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CIVIL SERVICE RULES

REVISED APRIL 15, 1971

UNOFFICIAL SUPPLEMENT

INCLUDING CHANGES AND CORRECTIONS THROUGH FEBRUARY 1, 1973

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EXPLANATION

This Supplement contains changes in the Civil Service Rules, Revised April 15, 1971 adopted by the New Jersey Civil Service Commission pursuant to the authority delegated in N.J.S.A. 11:5-1 and corrections of printing errors.

This unofficial Supplement printed for convenient reference contains changes and corrections which include:

4:1–1.3	4:1–8.14	4:1–13.1
4:1–2.1; "Veteran"	4:1–8.15	4:1–15.2
4:1–3.7	4:1–8.16	4:1–15.6
4:1–3.8	4:1–8.18	4:1–16.4
4:1–5.6	4:1–11.4	4:1–16.13
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4:1–8.10	4:1–12.15	4:1–23.4
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4:1–1.3 Amendments

The Commission may prescribe, amend or rescind any rule at any time after holding a public hearing thereon. Public notice of the place and time of said hearing shall be published by the Commission at least 5 business days prior to the date of said hearing.

4:1-2.1 Words and phrases defined

"Veteran" means a person who, before the announced closing date for filing applications for a test for a position in the competitive division or before appointment to a position in the noncompetitive or labor divisions, presents evidence that he was:

(a) A soldier, sailor, marine, airman, nurse or army field clerk who served in the active United States military or naval service and has been discharged or released therefrom under conditions other than dishonorable, in the several wars, uprisings, insurrections or expeditions enumerated in N.J.S.A. 11:27-1, including the most recent as follows:

1. The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

2. The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

3. World War I between April 6, 1917 and November 11, 1918;

4. World War II, after September 16, 1940 and ending September 2, 1945, conditioned as follows:

i. Such persons must have served at least 90 days of active service beginning on or before the terminal dates of World War II or the Korean Conflict respectively;

ii. Such minimum 90 day period shall not include any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which was a continuation of his civilian course, nor shall it include any time spent as a cadet or midshipman at one of the service academies;

iii. Any such person receiving a service incurred injury or disability shall be classed as a veteran whether or not he has completed the 90 day service.

5. Korean Conflict, after June 23, 1950 and ending July 27, 1953, conditioned as provided in paragraph 4 of this definition;

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6. Vietnam Conflict, at least 90 days active service commencing after December 31, 1960 and on or before the date of termination as proclaimed by the Governor and conditioned as follows:

i. Such minimum 90 day period shall not include any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which was a continuation of his civilian course, nor shall it include any time spent as a cadet or midshipman at one of the service academies;

ii. Any person receiving a service-incurred injury or disability shall be classed as a veteran whether or not he has completed the 90 days service, or

(b) An honorably discharged soldier, sailor, marine or nurse who served in any army or navy of the United Stated allies in World War I between July 14, 1914 and November 11, 1918, or World War II between September 1, 1939, and September 2, 1945, and who:

1. Was inducted into such military service through voluntary enlistment; and

2. Was a United States citizen at the time of enlistment; and

3. Did not, during or by reason of such service renounce or lose his United States citizenship.

Veteran shall also mean the widow of a veteran, as herein defined, until she remarries.

4:1–3.7 Powers and duties of the President

The President is by law the presiding officer of the Commission, and the principal executive and request officer of the Department and is authorized to:

(a) Perform, exercise and discharge all executive functions, powers and duties vested in the Commission;

(b) Exercise general supervision over all activities carried on under the Civil Service Law;

(c) Appoint all necessary personnel;

(d) Nominate for appointment by the Governor members of the New Jersey State Employees' Award Committee, supervise and direct the establishment and conduct of plans for award programs and render an annual report to the Governor;

(e) Approve all expenditures of appropriated funds;

(f) Have discretion to extend the probationary period in the State service for two months beyond the required four months;

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(g) Restore to an employment list the name of a person who is removed at the end of the probationary period but who may be suitable for employment in another organization unit;

(h) Approve renewal or extension of leave of absence without pay beyond 12 months in local government service;

(i) Approve, subject to specific statutory limitations, transfers of employees from the State service to a county service and from a county service to the State service;

(j) Prescribe the newspapers in which advertisement of the availability of the Civil Service Examination Bulletin shall be made and other public notices shall be published;

(k) Certify to county courts any disobedience to or neglect of a subpoena issued by the Commission;

(l) Approve the establishment of temporary positions in the State service and authorize appointments thereto;

(m) Prescribe forms and procedures required to implement the Civil Service Statute and regulations;

(n) Make an annual report to the Governor, which shall include the undertakings and accomplishments of the Department together with any suggestions and recommendations for the more effectual accomplishment of the purposes of the Civil Service Law.

