

(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.

#### 4A:6-4.9 Internship programs: State service

(a) Internship programs include:

1. 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;
2. Fellowships in managerial assignments to selected individuals based on established educational and career achievements; and
3. 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.

#### 4A:6-4.10 Employee Advisory Service: State service

(a) The Department of Personnel shall establish an Employee Advisory Service (EAS) to assist State employees in achieving and maintaining the highest level of job performance of which they are capable. EAS shall provide access to counseling, rehabilitative and/or community services for a State employee who:

1. Has received an annual performance rating at the lowest level. See N.J.A.C. 4A:6-5.1 et seq.
2. Has received a performance rating which is below the mid-point on the multi-level scale and an improvement plan has not been effective;
3. Is experiencing personal problems which affect job performance; or
4. 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. An employee should be referred to EAS as soon as problems are manifested which may affect job performance.

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

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

2. In appointing authority referrals, the appointing authority may be informed:

- i. Whether an individual has been accepted for a program;
- ii. Whether or not an employee has kept his or her appointments;
- iii. The dates and times of future appointments with either EAS or an outside agency; and
- iv. 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 personnel office.

1. An employee shall be given time off with pay for the intake and evaluation visits. For other situations and visits, arrangements shall be set 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 client 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 supervisor of the EAS program prior to seeking removal of the employee.

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

## SUBCHAPTER 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 titles as designated by particular departments or agencies.

1. While not mandated, departments and agencies are encouraged to include all unclassified titles in the PAR program.

2. The PAR program shall use a standardized form to be designated by the Department of Personnel and a five-level rating scale to include the following ratings:

- i. One, for Significantly Above Standards;
- ii. Two, for Exceeds Standards;
- iii. Three, for Meets Standards;
- iv. Four, for Marginally Below Standards; and
- v. Five, for Significantly Below Standards.

(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 in a form prescribed by the Department.

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

Amended by R.1993 d.47, effective January 19, 1993.

See: 24 N.J.R. 3590(a), 25 N.J.R. 293(a).

Revised (b).

#### Case Notes

Criteria for employee evaluations; managerial prerogative. *State v. State Supervisory Employees Association*, 78 N.J. 54, 393 A.2d 233 (1978).

Employee failed to prove any act of discrimination. *Chaudhry v. DEPE*, 93 N.J.A.R.2d (CSV) 635.

#### 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. If an employee disagrees with the established performance plan, he or she may note such disagreement.

(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. The supervisor shall designate an interim performance rating at the end of six months and a final rating at the end of one year.

1. When there is a change either in job assignment or supervisor during the evaluation period, the old performance plan shall be closed out. The employee's performance during the portion of the rating period under the old performance plan shall be rated and a new performance plan shall be prepared. The final rating shall be a proration of all ratings received during the review period.

2. When there is a change in job title during the evaluation period, the former supervisor shall assign a final rating for the former performance plan and title. A performance plan for the new title shall be developed.

3. For employees who are newly hired or whose anniversary dates have changed, the rating period shall end in accordance with the employee's new anniversary date.

4. The final PAR rating for an employee who is at the eighth step of the salary range will be based on an evaluation of performance over 18 months. Interim ratings will be assigned at the end of six months and again at the end of 12 months, and the final rating will be assigned and recorded at the end of 18 months. Once the employee reaches the ninth step of the salary range, the evaluation of the employee's performance again will be based on a 12 month period as described in (b) above.

5. When appropriate, performance improvement plans shall be set at each review.

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

(c) Where a rating of four or five is received, a performance conference shall be conducted after three months or such shorter period of time as determined by the supervisor.

(d) A performance plan for each rating period shall be established within a reasonable time after completion of the previous rating period. New employees shall receive a performance plan within a reasonable time after appointment.

1. The supervisor shall prepare job performance standards prior to the commencement of the working test period which identify essential tasks and emphasize training and development. Upon the employee's successful completion of the working test period the supervisor and the employee shall jointly develop complete job performance standards.

(e) A supervisor's own PAR shall provide that the supervisor shall complete the PAR of his or her subordinates.

