.1, 2.2, 2.6, 3.4, 3.6	Stormwater management	19 N.J.R. 488(a)		
7:9-4.14	Water quality criteria for Mainstem Delaware River Zones	18 N.J.R. 1435(a)	R.1987 d.320	19 N.J.R. 1433(a)
7:9-13	Sewer connection bans	18 N.J.R. 2163(a)		
7:9-13	Sewer connection ban: extension of comment period	19 N.J.R. 263(b)		
7:9-15.6	Phase II lake restoration projects: State funding level	19 N.J.R. 909(a)		
7:10-10.2, 11.2, 15	Safe Drinking Water Program fees	19 N.J.R. 1381(a)		
7:11-1	Use of Water Supply Authority property	19 N.J.R. 1274(a)		
7:12	Classification of shellfish growing waters	19 N.J.R. 1129(a)		
7:13-7.1(d)	Redelineation of Raritan River and Peters Brook: re-proposed	19 N.J.R. 167(b)		
7:13-7.1(d)	Flood plain delineations in Passaic-Hackensack and Raritan basins	19 N.J.R. 489(a)		
7:13-7.1(d)	Flood hazard redelineation of Raritan River	19 N.J.R. 1277(a)	R.1987 d.400	19 N.J.R. 1797(a)
7:13-7.1(d)	Redelineations along Green Brook, Union County	19 N.J.R. 1384(a)		
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System	18 N.J.R. 2085(a)		
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System: comment period extended	18 N.J.R. 2411(a)		
7:14A-1.9, 12	Sewer connection bans	18 N.J.R. 2163(a)		
7:14A-1.9, 12	Sewer connection bans: extension of comment period	19 N.J.R. 263(b)		
7:14B	Underground storage tanks	19 N.J.R. 1477(a)		
7:22-3.4, 3.6-3.11, 3.13, 3.32, 4.4, 4.6-4.11, 4.13, 4.32, 5.11	Wastewater Treatment Financing Program	19 N.J.R. 1600(a)		
7:22-9	Wastewater treatment: contract awards to small, female, and minority-owned businesses	19 N.J.R. 1604(a)		
7:25-5	1987-1988 Game Code	19 N.J.R. 808(a)	R.1987 d.321	19 N.J.R. 1434(a)
7:25-6	1988-99 Fish Code	19 N.J.R. 1385(a)		
7:25-18.5	Drifting and anchored gill net seasons; netting mesh in staked gill net fishery	19 N.J.R. 1609(a)		
7:26-1.1, 1.4, 1.6, 2.1, 7.5, 8.1, 8.2, 8.13, 8.15, 9.1, 10.7, 11.5, 11.6, 12.1, 12.3	Solid waste defined; hazardous waste recycling	19 N.J.R. 1035(a)		
7:26-1.7	Temporary certification of solid waste transfer stations	19 N.J.R. 886(a)	R.1987 d.311	19 N.J.R. 1452(a)
7:26-1.10	Master performance permits for transfer station facilities	19 N.J.R. 1242(a)	R.1987 d.372	19 N.J.R. 1730(a)
7:26-2.13	Solid waste facilities: recordkeeping	19 N.J.R. 171(a)		
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7:26-6.5	Interdistrict and intradistrict solid waste flow: Hunterdon, Morris, Ocean and Warren counties	19 N.J.R. 1142(a)		
7:26-6.5	Interdistrict and intradistrict solid waste flow: Cumberland and Gloucester counties	19 N.J.R. 1481(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
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7:26-8.19, 10.6	Hazardous waste management: approval of alternate test methods: surface impoundments	19 N.J.R. 1482(a)		
7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2	Hazardous waste management	18 N.J.R. 2356(a)		
7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2	Hazardous waste management: extension of comment period	19 N.J.R. 263(c)		
7:26-12.2	Hazardous waste facilities: application signatories	19 N.J.R. 11(b)		
7:26-14.1, 14A	Resource Recovery and Solid Waste Disposal Facility Loans	19 N.J.R. 828(a)		
7:26-15	Recycling Grants and Loans Program	18 N.J.R. 2358(a)		
7:26B	Environmental Cleanup Responsibility Act rules	19 N.J.R. 681(a)		
7:27-16.1, 16.3	Air pollution control: Stage II vapor recovery	18 N.J.R. 1867(a)		
7:28-3	Registration of ionizing radiation-producing machines and radioactive materials	19 N.J.R. 836(a)		
7:28-4	Naturally-occurring and accelerator-produced radioactive materials: handling and use	19 N.J.R. 1041(a)		
7:28-5	Designation of controlled areas for use of radiation and radioactive materials	19 N.J.R. 839(a)		
7:29B	Determination of noise from stationary sources	19 N.J.R. 1483(a)		
7:31-1, 2, 3, 4	Toxic Catastrophe Prevention Act program	19 N.J.R. 1687(a)		
7:30	Pesticide Control Code	19 N.J.R. 1611(a)		
7:50	Pinelands Comprehensive Management Plan	18 N.J.R. 2239(a)		
7:50	Pinelands Comprehensive Management Plan: public hearings	18 N.J.R. 2411(b)		

