



# CIVIL SERVICE PERSONNEL MANUAL

## State Service

NS/KAB  
CS/C6  
1982

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#### 4:1-6.5 Reclassification of positions

(a) When the duties and responsibilities of a position change to the extent that they are no longer similar to the duties and responsibilities of other positions in the same class and the class title is no longer appropriate, the Chief Examiner and Secretary shall after review:

1. Reclassify the position to a more appropriate class title if there is one;
2. In local government service establish a new class title to which the position shall be reclassified; or
3. In State service recommend to the Commission the establishment of a new class title to which the position shall be reclassified.

(b) No reclassification of any position shall become effective until the Chief Examiner and Secretary has so advised the appointing authority and the employee holding the position.

1. Any change in the classification of an employee's position as a result of a reclassification shall be administered in accordance with these rules pertaining to the type of change to be effected after the appointing authority has had the opportunity to reassign the employee to the duties and responsibilities to which s/he has permanent rights.

2. Should the change as a result of the reclassification adversely affect an employee or should the appointing authority disagree with the reclassification, an appeal may be made in accordance with N.J.A.C. 4:1-6.5A.

#### 4:1-6.5A Appeal procedure

(a) An appeal from the classification or reclassification of a position is a request for review or a complaint that the duties of a specific position do not conform to the Civil Service class specification for the title assigned to that position.

(b) In State service, an appeal from an employee or union representative shall be submitted, in writing, to the appointing authority through the personnel office. The appeal must identify the specific duties that do not conform to the class specification for the title and be accompanied by a Classification Questionnaire, CS-44, signed by the employee and the supervisor. If the appellant proposes a different title for the position, s/he must explain how the different title more accurately describes the duties of the position than the current or proposed title.

1. The appointing authority shall review the appeal and notify the appellant of its decision within 30 days of receipt of the appeal. This decision letter must include the duties of the position, findings of fact, conclusions and the determination that

i. The position is properly classified;  
or

ii. The position is properly classified, but that out-of-title duties are being performed; in which case the appointing authority shall order, in writing, the immediate removal of inappropriate duties. A copy of this order shall be forwarded to the Department of Civil Service, Division of Classification and Compensation; or

eff. 5-17-82

iii. The position should be reclassified; in which case, normal reclassification procedures shall be initiated.

2. The decision letter shall state that the appellant has the right to appeal an adverse decision. Additionally, if the appellant does not receive a decision letter from the appointing authority within 30 days, s/he may file an appeal, in writing, within 20 days from the final day for the appointing authority's decision. All appeals shall be sent to:

Department of Civil Service  
Director, Division of Classification  
and Compensation  
CN 313  
Trenton, New Jersey 08625

3. Appeals from an employee or union representative to the Department of Civil Service, Division of Classification and Compensation, are second level appeals. Appeals from an appointing authority are first level appeals.

i. An appeal from an appointing authority shall include the same information as an appeal from an employee or union representative as stated in (b) above.

ii. An employee or union representative submitting a second level appeal must submit a copy of the initial appeal letter to the appointing authority, a copy of the completed Classification Questionnaire, CS-44, and the appointing authority's decision letter, if issued. The appeal must state what specific portions of that decision are contested and the reasons.

eff. 5-17-82

4. The Director, Division of Classification and Compensation, shall review the appeal, order a desk audit where warranted, and issue a written decision. The decision letter shall be issued within 60 days of receipt of the appeal and shall, include the duties of the position, findings of fact, conclusions, determination and a statement that the appellant has the right of appeal to the Chief Examiner and Secretary.

(c) In local government services, an appeal from an employee, appointing authority, or a union representative on behalf of an employee shall be submitted, in writing, to the appropriate local branch office of the Department of Civil Service, Division of Local Government Services. The appeal must identify the specific duties that do not conform to the civil service class specification for the title. If the appellant proposes a different title for the position, s/he must explain how the different title more accurately describes the duties of the position than the current or proposed title.

1. The local branch office manager shall order a desk audit where warranted, review the appeal and determine that

i. The position is properly classified;  
or

ii. The position is properly classified, but that out-of-title duties are being performed; in which case the branch office manager shall order, in writing, the immediate removal of inappropriate duties;  
or

iii. The position should be reclassified; in which case normal reclassification procedures shall be initiated.

eff. 5-17-82

2. The determination from the branch office manager may be appealed to the Director of Local Government Services within 20 days of receipt of the determination. The appeal shall include a copy of the initial appeal letter to the local branch manager, the branch manager's determination, the specific portions of the determination that are being contested, the reasons and any additional material the appellant wishes considered.

3. The director shall review the written record and/or hold an informal hearing before issuing a decision letter. The director's decision letter shall be issued within 60 days of receipt of the appeal and shall include the duties of the position, findings of fact, conclusions, determination and a statement that the appellant has the right to appeal to the Chief Examiner and Secretary.

(d) All appeals to the Chief Examiner and Secretary must include copies of the determinations and decision letters from the lower levels, state which findings are being disputed and the reasons. Appeals shall be submitted, in writing, within 20 days of receipt of the decision letter to the

Department of Civil Service  
Division of Administrative Practices  
and Labor Relations  
CN 312  
Trenton, New Jersey 08625

1. The Chief Examiner and Secretary may render a decision based on the written record, appoint an independent classification reviewer, or refer the appeal to the Civil Service Commission. If the Chief Examiner and Secretary appoints an independent classification reviewer to conduct an informal review of the appeal, all parties will be advised of the

eff. 5-17-82



review date. The parties shall present their arguments before the reviewer. An employee appealing his/her current or proposed classification is entitled to self-representation or representation by counsel or by an employee organization. The strict postponement policy set forth in N.J.S.A. 11:1-25 et seq. will be followed.

2. If new duties are added to the position subsequent to the decision from the last level of appeal, they will not be considered by the classification reviewer. Instead, the appellant must again submit the required materials and appeal in accordance with (b) or (c) above.

3. The classification reviewer shall submit a report and recommendation to the Chief Examiner and Secretary within 15 days of the review. The report and recommendation shall include an analysis of the duties of the position as they relate to the civil service class specification, findings, conclusions, and recommendation. The report and recommendation shall be sent to all parties with notice that exceptions are to be filed with the Department of Civil Service, Division of Administrative Practices and Labor Relations within 15 days of receipt of the report and recommendation. Exceptions must be served on all parties. If exceptions are filed, cross-exceptions may be filed within five days of receipt of exceptions.

(e) In State service, if an appeal is upheld, the effective date of the reclassification shall be the pay period immediately after 14 days from the date the Department of Civil Service, Division of Classification and Compensation, received the reclassification request.

eff. 5-17-82

(f) In local government services, if an appeal is upheld, the effective date of the reclassification shall be from the date of the original classification audit for the title being appealed.

(g) The decision by the Chief Examiner and Secretary or the Civil Service Commission is the final administrative determination.

eff. 5-17-82



4:1-16.15 Information to next of kin

(a) Upon the death of an employee, the appointing authority shall, through its personnel office, offer to provide information concerning employment-related benefits to the next of kin.

eff: 5-17-82

New Jersey Administrative Code

4:2-7.1A

4:2-7.1A Compensation plan

(a) In State service, a compensation plan regulating salary ranges and rates and procedures for the administration of such a plan shall be established and approved by the Civil Service Commission.