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

(g) A complaint that an entire agency or unit is in violation of this subchapter shall be presented to the PAR coordinator within the personnel office for the subject department. The PAR coordinator shall, within 30 days, investigate the complaint, respond in writing to the individual(s) presenting the complaint and implement remedial action as appropriate. If the individual(s) is (are) dissatisfied with the response of the PAR coordinator, or if no action has been taken within 30 days of the complaint, the individual(s) may appeal the matter to the PAR Program Coordinator, Department of Personnel.

1. Complaints concerning an individual's PAR rating or performance standards shall be addressed through noncontractual grievance procedures. See N.J.A.C. 4A:6-5.3(b) through (d).

Amended by R.1993 d.47, effective January 19, 1993.  
See: 24 N.J.R. 3590(a), 25 N.J.R. 293(a).  
Revised (b)-(e); redesignated (e) as (f); added new (g).

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

(a) An employee receiving an annual PAR rating of a four or a five 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 because of receiving a four rating but whose performance has subsequently improved. If approved by the Department of Personnel, such increment shall not be effective until a pay period beginning at least 90 days after the employee's anniversary date.

2. An employee who receives an annual rating of a four or five shall be referred by the appointing authority to the Employee Advisory Service. See N.J.A.C. 4A:6-4.10.

(b) An employee who has received an annual PAR rating of a four or a five may appeal such rating through departmental non-contractual grievance procedures. See N.J.A.C. 4A:2-3.1. In addition to the grievance procedure requirements, all appeals shall be accompanied by a copy of the PAR evaluation.

(c) 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.

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

(e) A rating of a five shall constitute evidence of incompetency, inefficiency or failure to perform duties. In a disciplinary action, an employee may challenge the basis of any rating that is an issue in the proceeding.

(f) Performance ratings may be used as a factor in promotion (see N.J.A.C. 4A:4-2.15) and layoff (N.J.A.C. 4A:8-2.2(c)4).

Administrative change to (g).  
See: 23 N.J.R. 1410(a).  
Amended by R.1993 d.47, effective January 19, 1993.  
See: 24 N.J.R. 3590(a), 25 N.J.R. 293(a).  
Revised text.

#### Case Notes

Statute providing for salary of judges of compensation controlled over regulation of salary adjustment committee. Matter of Boyan, 246 N.J.Super. 300, 587 A.2d 640 (A.D.1991), certification granted 126 N.J. 342, 598 A.2d 898, reversed 127 N.J. 266, 604 A.2d 98.

## 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 Commendation;
2. Awards for Suggestions;
3. Service Recognition;
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 in the Office of Legislative Services.

Amended by R.1998 d.58, effective January 20, 1998.  
See: 29 N.J.R. 4590(a), 30 N.J.R. 384(b).

### 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 unexpired 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 the 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 unless there is no business to conduct or the Executive Secretary (Secretary) determines that agenda items are so routine that they may be held over to the next meeting. Special meetings may be held at the call of the Chairperson.

4. The Secretary 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 Secretary shall submit an annual report of the Committee's activities to the Governor through the Commissioner.

5. The administrative work of the Committee shall be performed by the 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. When necessary, the services of a departmental committee member or other departmental employee with expertise in cost-benefit analyses shall be made available to the departmental committee.

2. Departmental committees shall meet at least monthly unless there is no business to conduct 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 suggestion or award nomination 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.

Amended by R.1998 d.58, effective January 20, 1998.  
See: 29 N.J.R. 4590(a), 30 N.J.R. 384(b).

#### 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 actions 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 actions which are public information.

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

3. Records of all transactions and supportive documentation for Option 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 Commendation awards: State service

(a) Commendation 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 of a life threatening nature 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 which shall include, but not be limited to, appropriate responses to a crisis or emergency situation and which reflect credit upon the State of New Jersey, whether or not the act was performed during working hours.

**CHAPTER 8****LAYOFFS****Authority**

N.J.S.A. 11A:2-6(d), 11A:2-11(h), 11A:4-7, 11A:4-9,  
11A:4-12, 11A:6-28, 11A:8-1 through 11A:8-4.

**Source and Effective Date**

R.1995 d.251, effective April 21, 1995.  
See: 27 N.J.R. 612(a), 27 N.J.R. 1967(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 8, Layoffs, expires on April 21, 2000.