4:1-3.8 Powers and duties of the Chief Examiner and Secretary

The Chief Examiner and Secretary, as required by law, shall act as secretary to the Commission, attend all regular and special meetings, record minutes of its official proceedings and other official acts, and certify to the same when required. In addition, and under the direction and supervision of the President, he shall:

(a) Be the administrative officer of the department and direct and supervise the work of all persons employed by the department, with authority to delegate his duties where necessary;

(b) Administer the work of the Commission and these rules, establishing such administrative regulations and controls as may be necessary;

(c) Make recommendations relative to matters of policy and for necessary amendments to these rules;

(d) Investigate from time to time, as directed, the effect of the administration of Title 11, Civil Service, and these rules and report his findings and recommendations to the President or Commission;

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(e) Prepare the Departmental budget and administer generally the expenditure of appropriated funds;

(f) Administer oaths and, through subpoenas issued by the Commission, compel the attendance of witnesses in this State and the production of books and papers pertinent to investigations, inquiries or hearings which he may be authorized to conduct;

(g) Investigate the need for existing positions and new positions which may be created in the State service and report the findings of such investigations together with pertinent recommendations, to the President;

(h) Classify positions on the basis of descriptions of the duties, responsibilities, levels of authority and job audits, prepare and recommend for Commission approval classification plans together with rules for their administration, administer classification plans, and maintain specifications for each class;

(i) For positions in the State classified service, make compensation studies and recommend for Commission approval schedules of compensation together with rules for their administration, which shall include methods of computing pay for part-time employees, regulating living and sustenance allowances, allowances of employees in attendance upon courts and administrative investigations, and for regulating extra compensation on special projects and, after approval, see that such schedules and rules are observed;

(j) Recommend for Commission approval and, after approval, administer regulations regarding annual sick and vacation leaves and in State service holidays, hours of work, attendance, and special leaves of absence with or without pay or with reduced pay;

(k) Maintain a roster of all persons employed in the classified service by the State and the respective local governments, showing for each person the date of appointment or employment, position title, rate of compensation, increases and decreases in pay, changes in title, transfers, promotions, demotions, leaves of absence, disciplinary actions, reinstatements, terminations and any other facts which he may consider desirable and pertinent;

(l) Maintain a roster of all positions in the State and the respective local government services allocated to the unclassified service together with the legal basis for such classification;

(m) Establish and administer procedures in order to:

1. Determine the examinations to be conducted, the subjects to be covered in each examination, the methods of testing and the relative weights and the minimum eligibility requirements of applicants;

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2. Prepare and issue or after approval cause to be prepared and issued Civil Service Examination Announcement Bulletins or other Civil Service examination announcements, including pertinent information and instructions for applicants, and receive and process applications;

3. Prepare the content or questions to be used in each examination, together with the standards or key answers;

4. Make arrangements for and supervise the conduct of examinations, appointing experts, special examiners and other persons as he may deem necessary;

5. Grade the examination papers or other test work of applicants and evaluate their qualifications;

6. Establish employment lists, regular reemployment lists and special reemployment lists and certify or after review and approval authorize certification to the appointing authority from such lists the names of persons eligible for employment, promotion or reemployment;

7. Pass upon and determine questions concerning the admission of applicants to examinations, the certification of names of eligible persons, and all other questions arising during the course of an examination;

(n) Devise, install and administer performance rating systems and training courses for State employees and review performance rating systems adopted by local governments;

(o) Review and require compliance with the law and these rules in all cases involving provisional and emergency appointments, transfers, layoffs, demotions, suspensions, removals, and retirements or other separations of employees from their employment;

(p) Establish, install and administer procedures for checking and certifying payrolls; and

(q) Make such reports as may be requested by the Commission or the President, and perform all other functions necessary for the proper implementation of the Civil Service Law and these rules, including such additional duties as may be assigned to him from time to time by the Commission or the President.