(b) In local service, a compensation plan and its administration shall be the prerogative of the local jurisdiction except that the Department of Civil Service shall ensure that no employee is paid below the minimum or above the maximum of a duly adopted compensation plan.

4:2-7.2 Anniversary dates

(a) Anniversary dates for employees who are newly hired, promoted, or have received pay adjustments shall correspond to bi-weekly pay periods.

1. The first full pay-period following the date an employee is hired, promoted or has his/her pay adjusted shall be the employee's anniversary date. If the date of the personnel action coincides with the first day of a pay period, that pay period shall serve as the employee's anniversary date.

2. Anniversary dates assigned or changed in years which contain 27 pay-periods shall be determined in accordance with a schedule approved and issued by the Department of Civil Service.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.2

(b) Newly assigned anniversary dates shall be indicated on the CS-21 form in the space provided.

(c) An employee at the maximum of a salary range at the time a CS-21 form is submitted shall carry the anniversary date assigned during the year that the employee attained the maximum. This date shall be converted to a bi-weekly anniversary date.

(d) Examples of how to use this section are as follows:

Pay Period	Begins On
16	7-23-83
20	9-17-83

  

Personnel Action Date	Anniversary Date (Pay Period)
7-30-83	17/84
9-17-83	20/84

4:2-7.3 Pay adjustments for employees who are appointed to titles with higher salary range evaluations

(a) This section deals with the salary increases given to employees who are appointed to titles with higher salary range evaluations when such actions are not promotions covered under N.J.A.C. 4:2-7.5.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.3

(b) Application

1. Any employee appointed to a title with a higher salary range evaluation shall receive the salary of that step of the range of the class to which advancement has been made that provides an increase of at least one increment of the range of the class from which s/he has been advanced before workweek adjustment provided:

i. The employee has served continuously in the class title from which advancement is being made for at least four months immediately preceding the effective date of the advancement; and

ii. The class title to which s/he is being advanced

(1) Is in the same class series, occupational series or job family as that from which advancement is being made; or

(2) Requires the same basic skills, abilities, and knowledge as are basic to the position from which advancement is being made; and

iii. The appointing authority certified to the Division of Classification and Compensation, Department of Civil Service, that the employee's service in the lower title provided meaningful and significant preparation and training for satisfactory service in the title to which s/he is being advanced.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.3

Examples:

A Truck Driver being appointed to the title of Principal Clerk would not be entitled to an increment because the titles are not in the same occupational series, and service as truck driver does not prepare an employee for service as a principal clerk.

A Food Service Supervisor being appointed to the title of Business Manager would be entitled to an increment because "food service" is an important part of the responsibilities of a business manager and service as a food service supervisor would provide preparation for a significant portion of the business manager's duties.

iv. In any case, no increase shall be applied which is not consistent with the best interests of the State service.

2. Types of title changes covered by these regulations:

i. Classified service:

From RA to RA  
From RA to PA  
From PA to RA  
From PA to PA (Employee  
must have four months PA)  
From NC or L to NC or L

eff: 4-5-82

New Jersey Administrative Code

4:2-7.3

From NC or L to  
Competitive RA or PA or  
vice versa

ii. Unclassified

From UA to UA  
From UA to PA or RA  
Competitive  
From Competitive RA to UA  
From Competitive PA to UA

iii. Transfer or resignation with no  
break in service.

3. This procedure shall not apply when  
the employee goes from a no range or single rate  
position to one having a salary range and vice  
versa.

i. When an employee at the maximum  
of the range has been at the maximum for at least  
one year s/he shall receive, if otherwise eligible,  
a normal increment in the new range in addition to  
the adjustment due by reason of the advancement,  
provided that the advancement adjustment does not  
take the employee to the new range maximum. (This  
provision shall not apply if the total adjustment,  
after workweek adjustment, is greater than three  
increments of the range from which the employee is  
advanced. The employee's anniversary date will be  
advanced based on the effective date of the  
action.)

eff: 4-5-82

New Jersey Administrative Code

4:2-7.3

ii. An employee who has been at the maximum for less than one year before the advancement shall retain the anniversary date (retain pay period, advance year) and receive, if otherwise eligible, a normal increment at the next anniversary date, provided that s/he is not already at the maximum of the new range.

iii. An employee at the maximum of the range who is to be advanced five, six or seven ranges, after workweek adjustment, shall be equalized into the higher salary range and receive one increment in the new range (two increments if at the maximum for at least one year).

4. Any appointment to a higher title to which (b) above does not apply shall receive equalization only. (Employee shall receive at least equalization from the salary paid before application of any workweek adjustment.) If equalization results in a salary increase equal to or greater than one increment in the old range, (after workweek adjustment), the anniversary date shall be advanced one year. When an employee has been at the maximum for at least one year s/he shall receive, in addition to equalization, one increment in the new range. (This provision shall not apply if the total adjustment, after workweek adjustment, is greater than three increments of the range from which the employee is advanced. The employee's anniversary date will be advanced based on the effective date of the action.)

eff: 4-5-82



New Jersey Administrative Code

4:2-7.3

5. When the total pay increase (after workweek adjustment) is less than two increments of the range from which an employee is advanced, an employee will retain his/her anniversary date.

6. When the total amount of pay increase (after workweek adjustment) is equal to or greater than two increments of the range from which an employee is advanced, the employee shall be assigned a new anniversary date on the basis of the effective date of the salary increase.

4:2-7.4 Pay adjustments and changes in anniversary dates as a result of an advancement due to a promotion subject to or following promotional examination procedures

(a) This section deals with the anniversary dates and pay adjustments for employees who are promoted.

(b) Application

1. An employee, when promoted from one class title to another, shall receive the salary of the step of the range of the promotional title that provides an increase of at least one increment in the range of the former title, before workweek adjustment.

i. When the total pay adjustment (after workweek adjustment) is less than two increments of the range from which an employee is advanced, the employee's anniversary date will be retained.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.4

ii. When the total amount of pay adjustment (after workweek adjustment) is equal to or greater than two increments of the range from which an employee is advanced, the employee shall be assigned a new anniversary date on the basis of the effective date of the salary increase.

2. When an employee at the range maximum has been at the maximum for at least one year the employee shall receive, if otherwise eligible, an increment, in the new range, in addition to the adjustment due by reason of the promotion, providing the promotional increment does not take the employee to the new range maximum. The anniversary date shall be determined by the effective date of the promotion. (This provision shall not apply if the total adjustment, after workweek adjustment, is greater than three increments of the range from which the employee is advanced. The employee's anniversary date will be advanced based on the effective date of the action).

i. An employee who has been at the maximum for less than one year before the promotion, shall retain the anniversary date (retain pay period, advance year) and receive, if otherwise eligible, a normal increment on his/her next anniversary date, provided the employee is not already at the maximum of the new range.

ii. An employee at the maximum of the range who is to be promoted five, six or seven ranges, after workweek adjustments, shall be

eff: 4-5-82

New Jersey Administrative Code

4:2-7.4

equalized into the higher salary range and receive one increment in the new range (two increments if at the maximum for at least one year).