**Chapter Historical Note**

Chapter 8, Layoffs, was adopted as R.1990 d.49, effective January 16, 1990. See: 21 N.J.R. 3340(a), 22 N.J.R. 169(a). Pursuant to Executive Order No. 66(1978), Chapter 8 was readopted as R.1995 d.55, effective December 30, 1994. See: 26 N.J.R. 3518(a), 27 N.J.R. 482(a).

Pursuant to Executive Order No. 66(1978), Chapter 8 was readopted as R.1995 d.251. See: Source and Effective Date. See, also, section annotations.

**Cross References**

Applicability of this chapter to SES members and positions, see N.J.A.C. 4A:3-2.3 and N.J.A.C. 4A:3-2.9.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. PROCEDURES**

- 4A:8-1.1 General
- 4A:8-1.2 Alternatives to layoff
- 4A:8-1.3 Pre-layoff actions
- 4A:8-1.4 Review by Department of Personnel
- 4A:8-1.5 Layoff units and job locations
- 4A:8-1.6 Layoff notice

**SUBCHAPTER 2. EMPLOYEE LAYOFF RIGHTS**

- 4A:8-2.1 Types of layoff rights
- 4A:8-2.2 Exercise of lateral and demotional rights
- 4A:8-2.3 Exercise of special reemployment rights
- 4A:8-2.4 Seniority
- 4A:8-2.5 Reassignments
- 4A:8-2.6 Appeals

**SUBCHAPTER 1. PROCEDURES****4A:8-1.1 General**

(a) An appointing authority may institute layoff actions for economy, efficiency or other related reasons.

1. Demotions for economy, efficiency or other related reasons shall be considered layoff actions and shall be subject to the requirements of this chapter.

(b) The Commissioner or authorized representative of the Department of Personnel shall determine seniority and designate lateral, demotional and special reemployment rights for all career service titles prior to the effective date of the layoff and have such information provided to affected parties.

Amended by R.1995 d.251, effective May 15, 1995.  
See: 27 N.J.R. 612(a), 27 N.J.R. 1967(b).

**Case Notes**

Negotiations with union concerning Department of Environmental Protection's reduction of employees' workweek were preempted by statute and regulations that created comprehensive demotional layoff scheme. *State v. Communications Workers of America, AFL-CIO*, 285 N.J.Super. 541, 667 A.2d 1070 (A.D.1995), certification denied.

Reduction in plumbing subcode official's work hours and compensation was motivated only by budgetary concerns and was done in good faith and did not violate Uniform Construction Code Act. *Voges v. Borough of Tinton Falls*, 268 N.J.Super. 279, 633 A.2d 566 (A.D.1993), certification denied 135 N.J. 466, 640 A.2d 848.

Statute which permitted lay off of permanent public employee super-seded statute providing that an injured public employee receiving workers' compensation benefits was to continue on the payroll. *Novak v. Camden County Health Services Center Bd. of Managers*, 255 N.J.Super. 93, 604 A.2d 649 (A.D.1992).

Authority to regulate causes of removal and suspension. *State v. Local 195, IFPTE*, 179 N.J.Super. 146, 430 A.2d 966 (App.Div.1981), certification denied, 89 N.J. 433, 446 A.2d 158.

Employee improperly removed after suspension for same infraction. *Newark v. Copeland*, 171 N.J.Super. 571, 410 A.2d 274 (App.Div.1980).

Dismissal of veterans protected by Veteran's Tenure Act in non-civil service county. *Cooper v. Imbriani*, 122 N.J.Super. 469, 300 A.2d 863 (App.Div.1973), affirmed, 63 N.J. 535, 310 A.2d 457 (1973).

Politically motivated layoffs reversed, while layoff due to reasons of economy upheld. *In re City of Orange Layoffs Appeal*, 97 N.J.A.R.2d (CSV) 639.

Layoff of clerk typist due to economy affirmed. *DiMarco v. Borough of Highlands, Department of Building and Grounds*, 97 N.J.A.R.2d (CSV) 599.

