

**CHAPTER 4A****DEPARTMENT OF PERSONNEL  
MERIT SYSTEM BOARD CASES****Authority**

N.J.S.A. 52:14F-5(e), (f) and (g).

**Source and Effective Date**

R.2008 d.134, effective June 2, 2008.  
See: 40 N.J.R. 833(a), 40 N.J.R. 2663(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 4A, Department of Personnel Merit System Board Cases, expires on June 2, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 4A, Department of Personnel Merit System Board Cases, was adopted as new rules by R.2008 d.134, effective June 2, 2008. See: Source and Effective Date.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. APPLICABILITY****1:4A-1.1 Applicability****SUBCHAPTERS 2 THROUGH 9. (RESERVED)****SUBCHAPTER 10. DISCOVERY****1:4A-10.1 Discovery****SUBCHAPTERS 11 THROUGH 13. (RESERVED)****SUBCHAPTER 14. CONDUCT OF CASES****1:4A-14.1 Conduct of hearing; limitation on post hearing submissions****SUBCHAPTER 1. APPLICABILITY****1:4A-1.1 Applicability**

(a) The rules in this chapter shall apply to hearings involving:

1. Major discipline arising under N.J.A.C. 4A:2-2.2;
2. Resignation not in good standing arising under N.J.A.C. 4A:2-6.2; and
3. Termination from service at the conclusion of a working test period due to unsatisfactory performance under N.J.A.C. 4A:2-4.1.

(b) Any aspect of the hearing not covered by these special rules shall be governed by the Uniform Administrative Procedure Rules (UAPR) at N.J.A.C. 1:1. To the extent that these rules are inconsistent with the UAPR, these rules shall apply.

**SUBCHAPTERS 2 THROUGH 9. (RESERVED)****SUBCHAPTER 10. DISCOVERY****1:4A-10.1 Discovery**

(a) Except for major discipline termination cases, discovery shall be provided pursuant to this section. Discovery in termination cases shall be pursuant to N.J.A.C. 1:1-10.

(b) The employee shall be permitted to review the appointing authority's entire file or files on the matter. Copies of any document in the file or files shall be provided to the employee upon request and for a reasonable copying charge. See N.J.S.A. 47:1A-5. The appointing authority may refuse to disclose any document subject to a bona fide claim of privilege.

(c) Each party shall provide each other party copies of any documents and a list with names, addresses and telephone numbers of any witnesses, including experts, which the party intends to introduce at the hearing. A summary of the testimony expected to be provided by each witness shall be included. These items shall be exchanged at least 10 days prior to the hearing, unless the judge determines that the information could not reasonably have been disclosed within that time.

(d) Any discovery other than that permitted in (a) and (b) above shall be by motion to the judge and for good cause shown.

(e) The hearing date shall not be adjourned to permit discovery.

**SUBCHAPTERS 11 THROUGH 13. (RESERVED)****SUBCHAPTER 14. CONDUCT OF CASES****1:4A-14.1 Conduct of hearing; limitation on post hearing submissions**

No proposed findings of fact, including conclusions of law, briefs, forms of order or other dispositions may be offered or required after the final argument, except for the purpose of expressing the terms of a settlement, unless expressly permitted by the judge for good cause.