(TRANSMITTAL 1987-7, dated July 20, 1987)

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8:2-1	Birth certificates: extension of comment period	19 N.J.R. 264(a)		
8:2-1	Birth certificates: proposal withdrawn	19 N.J.R. 1483(b)		
8:13	Processing and handling of shellfish: depuration of soft shell clams	19 N.J.R. 1143(a)	R.1987 d.362	19 N.J.R. 1642(a)
8:20-1.2	Reportable birth defects	19 N.J.R. 909(b)	R.1987 d.361	19 N.J.R. 1642(b)
8:31-26.3, 26.4	Home health agencies: employee physicals: child abuse and neglect	18 N.J.R. 2283(a)		
8:31B-3.7, 3.17, 3.27, 3.51, 3.55, 3.73, 4.42	Hospital reimbursement for existing capital indebtedness	19 N.J.R. 1145(a)		
8:31B-3.22, 3.31, 3.51	Hospital reimbursement: graduate medical education	19 N.J.R. 605(a)	R.1987 d.402	19 N.J.R. 1797(b)
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8:31B-3.73, App. IX	Hospital reimbursement: cost/volume methodology	18 N.J.R. 2284(a)		
8:31B-3.73, App. IX	Hospital reimbursement: correction to cost/volume methodology	19 N.J.R. 264(b)		
8:33-1.5, 2.7, 2.8, 4.15	Certificate of Need review process: batching	19 N.J.R. 1280(a)		
8:33E-1.1, 1.2, 1.3	Certificate of Need: cardiac diagnostic facilities	19 N.J.R. 1282(a)		
8:33E-2.2, 2.3, 2.4	Certificate of Need: cardiac surgery centers	19 N.J.R. 1283(a)		
8:33G-3.11	Long-term care beds for former psychiatric hospital patients	19 N.J.R. 614(a)		
8:33H-2.1, 3.1, 3.3, 3.5	"Specialized" long-term care: licensure track records; location of residential health care facilities	19 N.J.R. 1149(a)		
8:33L	Home Health Agency Policy Manual: Certificate of Need review	19 N.J.R. 1483(c)		
8:42	Licensure of home health agencies	18 N.J.R. 2287(a)	R.1987 d.333	19 N.J.R. 1547(a)
8:65-7.14	Controlled substances: Schedule III and IV prescription refills	19 N.J.R. 1612(a)		
8:65-10.1, 10.2	Controlled substances: reschedule Alfentanil from Schedule I to Schedule II	19 N.J.R. 841(a)	R.1987 d.324	19 N.J.R. 1454(a)
8:65-10.2	Controlled substances: addition of Nabilone to Schedule II	19 N.J.R. 1050(a)	R.1987 d.339	19 N.J.R. 1557(a)
8:65-10.3	Controlled substances: Tiletamine-Zolazepam preparations	19 N.J.R. 497(a)	R.1987 d.337	19 N.J.R. 1557(b)
8:65-10.3, 10.4	Reassignment of CDS Codes in Schedules III and IV	19 N.J.R. 911(a)	R.1987 d.340	19 N.J.R. 1557(c)
8:71	Generic drug additions (see 19 N.J.R. 116(c), 217(a), 640(b), 881(a), 1315(a))	18 N.J.R. 1775(a)	R.1987 d.366	19 N.J.R. 1644(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
8:71	Interchangeable drug products (see 19 N.J.R. 215(a))	18 N.J.R. 2100(a)		
8:71	Interchangeable drug products (see 19 N.J.R. 216(a))	18 N.J.R. 2101(a)		
8:71	Interchangeable drug products (see 19 N.J.R. 641(a), 880(a), 1314(a))	19 N.J.R. 13(a)	R.1987 d.365	19 N.J.R. 1644(b)
8:71	Interchangeable drug products (see 19 N.J.R. 1312(b))	19 N.J.R. 615(a)	R.1987 d.364	19 N.J.R. 1644(a)
8:71	Interchangeable drug products: public hearing	19 N.J.R. 1488(a)		