Demotion in good faith if position not necessary for agency's operation. *Henry, Kennedy and Wise v. Cape May County*, 97 N.J.A.R.2d (CSV) 147.

Municipality's decision to lay off and replace public employees with private contractors was done in good faith where private contract's savings were rationally related to legitimate governmental purpose. *Conklin and Ollearo v. Township of Milford*, 96 N.J.A.R.2d (CSV) 755.

Decision to lay off and demote Division of Developmental Disabilities employees was made in good faith for reasons of economy. *Orsati, et al. v. Department of Human Services*, 96 N.J.A.R.2d (CSV) 743.

Department of Human Services acted in good faith when it imposed department-wide layoffs and demotions of its employees. *Cable, et al. v. Department of Human Services, Central Office*, 96 N.J.A.R.2d (CSV) 713.

Layoffs and demotions of Division of Family Development employees was done in good faith for reasons of economy. *Ambrass, et al. v. Department of Human Services*, 96 N.J.A.R.2d (CSV) 696.

Employee layoff determinations which were made in good faith for economic and efficiency reasons were upheld. *In the Matter of the Layoffs of Guzman, et al.*, 96 N.J.A.R.2d (CSV) 625.

Department of Human Services 1992 layoffs were not motivated by bad faith. In the Matter of Donna Marrinan, et al., 96 N.J.A.R.2d (CSV) 557.

Department of Human Services acted in good faith when laying off employees due to reduction in its salary account for fiscal 1993. Cully, et al. v. Department of Human Services, 96 N.J.A.R.2d (CSV) 547.

Department of Human Services 1992 layoffs were not motivated by bad faith. Barker, et al. v. Department of Human Services, 96 N.J.A.R.2d (CSV) 539.

City's bona fide reduction of budget deficit supported large-scale layoffs. In the Matter of the City of Newark Layoffs, 96 N.J.A.R.2d (CSV) 361.

Good-faith layoff action supported by cut in federal salary funding and diminished need for position. Billings v. City of Perth Amboy, 96 N.J.A.R.2d (CSV) 314.

City's otherwise well-motivated layoff decision was not undermined by particularized ill will. Peters v. City of Orange, 96 N.J.A.R.2d (CSV) 227.

Government employer demonstrated good faith in lay-off action by showing necessity for reasons of economy. Stagliano v. Camden County, 96 N.J.A.R.2d (CSV) 215.

Administrative analyst's layoff in good faith when taken pursuant to departmental reorganization plan. Bowring v. State Department of the Public Advocate, 96 N.J.A.R.2d (CSV) 44.

Failure to show bad faith or discrimination defeats state agency personnel specialist's challenge to removal pursuant to reduction in force. Bhanja v. Department of Personnel, 96 N.J.A.R.2d (CSV) 41.

Evidence failed to establish bad faith cause of action in connection with layoffs and demotions in question. Chepiga v. Mental Health and Hospitals, 95 N.J.A.R.2d (CSV) 630.

Demotion of personnel assistants pursuant to reorganization of district under newly formed state operated school system was not in bad faith. Dowling v. State Operated School District, 95 N.J.A.R.2d (CSV) 603.

Demotions for reasons of economy were not arbitrary even though employees performed same tasks in lower positions. Sowa v. Commerce and Economic Development, 95 N.J.A.R.2d (CSV) 589.

Termination of handicapped offset machine operator was not discriminatory, but was in good faith for reasons of economy and efficiency. Hansell v. Department of Human Services, 95 N.J.A.R.2d (CSV) 575.

Layoff of messenger by county clerk's office was in good faith when messenger's functions were performed by a fax machine and other employees. Barnes v. Camden County, 95 N.J.A.R.2d (CSV) 471.

Proof was lacking that reassignment of public defender office investigator was made in bad faith. Jacobson v. New Jersey Public Defender, 95 N.J.A.R.2d (CSV) 342.

Elimination of five water repairer positions to enable two electronic repairmen positions was in good faith for reasons of economy and efficiency. Caggiano v. Township of Sparta, 95 N.J.A.R.2d (CSV) 211.