4:1-5.6 Execution of relief

(a) When the relief to be accorded to the petitioner does not require that a hearing be held, the Commission shall issue appropriate orders or directives to effectuate its determination and mail true copies thereof to the petitioner and other parties affected thereby.

(b) When the relief to be accorded to the petitioner provides that a hearing be held by the Commission, it shall:

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1. Determine whether the hearing is to be heard by the Commission as a body or by one or more members which it shall designate;

2. Determine whether the hearing is to be in the nature of a public hearing requiring the issuance of public notices or a private hearing which may be restricted or open to the public but requiring notices only to the petitioner and other affected parties;

3. Set the matter down for hearing.

(c) When the hearing is to be conducted by a hearing officer designated and appointed by the President of the Commission, it will adhere to the procedures outlined in Subchapter 5 (Hearings) of this Chapter, except that:

1. Copies of the report and recommendations of hearing officers must be prepared and submitted to the Commission in the written form described in Section 5.11 (Findings and decision) of this Chapter within 10 days of return of the transcript of the hearing.

2. Copies of the Hearing Officer's Report and Recommendations will be served promptly on all parties to the proceeding. Copies of any exceptions to the Hearing Officer's Report and Recommendations and any supporting briefs may be filed by any party with the Commission within ten (10) days after the service of the report and recommendations, provided, however that the President of the Commission may for good cause shown extend the time for filing such exceptions. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such services shall be furnished to the Commission.

3. Exceptions to a Hearing Officer's Report and Recommendations shall:

i. Cite the precise findings of fact, conclusion, or procedure to which exceptions are taken;

ii. Identify that part of the Hearing Officer's Report and Recommendations to which objection is made;

iii. Cite the precise portions of the transcript relied on and state the grounds for the exceptions.

4. Any exception to a finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded. Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions.

5. Cross-exceptions and supporting briefs may be filed within ten (10) days of the end of the period for filing exceptions, provided, however that the President of the Commission may for good cause shown extend

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this time limit. Copies of same shall be served simultaneously on all other parties, and a statement of such services, and copies of such briefs and cross-exceptions shall be furnished to the Commission.

6. Copies of the Hearing Officer's Report and Recommendations and any exceptions, answering briefs, or cross-exceptions received will be presented to the Commission.

7. The Commission, either as a body or by one or more members which it shall designate, after consideration of the Hearing Officer's Report and Recommendations and any briefs or exceptions, will amend, modify, reject or adopt the Hearing Officer's Report and Recommendations and issue the Commission's decision to all parties.

4:1-6.2 Administration of position classification plans

(a) The Chief Examiner and Secretary shall put into effect and administer position classification plans approved by the Commission and in this regard, shall:

1. Require the approved class titles be used in all official records and communications relating to personnel, including payrolls and budgets;

2. Classify new positions and reclassify existing positions to reflect current conditions as determined by job audit or job description;

3. Approve specifications for new classes and modifications of specifications for existing classes to insure their accuracy; and

4. Notify appointing authorities and other affected persons of changes in position classification plans and of official actions taken in such matters;

5. In State service make recommendations concerning:

i. The establishment, continuation or abolition of individual positions; and

ii. The establishment and allocation of new classes and the revision, abolition or reallocation of existing classes.

(b) Appointing authorities shall promptly notify the Chief Examiner and Secretary of new positions to be established, the authority for their establishment and of all organizational changes or changes in the duties and responsibilities of individual positions, and such additional information as may be required.

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4:1-6.3 Classification of positions

(a) Each position in the classified service shall be assigned to a class in the position classification on the basis of the character and level of difficulty of its assigned duties and responsibilities. Positions shall be assigned to the same class when their duties and responsibilities are sufficiently similar that:

1. The same descriptive title may be used to designate each position in the class;

2. The same qualifications may be required for employees;

3. Similar tests of merit and fitness may be used to select employees; and

4. The same schedule of compensation may be applied with equity.

(b) Should the employee or the appointing authority disagree with the classification of a position, an appeal may be made by either within 20 days of notification of the action to the Department of Civil Service. A final determination on the appeal shall be made by the Chief Examiner and Secretary unless he refers the matter to the Civil Service Commission as provided in Section 3.5(i) (Powers and duties of Commission) of this Chapter.