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HIGHER EDUCATION—TITLE 9

9:1-7	Fraudulent academic degrees	19 N.J.R. 1284(a)		
9:2-3	Early retirement program for tenured faculty: rehiring as adjunct faculty	19 N.J.R. 912(a)	R.1987 d.344	19 N.J.R. 1558(a)
9:2-8	Petitions for rulemaking	19 N.J.R. 913(a)		
9:6A	State college personnel system	19 N.J.R. 1613(a)		
9:7-2.10, 2.11	Tuition Aid Grant benefits	19 N.J.R. 1153(a)		
9:7-9.9, 9.11, 9.12, 9.15	Congressional Teacher Scholarship Program	19 N.J.R. 1154(a)		
9:9-1.12, 1.13, 1.16	Repayment of student loans: nonconverted accounts	19 N.J.R. 1619(a)		
9:9-3.5	Capitalization of PLUS loan interest	19 N.J.R. 498(b)		
9:11-1.4	Educational Opportunity Fund: student dependency status defined	19 N.J.R. 266(a)		
9:11-1.5	EOF: financial eligibility for undergraduate grants	19 N.J.R. 499(a)		
9:11-1.7	Educational Opportunity Fund: undergraduate grants	19 N.J.R. 399(a)		

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HUMAN SERVICES—TITLE 10

10:8	Personal needs allowance for indigent persons in State and county institutions	19 N.J.R. 617(a)		
10:49-1.1 and 1.2	Administration Manual: Optional Categorically Needy program	19 N.J.R. 1324(a)	R.1987 d.380	19 N.J.R. 1731(a)
10:49-1.4	Outpatient hospital services for Medically Needy	19 N.J.R. 1388(a)		
10:49-1.12	Medicaid reimbursement: timely submission of claims by service providers	19 N.J.R. 1155(a)	R.1987 d.408	19 N.J.R. 1800(a)
10:50-2 through 10:68-2	Medicaid reimbursement: timely submission of claims by service providers	19 N.J.R. 1155(a)	R.1987 d.408	19 N.J.R. 1800(a)
10:51-1.17	Medicaid and PAAD: legend drug dispensing fee	19 N.J.R. 1711(a)		
10:52-1.6, 1.8	Outpatient hospital services for Medically Needy	19 N.J.R. 1388(a)		
10:53-1.5, 1.7	Outpatient hospital services for Medically Needy	19 N.J.R. 1388(a)		
10:60-2.2	Personal care assistance services	19 N.J.R. 1489(a)		
10:69C	Statewide Respite Care Program	19 N.J.R. 1712(a)		
10:65-1.5, 1.8	Medical day care centers: recordkeeping	19 N.J.R. 30(a)	R.1987 d.363	19 N.J.R. 1645(a)
10:66-3.2	Personal care assistance services	19 N.J.R. 1489(a)		
10:72	Optional Categorically Needy Eligibility Manual (JerseyCare Manual)	19 N.J.R. 1324(a)	R.1987 d.380	19 N.J.R. 1731(a)
10:81-2.6, 3.13	AFDC eligibility and full-time students	19 N.J.R. 618(a)	R.1987 d.349	19 N.J.R. 1559(a)
10:81-3.12	PAM: parent-minor and AFDC	19 N.J.R. 31(a)	R.1987 d.379	19 N.J.R. 1738(a)
10:81-3.38	AFDC qualification and child support orders	19 N.J.R. 618(b)	R.1987 d.348	19 N.J.R. 1558(b)
10:81-7.46	PAM: reporting criminal offenses	19 N.J.R. 1389(a)		
10:81-8.23	Medicaid Special: pregnancy examinations	19 N.J.R. 1490(a)		
10:81-11.3	AFDC: newborn child and application for Social Security number	19 N.J.R. 619(a)	R.1987 d.350	19 N.J.R. 1559(b)
10:81-11.4	PAM: recovery of child support overpayments	19 N.J.R. 1171(a)		
10:81-11.18	PAM: child support guidelines	18 N.J.R. 2178(a)		
10:81-12	PAM: Newark/Camden Teen PROGRESS Demonstration	19 N.J.R. 1390(a)	R.1987 d.410	19 N.J.R. 1810(a)
10:81-14	REACH (Realizing Economic Achievement) Program	19 N.J.R. 1491(a)		
10:82-1.3, 4.16	ASH: household defined: court-ordered support	19 N.J.R. 31(b)		
10:82-1.7, 1.8, 3.2	AFDC benefits and educational financial aid	19 N.J.R. 709(a)	R.1987 d.330	19 N.J.R. 1559(c)
10:82-5.10	Emergency Assistance in AFDC program	19 N.J.R. 1171(b)		
10:82-5.12	ASH: disregarded child support payments	19 N.J.R. 501(a)	R.1987 d.351	19 N.J.R. 1560(a)
10:85-2.7	GAM: reporting criminal offenses	19 N.J.R. 1393(a)		
10:85-3.2	GAM: exemption from work requirement and unemployability	18 N.J.R. 2183(a)	R.1987 d.409	19 N.J.R. 1812(a)
10:85-4.6	Emergency Assistance in GA program	19 N.J.R. 1715(a)		
10:85-4.8	GAM: funeral and burial expenses	19 N.J.R. 1619(b)		
10:85-5.3	Personal needs allowance for GA recipients in nursing homes and intermediate care facilities	19 N.J.R. 619(b)	R.1987 d.322	19 N.J.R. 1454(b)
10:87-12.3, 12.4 and 12.7	Food Stamp Program: maximum income eligibility limits	19 N.J.R. 1331(a)	R.1987 d.375	19 N.J.R. 1738(b)
10:90	Monthly Reporting Policy Handbook	19 N.J.R. 1517(a)		
10:121A	Adoption Agencies: Manual of Standards	19 N.J.R. 1519(a)		
10:124	Children's shelter facilities and homes	19 N.J.R. 1394(a)		
10:131	Adoption Assistance and Child Welfare Act of 1980	19 N.J.R. 1285(a)		