4:2-7.5 Credit toward increments of employees who are in non-pay status

(a) Time spent by employees in non-pay status will not be included in total time of employment when calculating eligibility for annual salary increments. Eligibility for payment of the earned increment will be the first pay period immediately following the completion of one year of earned time since last increment or date of hiring.

1. An employee's anniversary date shall be advanced by one full pay period for each full pay period in non-pay status.

2. If an employee is in non-pay status on an intermittent basis during the course of a calendar year, his/her anniversary date shall be advanced by one pay period for each ten working days in non-pay status.

3. Whenever a change in the anniversary date of a 10 month employee is required, the two-month period in which the employee is not scheduled to work shall be excluded from the calculation of the new anniversary date.

(b) The following exceptions apply to (a) above:

eff: 4-5-82

New Jersey Administrative Code

4:2-7.5

1. Military leave without pay;
2. Educational leave without pay;
3. Sick leave injury extended to leave without pay;
4. Leave without pay while receiving workmen's compensation benefits as a result of a service connected accident;
5. Leave of absence for military service in accordance with the Reserve Forces Act 1955.

(c) Procedures

1. A leave of absence without pay must be requested on a personnel action form (CS-21) whenever the duration of the leave is one full payroll period or more.
2. When an employee returns from one full pay period or more in non-pay status, the anniversary date on the CS-21 form recording his/her return must be updated to reflect the change.
3. The advancement of an anniversary date resulting from the accumulation of 10 working days in non-pay status on an intermittent basis shall be reported to the Department of Civil Service on a CS-21 form. The affected employee and his/her supervisor shall be informed of this action, in writing, upon receipt of the agency copy of the approved CS-21 form.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.5

(d) The credit determination for salary increments discussed in this section refers only to required work time. The additional factors normally considered in granting increments (EPEIS; recommendation of department head) will continue to be used.

4:2-7.6 Policy for determining salary and anniversary date of an employee who has been demoted or reappointed to a title with a lower evaluation

(a) This section deals with the procedures to be applied to determine the salary and anniversary date of an employee who has been demoted, returned to a former title, or reappointed to a title with a lower evaluation than his/her immediately previous title.

(b) The salary adjustment of an employee will be based upon the procedure applicable to the category of demotion or reduction involved.

1. If it is a disciplinary or deficiency demotion based upon unsatisfactory job performance or other deficiencies for which the employee is responsible, the salary of the employee shall be reduced by one increment and adjusted to the same or next lower rate of the range of the title to which the employee is being reappointed. No change shall be made in the employee's anniversary date.

2. If it is a demotion for reasons other than those noted in (b)1 above, the salary of

eff: 4-5-82

New Jersey Administrative Code

4:2-7.6

the employee shall be reduced by one increment and adjusted to the same or next higher rate of the range to which the employee is reappointed. No change shall be made in the employee's anniversary date. Voluntary demotions so acknowledged in writing by the employee on the CS-21 form, shall be processed under this procedure.

3. If the employee is being demoted to the level of his/her immediately preceding title or lower, and it can be established by the reconstruction of the employee's employment record that when the employee was promoted or appointed to the higher title s/he received the equivalent of two or more promotional increments of the lower range when going from the lower to the higher title, the salary for demotion shall first be reduced by the amount s/he received before slotting into the appropriate step of the lower salary range. This shall not apply in layoff situations.

4. The rule in (b)3 above, shall apply only in cases where the employee is being returned to the same level from which s/he was promoted or advanced. In cases where the employee is being demoted to a different level than that previously held, reconstruction shall be used. Reconstruction shall be treated as if the employee were promoted to the intermediate title at the time of original promotion.

Example:	<u>Range</u>	<u>Salary</u>	<u>AD</u>
Senior Clerk Stenographer Promoted to Prinicipal Clerk	A09	\$9985.25	20/81

eff: 4-5-82

New Jersey Administrative Code

4:2-7.6

Stenographer 6/27/81 (pay period 15)	R13	11556.35	15/82
Demoted to Principal Clerk 6/26/82			

Reconstruction would be:

Senior Clerk Stenographer	A09	\$9985.25	20/81
Promoted to Principal Clerk 6/27/81	R11	10483.98	20/81
Increment 20/81		11007.22	20/82

(c) Limitations:

1. This method shall be used only when:

i. The employee has served more than one year in the higher title, and

ii. The employee has previously held the lower title, or

iii. The lower title is a lower title in the same occupation series, or

iv. The service in the higher title would be considered to have provided the employee with meaningful and significant experience and training for satisfactory service in the lower title, and this is explained and certified to by the appointing authority on the CS-21 form.

2. This method shall not be used to gain a salary advantage for the employee.

eff: 4-5-82



New Jersey Administrative Code

4:2-7.6

3. No employee who takes a voluntary demotion shall receive an increase in salary rate.

4. No employee shall receive a lesser salary than s/he would have received had s/he not been promoted.

(d) In all other situations of demotion or appointment to a title with a lower evaluation, the employee's salary in his/her lower title shall be arrived at by reconstructing the employee's salary based on service s/he would have had had s/he been appointed to or stayed in the lower title or had been serving in the lower title on the date s/he was appointed to the higher title.

(e) For all no fault demotions except voluntary demotions, the employee must be given a 45 day notice of the demotion by the appointing authority.

4:2-7.7 Policy for determining salary and anniversary date of an employee affected by reassignment of an individual title to a new salary range as a result of reevaluation

(a) This section will deal with the method of adjusting the salary of employees when the title in which they are employed is reassigned to a higher or lower salary range which is not a result of or affected by a change in work hours.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.7

(b) For upward range revisions:

1. When a title is reassigned to a higher salary range, the employee shall receive a salary adjustment that provides a pay increase of at least one increment of the present range plus the amount (if necessary) to adjust his/her salary to the next higher step of the new range (equalization).

Example:

An employee in step 4 of Range A09 (\$9509.70-12,838.55) receives an upward range reassignment to Range A12 (\$11,007.22-14,851.13).

Step 4 Range A09 = \$10,936.35  
Add Increment of Range A09 = \$11,411.90  
Equalization Range A12 = Step 2 \$11,556.34  
Anniversary date remains the same

i. When the total pay adjustment is less than two increments of the range from which the title is advanced, an employee shall retain his anniversary date.

ii. When the total amount of pay adjustment is equal to or greater than two increments of the range from which a title is advanced, an employee shall be assigned a new anniversary date on the basis of the effective date of the salary increase.

2. When an employee at the maximum has been at the maximum for at least one year s/he

eff: 4-5-82

New Jersey Administrative Code

4:2-7.7

shall receive, if otherwise eligible, a performance increment in addition to the increment due him/her by reason of range revision, providing s/he is not already at the maximum of the new range. The anniversary date shall be determined by the effective date of the salary adjustment.

Example:

An employee at the maximum of Range A09 (\$9509.70-12,838.55) for two years receives an upward range reassignment to Range A12 (\$11,007.22-14,851.13).

Maximum Range A09 = \$12,838.55 Add Increment of Range A09 = \$13,314.10 Equalization into Range A12 = Step 6 \$13,752.87 Performance Increment = Step 7 \$14,307.00 New Anniversary Date based on effective date of Salary Adjustment

3. An employee who has been at the maximum for less than one year before the range revision shall retain his/her anniversary date and receive, if otherwise eligible, a performance increment on his anniversary date, providing s/he is not already at the maximum of the new range.