Animosities towards public employee by others did not preclude layoff for economic reasons when those others had no role in layoff. Matter of State Department of Corrections 1992 Layoffs, 95 N.J.A.R.2d (CSV) 63.

Layoffs and demotions made in good faith. In the Matter of State Dept. Of Corrections 1992 Employee Layoffs, 95 N.J.A.R.2d (CSV) 63.

Employees failed to prove that layoffs and demotions were made in bad faith. In the Matter of the State Dept. Of Health 1993 F.Y. Layoffs, 95 N.J.A.R.2d (CSV) 45.

Reasonable, logical, and good faith efforts to accommodate budgetary reductions meant that layoffs were made in good faith for economic reasons. Matter of State Department of Health 1993 Layoffs, 95 N.J.A.R.2d (CSV) 45.

Layoffs of public employees were not motivated by bad faith, but by economic considerations and were justified. Edwards v. Department of Community Affairs, 95 N.J.A.R.2d (CSV) 29.

Act of councilmen in eliminating public employee's position was not for reasons of animosity, but was for reasons of economy and was justified. De Prima v. Department of Administration and Finance, 95 N.J.A.R.2d (CSV) 20.

Layoff of Director of Planning was in good faith in effort to achieve government economy. DePrima v. Department of Administration and Finance, 95 N.J.A.R.2d (CSV) 20.

Layoffs of pharmacists were made in good faith. Gordon v. Department of Military and Veterans' Affairs, 95 N.J.A.R.2d (CSV) 6.

Layoffs of the pharmacists pursuant to decision of departments to use contractors for pharmaceutical substances rather than in-house pharmacists were justified for economic reasons. Gordon v. Department of Military and Veterans Affairs, 95 N.J.A.R.2d (CSV) 6.

Layoff of employee was proper. Adewusi v. Atlantic County Department of Administration, 95 N.J.A.R.2d (CSV) 5.

Layoff of landscape artist from county land office for reasons of efficiency and economy was not unjustified. Adewusi v. Atlantic County, 95 N.J.A.R.2d (CSV) 3.

Bad faith in eliminating jobs; proof. Privitera v. Treasury Department, 94 N.J.A.R.2d (CSV) 693.

Proof that layoff was instituted for reason other than economy, efficiency or other related reason. Meybohm v. Treasury Department, 94 N.J.A.R.2d (CSV) 665.

No bad faith was established; jobs abolished. In the Matter of the Essex County Layoffs, 94 N.J.A.R.2d (CSV) 601.

Township acted for reasons of efficiency and economy when it laid off employees. Aiello v. Township of Brick, 93 N.J.A.R.2d (CSV) 719.

Layoff of long-time employee was not in bad faith. Acchitelli v. Department of Environmental Protection and Energy, 93 N.J.A.R.2d (CSV) 716.

Employees failed to prove that township acted in bad faith in laying them off. Winslow Township Police Department Communications Operators v. Winslow Township, 93 N.J.A.R.2d (CSV) 713.

County department acted for reasons of economy and efficiency in layoff. LaMorte v. Ocean County Department of Consumer Protection, 93 N.J.A.R.2d (CSV) 669.

Good faith elimination of position. Vida v. Jersey City State College, 93 N.J.A.R.2d (CSV) 594.

Elimination of former job title; not bad faith. Barcheski v. Perth Amboy Department of Public Works, 93 N.J.A.R.2d (CSV) 565.

City acted in good faith. In the Matter of Atlantic City Layoffs, 93 N.J.A.R.2d (CSV) 533.

Demotion in lieu of layoff; good faith. Murphy v. Lacey Township Police Department, 93 N.J.A.R.2d (CSV) 487.

Layoff was for economic reasons. Wright v. Department of Human Services, 93 N.J.A.R.2d (CSV) 374.

Department-wide temporary layoffs done in good faith. Department of Personnel Employees v. Department of Personnel, 93 N.J.A.R.2d (CSV) 328.

Excessive absenteeism and lateness warranted removal. Thomas v. Bergen Pines County Hospital, 93 N.J.A.R.2d (CSV) 316.

City utility department eliminated position in good faith. Rudolph v. Egg Harbor City Utility Department, 93 N.J.A.R.2d (CSV) 313.