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CORRECTIONS—TITLE 10A				
10A:3-4.1	Off-duty carrying of firearms	19 N.J.R. 1717(a)		
10A:3-5.8, 5.11	Random searches of correctional facilities by canine teams	19 N.J.R. 1175(a)	R.1987 d.397	19 N.J.R. 1813(a)
10A:4-1.2	Girl's Unit at Skillman: disciplinary process	19 N.J.R. 1531(a)		
10A:4-3.1	Inmates' rights and responsibilities: administrative correction to text			19 N.J.R. 1573(a)
10A:4-4.1	Inmate prohibited acts: correction to text			19 N.J.R. 1658(c)
10A:4-9.12	Representation of inmate in disciplinary case	19 N.J.R. 913(b)	R.1987 d.383	19 N.J.R. 1738(c)
10A:4-9.18	Inmate discipline: suspending sanctions	19 N.J.R. 1717(b)		
10A:5-5.2	Involuntary placement into protective custody	19 N.J.R. 842(a)	R.1987 d.319	19 N.J.R. 1454(c)
10A:6	Inmate access to courts	19 N.J.R. 914(a)		
10A:8	Inmate orientation and handbook	19 N.J.R. 1531(b)		
10A:9-2.1	Inmate reception classification process	19 N.J.R. 1395(a)		
10A:9-5.6	Earning work credits in county facilities	19 N.J.R. 843(a)	R.1987 d.332	19 N.J.R. 1560(b)
10A:10-6	International transfer of inmates	19 N.J.R. 916(a)	R.1987 d.331	19 N.J.R. 1560(c)
10A:10-6.3, 6.6	International transfer of inmates	19 N.J.R. 1620(a)		
10A:16-2.11	Pregnancy testing of new inmates	19 N.J.R. 1396(a)		
10A:71-3.2, 3.4, 3.18-3.23, 3.25-3.28, 3.30, 3.43, 6.9	Parole Board rules	19 N.J.R. 1396(b)		