(c) For downward range revisions:

1. The effective date of a downward range reassignment shall be the beginning of the payroll period that is at least 60 days after the date of the Civil Service Commission meeting at which the action was taken.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.7

2. All employees affected by the downward range reassignment shall receive notice of the reduction in range 45 days prior to the effective date.

3. When a title is reassigned to a lower salary range the employee shall remain at his/her current salary rate, without change in anniversary date, until future within grade adjustments, upward range revisions, or other adjustments arising out of salary programs, will entitle him/her to a rate of pay that is equivalent to his/her current rate of pay, or the next higher rate of pay within the lower salary range.

4. The part of his/her retained current salary that is above the nearest lower step in the lower range will be carried as extra salary until slotting into range at a step is possible. Retained rates that are above the maximum of the lower salary range will be considered as "Red Circled Rates."

Example:

An employee in step 4 of Range A12 (\$11,007.22-14,851.13) AD 8/82 receives a downward range revision to Range A11 (\$10,483.98-14,146.66) effective February 6, 1982.

Step 4 Range A12 = \$12,654.61 February 6, 1982, salary remains at \$12,654.61 between steps 5 and 6 of Range A11

eff: 4-5-82

New Jersey Administrative Code

4:2-7.7

March 20, 1982 (the beginning of pay-period 8/82) adjusts to sixth step \$13,100.18 AD 8/83

(d) This policy will have general application for salary adjustments as a result of reassignment of an individual title to a new salary range and shall not be used as a method to achieve salary increases. This section is superseded by specific situations or programs which come under the Joint Regulations of the President of the Civil Service Commission, the State Treasurer, and the Director of the Division of Budget and Accounting in the Department of the Treasury.

4:2-7.8 Pay adjustment for lateral title change

(a) This section will deal with the procedure to be followed when a lateral reclassification or lateral change in title occurs when different work weeks are involved.

(b) Application

1. When an employee changes titles having different work weeks and different salary ranges, where both class titles have job evaluations that are within the range of evaluation points that convert to the same salary range before adjustment for work week, such change shall constitute a lateral change in title. An employee affected by such lateral title change shall not be considered to have been promoted or demoted, any salary differentials notwithstanding.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.8

2. Employees effecting such changes in title shall have their rates of pay adjusted to the same step in the salary range of the new title as that step at which they were in the range of the former title. The anniversary date shall not be changed.

4:2-7.9 Determination of salary and anniversary dates of employees moving from 10 month to 12 month positions and from 12 month to 10 month positions

(a) This section deals with the determination of the type action and the appropriate salary adjustment for employees who move from a 10 month to a 12 month classification or vice versa.

(b) Application

1. When an employee moves from a 10 month position to a 12 month position (same or different title with the same hour week; see (b)1.i. below), or vice versa, the procedure for pay adjustment shall be based on the policy that all titles are evaluated on the basis of 12 months and that 10 month class titles are three ranges lower than the evaluated titles.

i. If the two positions have different hour weeks the hour week of the employee's current position shall first be equalized to that of the position to which the employee will be appointed as stipulated in N.J.A.C. 4:2-7.1 prior to the adherence to the following procedures.

eff: 4-5-82

New Jersey Administrative Code

4:2-7.9

2. When an employee moves from a 10 month position to a 12 month position the following policy shall determine what procedure shall be used in making a pay adjustment:

i. When the 12 month position is compensated three ranges higher than the 10 month position, lateral transfer procedures shall be used.

ii. When the 12 month position is compensated more than three ranges above the 10 month position, promotion procedures shall be used.

iii. When the 12 month position is compensated less than three ranges above the 10 month position, appropriate demotion procedures shall be used.

3. When an employee moves from a 12 month position to a 10 month position the following policy shall determine what procedure shall be used in making a pay adjustment:

i. When the 10 month position is compensated three ranges lower than the 12 month position, lateral transfer procedures shall be used.

ii. When the 10 month position is compensated more than three ranges below the 12 month position, appropriate demotion procedures shall be used.

eff: 4-5-82



New Jersey Administrative Code

4:2-7.9

iii. When the 10 month position is compensated less than three ranges below the 12 month position, promotion procedures shall be used.

4. Anniversary dates (AD)

i. Changes in anniversary dates for movement from 10 to 12 month positions or vice versa to adjust for work year shall be:

(1) From 10 to 12 month positions: No change

(2) From 12 to 10 month positions: The anniversary date shall not be changed unless that date falls within the two month period when the employee is not scheduled to work. In that case, the anniversary date shall be advanced to the pay period in which the employee resumes work.

Example:

A 12 month employee has an anniversary date of pay period 17 which begins on July 24, 1982. The position is converted to a 10 month position effective July 1, 1982. The employee resumes work on September 1, which falls in pay period 19. The new anniversary date is pay period 19.

eff: 4-5-82

**Repeals - Subparts/Rules**

<b><u>Subpart #</u></b>	<b><u>New Rule #</u></b>
8-11.101 (State)	4:2-8.10
8-11.101 (Local)	4:3-8.9
	effective: 1/4/82
8-14.101 (Local)	4:3-8.12
	effective: 1/4/82
20-1.102 (State)	4:2-20.2
	effective 12/21/81

**4:1-1.10 Petition for promulgating,  
amending or repealing rules and regulations**

(a) Any interested person may petition the Civil Service Commission to promulgate, amend or repeal a rule or regulation. Such petition must state clearly and concisely:

1. The substance or nature of the rule request;
2. The petitioner's interest in the request;
3. The petitioner's reasons for the request; and
4. References to the Commission's authority to take the requested action.

(b) The proposed rule, amendment or repeal must conform to all the requirements of the Administrative Procedure Act. For example, the copy must be type written in a style conforming with the Administrative Code editorial specifications including identification of the appropriate rule number, section heading and subsection. The Director, Division of Administrative Practices and Labor Relations, may refuse to accept any petition or rule which does not substantially comply with procedural and editorial requirements.

(c) A petition for a new rule must be designated as such, explain the reason or need for the new rule and indicate in what subchapter it properly belongs.

(d) A petition for an amended rule must include the full existing text of the rule. Material to be deleted should be bracketed and material to be added should be underlined.

(e) A petition for repealing a rule must indicate the reason why the rule is no longer useful or needed.

eff. 11/2/81

(f) The petition and a copy of the proposed rule or amendment or repeal should be submitted to the Director, Division of Administrative Practices and Labor Relations, who shall:

1. File a notice of the petition with the Office of Administrative Law stating the name of the petitioner, the nature of the request and the problem or purpose which is the subject of the request;

2. Send notice of the petition to the President of the Civil Service Commission who, within 30 days, shall either deny the petition stating the reasons for the denial or approve the petition for processing through the established rule-making procedures of the Department of Civil Service;

3. File notice of the action taken on the petition with the Office of Administrative Law.

eff. 11/2/81

The Civil Service Commission has adopted the following definitions to be added to N. J. A. C. 4:1-2.1, Definitions. The rule is not typed in its entirety due to its length.