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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 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 by either within 20 days of notification of the action to the Department of Civil Service. A final determination on the appeal shall be made by the Chief Examiner and Secretary unless he refers the matter to the Civil Service Commission as provided in Section 3.5(i) (Powers and duties of Commission) of this Chapter.

4:1-7.3 Administration of compensation plan

(a) In the State service:

1. Employees shall begin at the minimum rate of the pay range assigned to their classification unless the competitive rate for hiring in that position or class has been determined by the Salary Adjustment Committee to be at a higher rate in the range. The Salary Adjustment Committee shall consist of the President of the Civil Service Commission, the State Treasurer, and the Director, Division of Budget and Accounting.

2. The Civil Service Commission shall establish regulations for normal increments. These shall be regular periodic increases within the salary range, subject to available appropriation based on a period of service and performance rating.

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3. Any employee who is in a class in which the range has been revised or who is transferred, demoted, downgraded or promoted or a former employee who is reemployed in a position may be paid at the rate provided by regulations established by the Civil Service Commission.

4. No employee shall be paid above the maximum of the range for his class, except under certain circumstances as designated by regulations issued from the Civil Service Commission or the Salary Adjustment Committee.

(b) In local service the administration of the compensation plan shall be in accordance with the provisions of that plan as established by the local jurisdiction.

The Department of Civil Service shall enforce the requirement of consistent and equitable administration of such compensation plans, and, except as qualified because of reclassification and approved by the Commission, no employee shall be paid below the minimum or above the maximum of the range for his class.

4:1–8.3 Notice of examinations

(a) Notice of open competitive examinations shall be given by:

1. Announcements displayed at the Offices of the Commission;

2. Announcement in the Civil Service Examination Announcement Bulletin or other civil service examination announcement at least two weeks before the closing date for filing applications;

3. Advertisement of the availability of the Civil Service Examination Announcement Bulletin prior to each publication date;

i. For positions in the State service, at least once in three daily newspapers of general circulation in the state;

ii. For positions in the local government services, at least once in the newspapers of general circulation throughout the State and any county, municipality, or school district as the Commission shall prescribe.

(b) Individual notices of each promotion examination and an application form shall be provided by the Department of Civil Service or through the appointing authority to each employee qualified for admission to such examination.

(c) Notices of examinations shall include:

1. The title of the class for which the examination is to be held;

2. The salary rate or range;

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3. A reference to duties and responsibilities;

4. Established minimum qualification requirements for admission of applicants;

5. The parts and respective examination weights;

6. Information concerning the filing of applications.

4:1-8.6 Qualifications for promotional examinations

In order to qualify for promotional examination an applicant:

(a) Must meet all the qualifications of Section 8.8 (Qualifications of applicants for open competitive examinations) of this Chapter except that the residency requirement shall not be applicable unless required by law;

(b) Must be a permanent employee in a class to which the examination is opened by the announced closing date for filing applications and unless otherwise provided by regulation shall have been employed continuously after regular appointment in such lower class for at least one year immediately preceding the announced closing date;

(c) 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:

1. Is on an approved leave with pay or on sick leave without pay;

2. Is on military leave;

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

4. Is on educational leave;

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

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

7. Is on suspension.

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4:1–8.10 Questions not to be asked

No question in any application for examination or in any examination shall be so framed as to elicit or attempt to elicit information concerning the political or religious opinions or affiliations, or the race, color or national origin, place of birth or ancestry of any applicant, competitor or eligible person. The age of the applicant may be asked only where it is required for the position by law and where it is lawfully an occupational requirement.

4:1-8.12 Time for filing applications

(a) The Chief Examiner and Secretary shall determine and include or cause to be determined and included in the public announcement of every examination a closing date for the filing of applications except in continuous recruitment. Applications not received within the prescribed time limit will not be accepted, except that applications sent by mail will be accepted if postmarked on the last day for filing and actually received before the examination is held.

(b) The period for filing applications may be extended or reopened by direction of the Chief Examiner and Secretary, provided that such action shall be properly advertised, or in the case of promotion examinations posted.