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INSURANCE—TITLE 11

11:1-24	Credit cards and payment of insurance premiums	18 N.J.R. 1999(a)		
11:1-25	Official department mailing list: address information	19 N.J.R. 1050(b)		
11:4-2	Replacement of life insurance policy	19 N.J.R. 1286(a)		
11:4-18.3, 18.5, 18.10	Individual health policies: loss ratio standards	19 N.J.R. 1620(b)		
11:4-22.2, 22.4, App.	1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables	19 N.J.R. 1399(a)	R.1987 d.394	19 N.J.R. 1814(a)
11:4-28	Group coordination of health care benefits	19 N.J.R. 845(a)		
11:5-1.16	Real estate contracts and leases subject to attorney review	19 N.J.R. 503(b)	R.1987 d.359	19 N.J.R. 1646(a)
11:5-1.23	Full cooperation among real estate brokers and waiver of cooperation	19 N.J.R. 1621(a)		
11:5-1.25	Sale of interstate real properties: advertisements	19 N.J.R. 1718(a)		
11:5-1.27	Real estate brokers pre-licensure course	19 N.J.R. 1051(a)		
11:7-1.2, 1.3	Municipal bond insurance	19 N.J.R. 1409(a)		

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LABOR—TITLE 12

12:15-1.3	Unemployment compensation and temporary disability: 1988 maximum weekly benefits	19 N.J.R. 1622(a)		
12:15-1.4	Unemployment compensation: 1988 taxable wage base	19 N.J.R. 1623(a)		
12:15-1.5	Unemployment compensation: 1988 contribution rate for governmental entities	19 N.J.R. 1624(b)		
12:15-1.6	Base week earnings for claim eligibility	19 N.J.R. 1623(b)		
12:15-1.7	Alternate earnings test	19 N.J.R. 1623(c)		
12:17-2.1	Claims and registration for work: correction			19 N.J.R. 1841(a)
12:60	Prevailing wages for public works	19 N.J.R. 345(b)		
12:100-2.1, 4.2, 5.2, 6.2	Public employees and hazardous waste operations	19 N.J.R. 1533(a)		
12:100-4.2, 5.2, 6.2, 7	Public employees and exposure to toxic and hazardous substances	19 N.J.R. 267(a)		
12:235-1.6	Workers' compensation: 1988 maximum weekly benefit	19 N.J.R. 1624(a)		

(TRANSMITTAL 1987-2, dated June 15, 1987)

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

12A:11-1	Certification of women and minority-owned businesses	19 N.J.R. 1176(a)	R.1987 d.376	19 N.J.R. 1739(a)
12A:12-1	Grants to local government for development of small, minority and women-owned businesses	19 N.J.R. 1286(b)	R.1987 d.382	19 N.J.R. 1743(a)

(TRANSMITTAL 1987-1, dated March 16, 1987)