#### 4:1-2.1 Words and Phrases Defined

"Employee Advisory Service" means a unit of State government employing trained counselors to arrange for the referral of State employees (or members of their households) for counseling or other professional services if the employees' job performances are less than satisfactory because of personal or job related problems.

eff: 7/9/81

"Immediate family" means father, mother, mother-in-law, father-in-law, grandmother, grandfather, grandchild, spouse, child, foster child, sister or brother of the employee. It shall also include relatives of the employee residing in the employee's household.

eff: 2/1/80

**4:1-8.6 Qualifications for promotional examinations**

(a) In order to qualify for promotional examination an applicant:

1. Must meet all the qualifications of section 8 of this subchapter;

2. Must be a permanent employee in a class to which the examination is open by the announced closing date for filing applications and unless otherwise provided by regulation shall have been employed after regular appointment in such lower class for at least one year immediately preceding the announced closing date. In cases where the employee is on leave without pay (other than military leave), the one year of continuous employment must have been completed prior to the entry on such leave;

3. Must be in active employment in a class as approved by the chief examiner and secretary on the announced closing date for filing applications, and remain until the employment list is issued, except that absence from such active employment shall not disqualify an applicant otherwise qualified who:

i. Is on approved leave with pay or an approved leave for personal illness, including maternity, without pay;

ii. Is on military leave;

iii. Is on a temporary assignment or temporary transfer within the same or to a different organization unit as the case may be;

iv. Is on educational leave;

v. Is assigned or detailed to another governmental unit pursuant to any Federal or State employee interchange act;

eff: 5/7/81

#### 4:1-8.8A Residence Standards

(a) "Residence" means legal residence or, more accurately, domicile. When an applicant, eligible, or employee inhabits more than one location, residence shall mean the place or abode where s/he intends to remain and to which, if absent, s/he intends to return.

(b) The following general standards will be used in determining the acceptable residence:

1. Whether the locations in question are owned or rented;
2. Whether, if owned, the value of the claimed residence exceeds that of other locations;
3. Whether time actually spent in the claimed residence exceeds that of other locations;
4. Whether the degree of kinship among those persons living in the claimed residence is closer than those with whom the applicant, eligible, or employee lives elsewhere. If an applicant claims a parent's residence because of separation from his/her spouse, a court order of separation may be requested;
5. Whether return after repeated absences, considered with all other factors, indicates that the claimed residence is a principal residence;
6. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the applicant,

eff: 1/4/82



eligible, or employee would be likely to remain in the claimed residence;

7. Whether the residence recorded on a driver's license, motor vehicle registration, or voter registration card is the same as the claimed legal residence; a post office box number in lieu of street address is not acceptable;

8. Whether the school district attended by child(ren) living with applicant, eligible, or employee is the same as the claimed residence.

(c) All applicants, except those for police and firefighter positions, must meet the residence requirements by the closing date for filing applications and maintain the required residence up to and including the date of appointment. The Department of Civil Service will enforce residence requirements up to and including the date of appointment. It is the responsibility of the appointing authority to enforce residence requirements after appointment.

(d) Police officers and firefighters must satisfy residence requirements by the closing date for filing applications.

(e) In State service, all appeals from an adverse determination based on failure to meet residence requirements shall be submitted to the Department of Civil Service, Division of Examinations.

(f) In local service, appeals from an adverse determination based on rejection from an examination for failure to meet the residence requirements shall be appealed to the Department of

eff: 1/4/82

Civil Service, Division of Examinations. Appeals from adverse determinations based on an eligible being rejected from certification or appointment because of failure to meet the residence requirements shall be submitted to the Department of Civil Service, Division of Local Government Services.

eff: 1/4/82

**4:1-8.11 Time and place of examinations**

(a) An examination may be held in one or more sessions and at one or more places and applicants shall be notified of the time and place at which they shall be required to appear for such examination.

(b) Officials having control of the buildings of any jurisdiction operating under Civil Service shall furnish convenient offices and rooms for examination purposes upon requisition by the Commission.

(c) The administration of all or any part of an examination may be postponed or cancelled at any time for sufficient reason. Notice of such postponement or cancellation shall be provided in an appropriate manner.

(d) Candidates shall appear at the designated time and shall not be admitted after such time except in accordance with these rules.

(e) Candidates for written examinations and examinations containing a written and performance part arriving not more than thirty (30) minutes late at the examination center test room shall be admitted to the examination. Candidates arriving more than thirty (30) minutes after their designated time shall not be admitted to the examination.

(f) If candidates are notified that a "timed test" is to be held, they shall not be admitted if they are more than five (5) minutes late at the examination center test room. Examples of timed tests are typing, stenography and transcribing examinations.

eff: 1/4/82

(g) Candidates for oral and performance examinations shall be admitted provided that the last scheduled candidate has not started the examination. Candidates shall not be admitted if the last scheduled candidate has started the examination and thirty (30) minutes have elapsed since the late arrival's scheduled time. The last scheduled candidate shall be admitted up to but not more than thirty (30) minutes late.

(h) Late arriving candidates will receive total allotted time to complete an examination.

eff: 1/4/82

**4:1-8.22 Reasonable accommodation in testing  
handicapped applicants**

(a) The Chief Examiner and Secretary shall make reasonable accommodation for administering examinations to otherwise qualified handicapped applicants.

(b) Such applicants must submit a request for accommodation along with the examination application. It must specify the nature of the handicap and the accommodation desired.

(c) The decision of the Chief Examiner and Secretary on whether or not accommodation can be made shall be final. (See also N.J.A.C. 4:1-8.23 waiver of examination)

**4:1-8.23 Waiver of examination for permanently  
handicapped individuals**

(a) The President of the Civil Service Commission may waive an examination for otherwise qualified permanently handicapped examination applicants who cannot be accommodated pursuant to N.J.A.C. 4:1-8.22 and for otherwise qualified provisional employees where reasonable accommodation in testing cannot be made.

(b) Examination applicants may submit a request for waiver of an examination to the Director, Division of Administrative Practice and Labor Relations, after the Chief Examiner and Secretary has determined that reasonable accommodation cannot be made. The request must be submitted within 20 days of receipt of the Chief Examiner and Secretary's decision and include the following:

eff: 12/16/81

1. The title and symbol number of the examination for which the waiver is requested;

2. A statement from the appointing authority that the applicant can satisfactorily perform the duties of that title under actual conditions of service;

3. A doctor's statement with supporting medical documentation and related information describing the specific permanent handicap and how this is related to taking the examination;

4. A statement by the applicant that s/he agrees to undergo such additional physical or psychological examination as may be required by the President of the Civil Service Commission.

(c) Provisional employees may submit a request for waiver of examination to the Director, Division of Administrative Practices and Labor Relations, if an examination has not been announced and there is no eligible list. The request must include the following information:

1. The employee's provisional title;

2. A statement from the employee's appointing authority that s/he can satisfactorily perform the duties of his or her provisional title under actual conditions of service;

3. A doctor's statement with supporting medical documentation and related information describing the specific permanent handicap and how this is related to taking the examination;

eff: 12/16/81

4. A statement by the employee that s/he agrees to undergo such additional physical or psychological examination as may be required by the President of the Civil Service Commission.