(c) The time of receipt shall be recorded on each application and this record shall be conclusive in any dispute concerning the time of filing.

4:1–8.14 Action against prospective employees

(a) The Chief Examiner and Secretary shall take the following actions for any cause listed in subsection (b) of this section or for any other good cause:

1. Reject the application of a person for admission to an examination;
2. Refuse to test an applicant;
3. Refuse to place the name of a person on the employment list;
4. Refuse to certify the name of an eligible person; or
5. Remove from the employment list the name of an eligible person.

(b) Any of the following shall constitute good cause for such action by the Chief Examiner and Secretary against any prospective employee who:

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1. Lacks the established qualification requirements for the position or employment for which he applies;

2. By law, is ineligible for appointment or employment in the position;

3. Is physically or mentally unfit to perform effectively the duties of the position;

4. Is addicted to the excessive use of drugs, narcotics or intoxicating beverages;

5. Has been convicted of any crime or other unlawful offense or has committed any act involving moral turpitude or infamous or disgraceful conduct;

6. Has been removed or has resigned not in good standing or has resigned in lieu of removal from the public service, or whose record of employment, public or private, has been unsatisfactory for any reason which casts substantial doubt upon the person's capacity to perform satisfactorily the duties of the position for which the application has been filed or the test held;

7. Has made a false statement of any material fact or attempted any deception or fraud in any civil service application, examination or in any information submitted to secure eligibility or appointment; or

8. Refuses to execute any oath prescribed by law.

(c) The Chief Examiner and Secretary may admit to an examination and subsequently, with the concurrence of the appointing authority, certify as eligible for employment any person who is ineligible under paragraphs 5, 6, and 7 of subsection (b) of this Section, but who has been rehabilitated to the extent that such employment would not be against the public interest. In accordance with N.J.S.A. 40A:14–9 and 40A:14–122, this exception shall not apply to police and fire positions, nor shall this exception extend to local government service situations when such exception is specifically precluded by law.

(d) No person suffering a physical defect due to injury incurred in the armed services shall be discriminated against because of such defect unless the Commission considers the defect incapacitating.

(e) The rejection of an application or other action against any person, under this rule, shall not be effective until the person is notified in writing of such action, together with the reasons therefor.

4:1–8.15 Right of review

(a) Any person who is aggrieved by a ruling or determination of the Chief Examiner and Secretary concerning a matter listed under Section

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8.14 (Action against prospective employees) of this Chapter shall be afforded an opportunity to submit facts to the Commission in writing within 20 days after receipt of notice of such ruling or determination for consideration in a review of the determination.

(b) No such request for review shall stay or prevent the promulgation of an employment list or certification or appointment of an eligible person unless ordered otherwise by the Commission.

4:1–8.16 Admission to examination pending review

At the discretion of the Chief Examiner and Secretary, a person whose application for examination has been rejected and who has filed a request for review of such rejection may be admitted to the examination, pending final disposition of the request for review. Such admission shall be without prejudice and, while the review is pending, the test papers and any other examination materials of the applicant shall not be processed.

4:1-8.18 Applicotions retoined for Commission

Applications for examinations, when properly filed, shall be retained in the manner authorized by regulation of the Department of Civil Service at least for the duration of the list. Documentary evidence or other proof submitted in support of an application may be returned to the applicant.

4:1-11.4 Duration of eligible lists

(a) Employment lists shall be promulgated, as provided by law, for periods of not less than six months for the State service and one year for local government services nor for more than three years in either case.

(b) Unless the Commission, by regulation or other directive, specifies the period for which any employment list or lists shall be promulgated, within said statutory limitations:

1. Employment lists resulting from open competitive examinations shall be promulgated for three years; and

2. Employment lists resulting from promotion examinations shall be promulgated for three years for local government lists and two years for State lists.

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(c) Each employment list shall set forth the dates of its promulgation and expiration and it shall continue in effect for such period, except insofar as it may be:

1. Cancelled by the President for reasons of fraud or illegality in any process or proceeding leading up to its promulgation; or

2. Terminated in accordance with Section 11.5 (Termination of employment lists) of this Chapter.

(d) Special reemployment lists shall continue in force indefinitely.

(e) Eligibility for reemployment of a person whose name appears on a regular reemployment list shall not continue for a period longer than two years from the date of resignation.