LAW AND PUBLIC SAFETY—TITLE 13

13:2-40.1, 40.5, 40.6, 40.7	Uniform ABC identification cards	19 N.J.R. 1410(a)	R.1987 d.399	19 N.J.R. 1823(a)
13:19-9	Designated State official for notification of out-of-state motor vehicle convictions	19 N.J.R. 621(a)	R.1987 d.342	19 N.J.R. 1562(a)
13:21-9.4	Restoration of driving privilege	19 N.J.R. 621(b)	R.1987 d.343	19 N.J.R. 1562(b)
13:21-21	Auto body repair facilities	19 N.J.R. 1624(c)		
13:27-8.14	Advertising by persons not certified as landscape architects	19 N.J.R. 400(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
13:30-2.1, 2.2, 2.7, 2.8, 2.9, 2.13, 2.14, 6.2, 6.5, 6.6, 6.9, 8.2	Licensure of dental hygienists; duties of dental assistants; approval of schools of oral hygiene	19 N.J.R. 849(a)		
13:30-8.6	Professional advertising by dentists	19 N.J.R. 1053(a)		
13:30-8.17	Designation of dentist of record for patient in multi-dentist facility	19 N.J.R. 1629(a)		
13:32-1	Rules of Board of Examiners of Master Plumbers	19 N.J.R. 1630(a)		
13:33-1.11, 1.13	Licensure as ophthalmic dispenser: temporary permit; apprenticeship	19 N.J.R. 917(a)	R.1987 d.323	19 N.J.R. 1455(a)
13:35-1.5	Practice by medical school graduates in hospital residency programs	18 N.J.R. 2184(a)		
13:35-3.6	Licensure of physicians as bioanalytical laboratory directors	19 N.J.R. 1179(a)	R.1987 d.368	19 N.J.R. 1647(a)
13:35-3.11	Post-graduate training of graduates of foreign medical schools	19 N.J.R. 1534(a)		
13:35-6.13	Board of Medical Examiners: fee schedule; acupuncturist registration	19 N.J.R. 1054(a)	R.1987 d.371	19 N.J.R. 1648(a)
13:35-8.25	Biennial registration fee for hearing aid dispensers	19 N.J.R. 1055(a)	R.1987 d.370	19 N.J.R. 1649(a)
13:40-2, 3.1, 6.1	Professional engineers and land surveyors: requirements for licensure; client relationships; applicant fees	19 N.J.R. 851(a)	R.1987 d.355	19 N.J.R. 1649(b)
13:40-5.1	Corner markers and ultimate user of land survey	19 N.J.R. 1631(a)		
13:42-1.2	Board of Psychological Examiners: application, examination and licensure fees	19 N.J.R. 1632(a)		
13:44B-1	Compensation of professional and occupational licensing board members	19 N.J.R. 444(a)		
13:44C	Practice of audiology and speech-language pathology	19 N.J.R. 1412(a)		
13:45A-2	Motor vehicle advertising practices	19 N.J.R. 1056(a)	R.1987 d.341	19 N.J.R. 1562(c)
13:45A-6.2	Unlawful automobile sales practices	18 N.J.R. 2115(a)		
13:45A-12	Sale of dogs and cats	19 N.J.R. 853(a)		
13:45A-21, 22	Sale of Kosher food and food products	19 N.J.R. 1060(a)		
13:45A-24	Sale of gray market merchandise	19 N.J.R. 179(a)		
13:46-12.12	Compensation for physicians at boxing and wrestling shows	19 N.J.R. 1179(b)	R.1987 d.386	19 N.J.R. 1745(a)
13:47A-1-8, 11	Bureau of Securities rules	19 N.J.R. 1417(a)	R.1987 d.390	19 N.J.R. 1824(a)
13:70-1.30	Thoroughbred racing: horsemen associations	19 N.J.R. 1418(a)		
13:70-12.1, 12.37	Thoroughbred racing: open claiming	19 N.J.R. 1419(a)		
13:70-20.11	Thoroughbred racing: entering or starting nerved horses	19 N.J.R. 918(a)		
13:71-1.25	Harness racing: horsemen associations	19 N.J.R. 856(a)		
13:71-14.1, 14.36	Harness racing: open claiming	19 N.J.R. 1419(b)		
13:71-20.23	Harness racing: registration of nerved horses	19 N.J.R. 919(a)		
13:77	Equitable distribution of forfeited property to law enforcement agencies	19 N.J.R. 1534(a)		

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PUBLIC UTILITIES—TITLE 14

14:1-11	Board of Public Utilities: settlement conferences	19 N.J.R. 919(b)	R.1987 d.360	19 N.J.R. 1650(a)
14:3-7.12A	Residential electric and gas service during heating season	18 N.J.R. 2315(a)		
14:17-6.21	Cable TV: petition to set aside county refusal	19 N.J.R. 504(a)	R.1987 d.316	19 N.J.R. 1455(b)
14:18-14.5, 14.6	Cable TV: notices of rate and channel line-up changes	19 N.J.R. 505(a)	R.1987 d.367	19 N.J.R. 1651(a)

(TRANSMITTAL 1987-4, dated July 20, 1987)

ENERGY—TITLE 14A

14A:3-4.1-4.6	Energy subcode	19 N.J.R. 433(b)	R.1987 d.387	19 N.J.R. 1793(a)
14A:4-1.1-3.1	Solar energy property tax exemptions	19 N.J.R. 433(b)	R.1987 d.387	19 N.J.R. 1793(a)

(TRANSMITTAL 1987-2, dated April 20, 1987)

STATE—TITLE 15

(TRANSMITTAL 1987-1, dated February 17, 1987)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1987-1, dated April 20, 1987)