(d) The Director, Division of Administrative Practices and Labor Relations, shall refer provisional employees' requests for waiver of examination to the Chief Examiner and Secretary who shall review such requests and determine whether or not an accommodation can be made in administering an examination. The Chief Examiner and Secretary's decision regarding accommodation shall be final. If accommodation can be made, the provisional employee must file an application when the examination is announced and shall be accommodated when the examination is held. If accommodation cannot be made, the request for waiver of examination will be submitted to the President of the Civil Service Commission.

(e) The President shall determine whether or not the examination shall be waived. If an examination is waived, the President shall determine whether the applicant shall be immediately employed with permanent status subject to successful completion of the working test period or shall be placed on an eligible list and the manner of such placement. Determinations by the President shall be final.

eff: 12/16/81

#### **4:1-9.1 Review of Scoring Key**

(a) For a period of at least seven calendar days after a written test has been held, and in accordance with regulations approved by the Commission, the Chief Examiner and Secretary shall permit applicants to review a key copy and submit objections with respect to a scoring key for written tests constituting all or part of an examination and consisting entirely of short-answer type questions (that is multiple choice, or other questions which are scored only as wholly right or wholly wrong), for the purpose of arriving at the official scoring key which shall be used in rating the test papers of all applicants.

(b) During review of the scoring key, applicants shall not be permitted to see their own test papers or to copy any of the test questions or answers, but shall be permitted to make such notes as the Chief Examiner and Secretary determines may be necessary to file a protest.

**Effective 5/30/80**



#### **4:1-9.5 Credits for Seniority and Record of Service**

Promotion examinations may include an evaluation of records of seniority and performance rating, based on the records of the applicant's employment as of the last day for filing applications for the examination, and or the basis of scales approved by the Chief Examiner and Secretary.

If the Supervisor, who completes an Employee Performance Evaluation Improvement System rating for a subordinate, competes in the same promotional examination as the subordinate, such ratings shall not be considered in the computation of the final scores of any of the candidates competing in the examination.

Eff. 2/9/80

**FORMALLY ADOPTED BY CSC - MTG. of 9/9/80**

**4:1-11.7 Limited Revival of Expired Employment Lists**

(a) The institution of an appeal to the Commission or a court action concerning the legality or status of an employment list shall not stop the running of time on such list and it shall expire, in the ordinary course, at the end of the period for which it was promulgated; provided, however, an employment list, in litigation or before the Commission, which expires while the appeal is pending shall be revived by the Chief Examiner and Secretary upon the subsequent entry of judgment favorable to a claimant in the court action, or favorable action by the Commission. Such revival shall be limited to the purpose of permitting execution of the judgment of the court or order of the Commission.

(b) The Commission may also revive an employment list beyond its expiration date:

- (1) if there has occurred bona fide error which has unjustly denied any eligible of certification or appointment;
- (2) to reappoint persons who have been laid off during their working test period in those cases where:
  - i. the eligible list has expired and
  - ii. revival and reappointment are in the best interests of the service, as determined by a review of the time served in the working test period, the time elapsed since the layoff, hiring needs of the jurisdiction, availability of appropriate lists, and other relevant factors.

4:1-12.15

**CIVIL SERVICE RULES**

**4:1-12.15 Appointment of eligible certified**

(a) The appointing authority, after receipt of a certification from the lists of eligibles in the order of priority as established in section 3 of this subchapter, shall, as the case may be:

1. Appoint the eligible whose name has been certified from the special reemployment list;

2. Appoint the eligible whose name has been certified from the regular reemployment list;

3. Appoint one of the three eligibles from the employment list, provided that:

i. From an open competitive list, disabled veterans and veterans are appointed in that order;

ii. From promotional lists, when the eligible [person] first in the certification is a veteran, a non-veteran may not be appointed.

(b) In local government services, the appointing authority shall record the disposition of the certification and forward the record of the disposition to the Department of Civil Service within 15 days of receipt of the certification. When the appointing authority is a board or commission, it shall forward the record of disposition to the Department of Civil Service at the meeting following receipt of certification.

(c) In State service, the appointing authority shall record the disposition of the certification and forward the record of the disposition to the Department of Civil Service within 15 days of receipt of the certification.

eff: 5/7/81

(d) If the certification will result in the displacement of a provisional employee who holds permanent status in a lower title and it is necessary to institute layoff procedures, the Chief Examiner and Secretary, upon written request from the appointing authority, may extend the time period for disposing of the certification for an additional 45 days.

(e) The appointing authority shall notify all interested eligibles in writing regarding the results of the certification. Such notice advising eligibles of the results of a promotional certification shall include a comprehensive statement of reasons for nonselection of the interested eligible.

eff: 5/7/61

**4:1-5.17 Awarding back pay**

(a) The Civil Service Commission may consider back pay awards for persons who have been improperly suspended, removed, laid off, demoted or fined and are restored to employment by order of the Commission.

(b) Unless otherwise ordered, an award of back pay 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) An award of back pay shall include but not be limited to unpaid salary, including salary and cost of living increments, that the employee would have received if not disciplined.

(d) The award of back pay may be reduced by the amount of taxes, social security payments, dues, pension payments, and any other sums normally withheld by the appointing authority.

(e) 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.

1. If an employee held two jobs at the time of the disciplinary action, the back pay award shall be reduced only by the increase in income resulting from the additional amount of work time available to him/her as a result of the disciplinary action.

2. Compensation that must be repaid shall not be considered when calculating back pay.

eff: 2-16-82

(f) An award of back pay shall not include overtime pay, interest, overlap shift time, vacation time, holiday time, administrative leave or any other leave dependent upon service in employment.

(g) Back pay awards shall, if possible, be settled between the parties. If agreement cannot be reached, either party may request that the Civil Service Commission determine the amount of the award. Such request shall be in writing and include the following:

1. The appointing authority shall submit the salary the employee was earning at the time of the disciplinary action plus across the board adjustments and increments that the employee would have received during the time of the disciplinary action.

2. The employee shall submit an affidavit delineating all income received during the separation except as excluded in (e)2 above.

eff. 2-16-82

**4:1-16.7 Suspension, fine and demotion for disciplinary purposes**

(a) An appointing authority may suspend without pay or with reduced pay, fine or demote an employee due to inefficiency, incompetency, misconduct, negligence, insubordination or for other sufficient cause; however:

1. An employee who shall be suspended, fined or demoted more than five days at one time shall be served with written charges and have the right to appeal to the Civil Service Commission;

2. An employee who shall be suspended, fined or demoted more than three times in any one year (one year being from the date of the first suspension, fine or demotion to one year therefrom) or for a period of more than fifteen days in the aggregate in any one year shall be served with written charges and have the right to appeal the latest disciplinary action to the Civil Service Commission.

3. The Commission shall have the power to revoke or modify that action of the appointing authority, except that removal from service shall not be substituted for a lesser penalty;

4. The appointing authority shall notify the employee and the Department of Civil Service of the reasons for the suspension, fine or demotion regardless of the extent or duration of the disciplinary action;

5. No suspension shall exceed six months.

(b) In State service any disciplinary suspension, fine, or demotion of less severity than those from which appeal may be made to the Commission may be the subject of a grievance within the departmental grievance procedures as provided in accordance with N.J.A.C. 4:1-23.

eff. 5/7/81

**4:1-17.9 Disability leave: sick leave injury**

(a) In State service, any employee who is disabled through injury or illness as a result of or arising from his/her respective employment may, on the recommendation of the appointing authority and approval by the Civil Service Department, be granted a leave of absence with pay. Any amount of salary or wages paid or payable to an employee for disability leave shall be reduced by the amount of worker's compensation awarded under the New Jersey Worker's Compensation Act for temporary disability:

1. Such leave shall not be granted beyond one year from the date of injury or illness;

2. The appointing authority shall furnish the Department of Civil Service with such medical or other proof relating to the injury or illness and the continued disability of the employee.