TRANSPORTATION—TITLE 16

16:1-2.2	NJDOT organizational structure: administrative correction to text			19 N.J.R. 1578(b)
16:25	Utility accommodation on highway rights-of-way	19 N.J.R. 1064(a)		
16:28-1.76	Speed rate on Route 15 in Morris and Sussex counties	Emergency	R.1987 d.411	19 N.J.R. 1839(a)
16:28-1.79	School zone on Route 94 in Frelinghuysen Township	19 N.J.R. 1288(a)	R.1987 d.378	19 N.J.R. 1745(b)
16:28A-1.5, 1.36, 1.38, 1.45	Parking restrictions along Routes 5, 57, 71, and 94	19 N.J.R. 1632(b)		

A.C. SECTION	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
28A-1.7, 1.15, 1.18, 1.22, 1.32	Parking restrictions along U.S. 9, Routes 23, 27, 31, and U.S. 46		19 N.J.R. 1633(a)
28A-1.9	No parking zones along Route 17 in Rutherford and Lyndhurst		19 N.J.R. 1420(a)
28A-1.10	Bus stop zones along Route 20 in East Rutherford	R.1987 d.356	19 N.J.R. 1652(a)
28A-1.21, 1.31, 1.68	Bus stop zones along U.S. 30 in Waterford, N.J. 45 in Mannington, and N.J. 93 in Palisades Park		19 N.J.R. 1537(a)
28A-1.31	Bus stop zones on Route 45 in Woodbury	R.1987 d.329	19 N.J.R. 1567(a)
28A-1.32	Bus stop zones along U.S. 46 in Denville	R.1987 d.357	19 N.J.R. 1653(a)
29-1.67	No passing zones along U.S. 130 in Salem and Gloucester counties		19 N.J.R. 1420(b)
30	Pre-proposal: Exclusive bus lane on Routes 3 and 495		19 N.J.R. 1421(b)
30-3.1	Lane usage on Route 35 in Ocean County	R.1987 d.377	19 N.J.R. 1745(c)
30-10.4	Midblock crosswalk on Route 33 in Freehold	R.1987 d.328	19 N.J.R. 1567(b)
30-10.5	Midblock crosswalk on Route 29 in Stockton		19 N.J.R. 1421(a)
41	Permits for use of or work upon highway rights-of-way		19 N.J.R. 1074(b)
44-1.1	Contract administration: composition of Pre-qualification Committee		19 N.J.R. 1634(a)
56-4.1	Airport safety improvement loans: correction to text		19 N.J.R. 1749(a)
56-4.1, 11.2	Airport safety improvement aid		19 N.J.R. 1634(b)
56-14.1	Publicly funded airports and State audit policy	R.1987 d.327	19 N.J.R. 1567(c)
73-1.1, 2.1-2.4, 3.2	NJ TRANSIT: Reduced fare program for the elderly and handicapped	R.1987 d.381	19 N.J.R. 1746(a)

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REASURY-GENERAL—TITLE 17

1-1.10	Balances in withdrawn pension accounts		19 N.J.R. 446(a)	R.1987 d.317	19 N.J.R. 1456(a)
1-1.10	Positive and negative balances in pension accounts		19 N.J.R. 447(a)	R.1987 d.317	19 N.J.R. 1456(a)
2-3.3	PERS: contributory insurance rate		19 N.J.R. 1636(a)		
2-4.4	Public Employees' Retirement System: accrual of loan interest		19 N.J.R. 194(a)		
9-6.1	State Health Benefits Program: coverage after retirement		19 N.J.R. 1636(b)		
7-30	Urban Enterprise Zone Authority: comment period reopened		19 N.J.R. 354(a)		
7-32	Municipal and county cross-acceptance of State Development and Redevelopment Plan		19 N.J.R. 509(a)		

(TRANSMITTAL 1987-7, dated July 20, 1987)