3. Such leave shall be with full pay where the employee has demonstrated that s/he is unable to perform his/her job. Where the employee is able to return to work in a part-time capacity, the employee shall be compensated for the hours actually worked, and shall receive sick leave injury benefits for the time absent from work as a result of the disability.

4. In order to arrive at a determination of whether sick leave injury benefits should be recommended, the appointing authority may require that the employee be examined by a physician designated by the appointing authority to determine the nature, cause and extent of the injury. The costs of such examination shall be paid by the appointing authority.

5. In recommending sick leave injury benefits, the appointing authority shall be governed by standards adopted by the Civil Service Commission.



#### 4:1-20.2 Evaluation

(a) Evaluation shall be made at least once each year for all employees who have worked at least three months during a rating period.

(b) Each employee shall be notified of his or her performance evaluation and shall have the opportunity to review such evaluation with the supervisor who made the evaluation. Subsequent reviews for a reconsideration of an employee's evaluation may be had as established by appointing authorities in local governments.

(c) Appeals on adverse (that is less than satisfactory) performance evaluations shall be resolved within a State agency through its grievance procedure. An employee must make his appeal within ten (10) working days of notification of the less than satisfactory rating. If the rating is a primary or contributing factor in future adverse action (that is demotion, separation, and so forth), the employee retains all rights to a formal hearing, as provided in N.J.A.C. 4:1-5.1 et seq..

(d) All less than satisfactory performance evaluations of State employees shall be referred to the Employee Advisory Service.

eff: 7/9/81

**(b) In State Service:**

- 1. An employee may appeal to the Civil Service Commission within 20 days of denial by the appointing authority of sick leave injury benefits. The Commission shall then determine whether the sick leave injury claim was properly denied.**
- 2. Either the employee or the appointing authority may appeal to the Civil Service Commission within 20 days of denial of sick leave injury benefits by the Department of Civil Service. The Commission shall then determine whether the sick leave injury claim was properly denied.**
- 3. In cases where an employee appeals the denial of sick leave injury, the burden shall be on the employee to demonstrate, by a preponderance of the evidence, entitlement to disability leave.**

**(c) In local government service, disability leave shall be provided in accordance with N. J. S. A. 11:24A-4.**

**(d) This rule shall expire five years following the date of its adoption.**

**Effective 5/27/80**

#### 4:1-20.3 Use of performance evaluations

(a) In State service, performance evaluations shall be used in determining eligibility for salary increases and decreases, demotions, transfers and removals and, if less than satisfactory, as a factor in layoffs.

1. The granting and verification of salary increments under the Employee Performance Evaluation and Improvement System (EPEIS) shall follow the procedures below.

i. Supervisors of employees in the classified service are to submit the appropriate form certifying that the employee is or is not entitled to an increment to their personnel offices within two weeks after the end of the employee's evaluation period.

ii. Supervisors of employees in the unclassified service are to submit the appropriate form certifying that the employee is or is not entitled to an increment to their personnel offices at least 45 days prior to the employee's anniversary date.

iii. Within two weeks of receipt of the above forms, the personnel office shall forward the forms to the employee's department files where they will be kept as a part of the employee's permanent record.

iv. The personnel office shall submit two copies of the performance summary, as described in vi. below, within 30 calendar days after the end of each evaluation period to the:

eff: 12/21/81

Department of Civil Service  
Division of Classification  
and Compensation  
Administrative Records Unit  
CN 313  
Trenton, New Jersey 08625

v. The Division of Classification and Compensation will forward one copy of the performance summary to the Department of Civil Service, Division of Personnel Services and Employee Development.

vi. The performance summary shall include payroll numbers, names and social security numbers for:

(1) All employees in the classified service who have been rated less than satisfactory and who will therefore be denied salary increments;

(2) All employees in the unclassified service for whom the appointing authority does not want to grant salary increments;

(3) All employees who have received outstanding ratings;

(4) All employees for whom the forms specified in (a)1 and ii above were not completed.

vii. The Director, Division of Personnel Services and Employee Development, shall review the performance summary and, if there are deficiencies, recommend any necessary corrective measures to the Chief Examiner and Secretary to assure compliance with this section.

eff: 12/21/81

(b) Performance evaluations shall be used as a factor in promotions as long as the supervisor, who completes a performance evaluation for a subordinate, does not compete in the same promotional examination as the subordinate.

eff: 12/21/81

**4:1-20.4 Inspection of evaluations**

An employee shall be given the opportunity to inspect the record which show his or her performance evaluation and the performance ratings of other employees in the same class in the same organization unit.

**eff: 12/7/81**

#### 4:1-20.8 Employee Advisory Service

(a) The Civil Service Commission shall establish rules and regulations for the referral of State employees for counseling or other professional services if the employee's job performance is less than satisfactory because of personal or job related problems.

1. All employees may use the services of the Employee Advisory Service.

2. All information concerning the self-referred employee shall be kept confidential unless released by the employee.

3. All information designated confidential concerning the employer-referred employee shall be kept confidential unless released by the employee.

eff: 7/9/81

## APPENDIX II

JOINT REGULATIONS (July 12, 1973)  
OF THE PRESIDENT OF THE CIVIL  
SERVICE COMMISSION, THE STATE  
TREASURER, AND THE DIRECTOR OF THE  
DIVISION OF BUDGET AND ACCOUNTING  
IN THE DEPARTMENT OF THE TREASURY  
CONCERNING THE ADMINISTRATION OF  
PAYMENTS TO STATE EMPLOYEES FOR  
UNUSED SICK LEAVE.

May 19, 1980

At the meeting of April 6, 1976, under authority of Chapter 130, P.L. 1973, Supplements No. 1 through No. 5 of the Joint Regulations for the administration of payments to non-classified employees for unused sick leave were rescinded and the following Appendix to Joint Regulations was approved pursuant to N.J.S.A. 11:14-9 et seq. effective January 1, 1976. This rescission does not affect the applicability of the Committee's prior approval of Rutgers University procedures. In addition to the Joint Regulations and Appendix I of the Joint Regulations issued July 12, 1973, the following supplement will govern eligibility for lump sum sick leave compensation for earned and unused sick leave for State classified and non-classified employees.

1. Faculty members of the State Colleges, Rutgers University, the New Jersey Institute of Technology, and the College of Medicine and Dentistry of New Jersey are not eligible for sick leave reimbursement upon retirement since they are not granted leave in a manner similar to employees in the classified service. Faculty members who have served in an administrative capacity may be eligible for sick leave reimbursement based on the time served in said administrative capacity. Such employees, deemed eligible, shall be entitled to payment based on sick leave earned while serving in an administrative title and the salary attendant thereto.



II. All ten-month teachers in State service will be eligible for sick leave reimbursement upon retirement if a reduction factor is applied or has been applied to the amount of accrued sick leave for which payment is requested. This reduction factor shall equal the number of sick days earned by these employees in excess of the amount of sick leave that would have been earned had the time been pro-rated on a ten-month basis.

III. State employees who retire as a result of an accidental or ordinary disability retirement, and who meet all other applicable regulations will be considered eligible for lump sum sick leave reimbursement upon retirement for unused sick leave. If such employees receive lump sum payment and subsequently reenter State employment, they will not be eligible to have their unused sick leave reinstated to their records. Employees reentering State service subsequent to an accidental or ordinary disability retirement will begin earning sick leave in a manner similar to a newly hired employee. Any employee who has or shall retire on age and service and who subsequently reenters State employment will be considered to have incurred a break in service.

vi. Is promoted to another class title in the same organization unit;

vii. Is on suspension;

viii. Is on leave without pay to fill elective office (for local government services only); or

ix. Is on leave to fill an unclassified position.

eff: 5/7/81

Repeals - Subparts/Rules

Subpart #

New Rule #

7-3.110

4:2-7.11

Eff: 2-16-82

#### 4:2-20.11 Employee advisory service

(a) This section describes the operation and regulations of the Employee Advisory Service established by the Department of Civil Service.

(b) The purpose of the Employee Advisory Service is to provide a means of assisting State employees who have demonstrated a capability for satisfactory work performance but have been performing less than satisfactorily or in such a manner as to cause concern because of personal or job related problems.

(c) Policy:

1. It is the policy of the State of New Jersey to assist employees in achieving and maintaining the highest level of job performance of which they are capable. The Employee Advisory Service arranges for the referral of employees, or members of an employee's household, for counseling or other professional services if

i. The employee's job performance is less than satisfactory; or

ii. The employee is experiencing personal problems which are manifested on the job; or

iii. A member or members of an employee's household has personal problems which adversely affect the employee's job performance.

2. All appointing authorities and employees are encouraged to utilize the Employee Advisory Service. Appointing authorities should refer employees to the Service when an employee's

eff: 1/4/82

job performance causes concern, rather than relying on a report of job performance. State employee associations and unions may refer employees to the Employee Advisory Service if the employee agrees to the referral.

(d) The Employee Advisory Service, a unit in the Bureau of Employee Services, Division of Personnel Services and Employee Development, Department of Civil Service, is composed of professional counselors who evaluate employees and refer them to community resources for medical, psychiatric or other professional assistance.

(e) Definitions:

1. "Active Client Status" means the status of an employee when s/he, or a member of his/her household, is currently being counseled or is scheduled to undergo counseling with the Employee Advisory Service or referral agency.

2. "Employee" means a State employee or a member of his/her household.

3. "Employer referrals" means employees referred to the Service by management because of less than satisfactory job performance or problems manifested on the job.

4. "Personnel officer" means any individual authorized to be responsible for agency personnel functions.

5. "Self-referrals" means employees who, on their own initiative, contact the Employee Advisory Service.

eff: 1/4/82

(f) Confidentiality:

1. Information concerning a self-referred employee, whether stated, written or known, in the Employee Advisory Service files, or referral files shall be confidential unless the employee authorizes release of such material.

2. All information, as in (f)1 above, concerning an employer-referred employee shall be confidential except the following information will be considered non-confidential and may be released to the employer:

i. Whether the individual has been accepted for a program;

ii. Whether the program is expected to be beneficial;

iii. Whether or not appointments were kept;

iv. The dates and times of future appointments with the Employee Advisory Service or community resource;

v. The amount of time needed to complete the program.

3. Release of confidential information:

i. To release confidential information, a release form must be signed by the client and his/her treatment agency or counselor.

ii. The client may state an expiration date on the release form after which confidentiality is restored.

eff: 1/4/82

iii. A client who signs a confidentiality release form is allowing full disclosure of information. There is no provision for partial disclosure.

(g) Procedure:

1. Referrals:

i. The employing agency is to refer an employee to the Employee Advisory Service for evaluation as soon as problems are manifested which may affect job performance.

ii. The names and titles of employees who have received job performance ratings of less than satisfactory will be referred to the Chief, Employee Services, Division of Personnel Services and Employee Development, Department of Civil Service.

iii. An employee whose job performance is cause for concern may be referred by the line supervisor to the personnel officer in his/her department and in turn to the Employee Advisory Service.

iv. If the Employee Advisory Service counselor determines that the client's situation is not within the scope of the Service, the counselor may refer the employee to the Chief, Employee Services, who will interview the client. The Chief, Employee Services, may contact the personnel officer in the client's department in an effort to work out a solution to the employee's problem.

v. When an employee who is referred to the Employee Advisory Service does not

eff: 1/4/82

accept the referral by the Employee Advisory Service to a community resource or when an employee who has been referred to the Employee Advisory Service does not keep referral appointments, the counselor will inform the referring department.

2. Employer-referred employees will be scheduled for appointments through the personnel officers of their departments. Should the Employee Advisory Service need to interview the supervisor concerning an employee's work performance, the personnel officer will arrange for the supervisor to report to the Service.

3. Employees who are referred by their personnel officer to the Employee Advisory Service will be excused from work assignments for up to two visits. Employees will be charged vacation, sick leave or administrative leave for subsequent visits. Arrangements beyond the two excused visits are to be worked out between the employee and management with or without participation by the Employee Advisory Service.

4. The Employee Advisory Service will maintain follow-up on all clients to determine their progress. If the employee does not follow the course of action recommended by the Employee Advisory Service, or no further follow-up services can be performed, the employee shall no longer remain in active client status. The appointing authority shall determine what course of action to take concerning said employee.

5. The employee must assume the financial responsibility for use of community referral agencies whose fees are not covered by the State.

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(h) Before seeking removal of an employee who is in active client status, the appointing authority shall consult with the Chief, Employee Services.

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#### 4:1-24.2 Pre-layoff actions

(a) The appointing authority should lessen the possibility of a layoff or demotion of permanent employees by taking the following preventive actions:

1. Initiate a temporary hiring and/or promotion freeze;
2. Separate temporary or provisional employees without permanent status;
3. Return provisional employees to their permanent titles;
4. Reassign employees within the department;
5. Assist potentially affected employees, based on seniority, in securing transfers to other departments.

(b) If all preventive measures have been considered and it is necessary to abolish positions filled by permanent classified employees, the permanent titles of the employees in positions earmarked for abolition must be identified.

(c) When the appointing authority decides to institute layoff actions, the following information concerning the impending layoff should be sent to the Department of Civil Service, Director, Division of Classification and Compensation (State) or to the Director of Local Government Services (local) 30 days before the 45-day layoff notices are issued to employees:

1. The reason for the layoff;
2. The projected effective date of layoff;

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3. Sample copies of the proposed general 45-day notice and the individual notice, including the projected date for issuance;
4. The department, names, current titles, status, and permanent titles of employees initially affected.

(d) The Division of Classification and Compensation or the Division of Local Government Services shall review the sample notices to ascertain whether they include the necessary information. If there are deficiencies in the notices, the appointing authority shall be advised of the necessary corrective measures.

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