REASURY-TAXATION—TITLE 18

3-3-2.1	Tax rate on wine produced from New Jersey grapes		19 N.J.R. 1181(a)		
8-5-3.6	Purchase of cigarette revenue stamps		18 N.J.R. 2378(b)		
8-5-3.6, 3.7, 3.8	Purchase of cigarette tax stamps		19 N.J.R. 511(a)	R.1987 d.326	19 N.J.R. 1568(a)
8-7-1.16, 5.2	"Financial business corporation" defined; computation of entire net income		19 N.J.R. 712(a)	R.1987 d.335	19 N.J.R. 1568(b)
8-12-7.4	Homestead rebate and residents of continuing care retirement communities		19 N.J.R. 1637(a)		
8-15-1.1	Woodland management plan: correction to proposal		19 N.J.R. 1640(a)		
8-15-1.1, 2.7-2.14	Farm land assessment: woodland in agricultural use		19 N.J.R. 1538(a)		
8-15-1.1, 2.7-2.14	Woodland in agricultural use: operative date		19 N.J.R. 1640(b)		
8-24-1.2, 1.3	Newspaper, periodical, and magazine defined		19 N.J.R. 858(a)	R.1987 d.325	19 N.J.R. 1570(a)
8-24-7.8	Sales of motor vehicles to military personnel stationed in State		19 N.J.R. 1181(b)		
8-35-1.13	Sale of principal residence		19 N.J.R. 1182(a)		
8-38	Litter control tax		19 N.J.R. 400(b)		
8-39-1	Tax amnesty		19 N.J.R. 1075(a)	R.1987 d.353	19 N.J.R. 1654(a)

(TRANSMITTAL 1987-3, dated June 15, 1987)

TITLE 19—OTHER AGENCIES

9-3-1.1, 1.2, 1.4, 1.6	Application review fees		19 N.J.R. 1540(a)		
9-4-6.28	Rezoning in Little Ferry		19 N.J.R. 53(b)		
9-8-7.1	Public records of Highway Authority: copy fees		19 N.J.R. 1428(a)	R.1987 d.391	19 N.J.R. 1825(a)
9-8-7.3	State Police accident reports: copy fee		19 N.J.R. 1429(a)	R.1987 d.393	19 N.J.R. 1825(b)
9-8-8.4	Fee for oversize vehicle permit		19 N.J.R. 1429(b)	R.1987 d.392	19 N.J.R. 1826(a)
9-9-1.6	Sleeping in parked vehicles		19 N.J.R. 1637(b)		
9-17-2.1, 3.1-4.5	PERC Appeal Board procedure: rescheduled public hearing		19 N.J.R. 404(a)		
9-25-19.3	Personal financial disclosure: reporting of earned income		19 N.J.R. 1541(a)		
9-30-2.1, 2.3, 2.4, 2.6	Economic Development Authority: application and closing fees; categorization of transactions		19 N.J.R. 922(a)	R.1987 d.318	19 N.J.R. 1456(b)

(TRANSMITTAL 1987-4, dated July 20, 1987)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY				
19:44-8.3	Minibaccarat training	18 N.J.R. 2322(a)		
19:45-1.12	Minibaccarat	19 N.J.R. 54(b)	R.1987 d.395	19 N.J.R. 1826(b)
19:45-1.17	Storage of emergency drop boxes	19 N.J.R. 1290(a)		
19:45-1.32, 1.43	Hard count room procedures: deferral of operative date	18 N.J.R. 1929(a)	R.1987 d.277	19 N.J.R. 1656(a)
19:45-1.33	Accuracy procedures for currency counting machines	19 N.J.R. 923(a)		
19:46-1.12	Minibaccarat	19 N.J.R. 54(b)	R.1987 d.395	19 N.J.R. 1826(b)
19:46-1.16, 1.18, 1.20	Gaming equipment and evidence of cheating or tampering	18 N.J.R. 2121(a)	R.1987 d.336	19 N.J.R. 1570(b)
19:47-1.11	Rules of the games: craps	19 N.J.R. 1542(a)		
19:47-5.3	Roulette and "no more bets" procedure	19 N.J.R. 1638(a)		
19:47-7.7	Minibaccarat	19 N.J.R. 54(b)	R.1987 d.395	19 N.J.R. 1826(b)
19:47-8.2	Big Six minimum wagers	19 N.J.R. 858(b)		
19:50-1.6	Security of alcoholic beverages	18 N.J.R. 2323(a)		
19:53-1.3, 1.13	Casino licensee's EEO/AA office	19 N.J.R. 1638(b)		
19:53-1.5	Pre-proposal: Affirmative action employment goals for handicapped or disabled persons	19 N.J.R. 1182(a)		

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