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 if there has occurred bona fide error which has unjustly denied any eligible of certification or appointment.

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4:1-12.1 Certification against provisional appointment or request for certification

(a) Appointments shall be made to or employment given in all positions in the competitive class, except as otherwise provided by these rules, from among those certified or after review and approval from among those listed on the certification to the appointing authority as authorized by the Department of Civil Service.

(b) When a vacancy in a permanent position is to be filled other than by transfer or demotion, the appointing authority shall notify the Department of Civil Service and request a certification of the names of persons eligible for appointment and willing to accept employment in the position.

(c) All such notifications shall be submitted as far in advance as possible, to enable the Department of Civil Service after review and approval to make the necessary certification or authorization of certification or advise that there is no applicable eligible list.

(d) When a provisional appointment is made or continued the Department of Civil Service shall certify or after review and approval authorize a certification from the appropriate list as soon as such list becomes available.

4:1-12.2 Certification from eligible lists

When a certification is to be made, the Department of Civil Service shall certify or after review and approval authorize a certification to the appointing authority of the name and address of the eligible or eligibles highest on the appropriate reemployment or employment list who have indicated interest in that employment.

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4:1-12.6 Certification from list for another class

When a certification is required to fill a position in a class for which there is no eligible list, the Department of Civil Service may certify or after review and approval authorize a certification of names of eligibles from a list promulgated by the Department of Civil Service for another class of the same or higher level in the same or related series, upon a determination by the Chief Examiner and Secretary that the use of such list will be in the best interest of the service and that:

(a) The duties and qualifications of the position for which the examination was given are substantially similar to the duties and qualifications for the position to be filled; and

(b) The necessary skills and knowledges were evaluated in the examination.

4:1-12.10 Notifying eligibles of certification

When the name of an eligible is certified to an appointing authority, the Department of Civil Service shall send a notice or cause a notice to be sent to the eligible of such certification. Such notice shall contain regulations concerning the certification and shall be forwarded to the eligible at the address as it appears on his application for the examination or other address as subsequently advised.

4:1–12.12 Notice of removal

Any person whose name is to be removed in accordance with the provisions of Section 12.11(b) through (h) (Removal of names) of this Chapter shall be notified of the removal and given an opportunity to submit facts to the Civil Service Commission in writing within 20 days after receipt of notice of removal for consideration in a review of the determination.

4:1-12.15 Appointment of eligible certified

(a) The appointing authority, after receipt of a certification from the lists of eligibles in order of priority as established in Section 12.3 (Pri-

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ority of eligible lists) of this Chapter 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 their order;

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

(b) In local government services, the appointing authority shall notify the Department of Civil Service of the disposition of the certification within 15 days after receipt of the certification or when the appointing authority is vested in a board or commission, at its next meeting following receipt of the certification.

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

(d) The appointing authority shall notify all interested eligibles in writing regarding the results of the certification.

4:1-12.17 Certification of additional eligibles

If the appointee cannot begin work within a reasonable time from the date of his acceptance of the position offered, the appointing authority may consider such eligible unavailable and report this to the Department of Civil Service which shall, if necessary, certify or after review and approval authorize a certification of an additional name or names to complete the certification.

4:1-13.1 Working test (probationary) period

All regular appointments to positions in the competitive, noncompetitive and labor divisions of the classified service shall be subject to a working test period except appointments from regular or special reemployment lists or appointments to a comparable or lower class title in lieu of layoff.

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4:1-15.2 Lateral title change

The movement of a permanent employee from a position in one class to a position in an equivalent class in the same organization unit at the same or converted rate of compensation for the hours of work shall constitute a lateral title change. Such change may be made if the ranges are the same or have been converted to adjust for the hours of work and if the requirements for both positions are substantially similar requiring essentially the same tests and qualifications and the title change does not mitigate against the principles of the merit system.

4:1-15.6 Return of transferred employee

If the services of the employee who has been transferred voluntarily are not satisfactory or if all parties agree, the employee may be returned to a position in his former class title at any time within 60 days after the transfer is made, and, if all such positions have been discontinued, the demotional and reemployment procedures concerning layoff shall be followed, except that the 45 day notice shall not be required.

4:1-16.4 Notice in layoff or demotion

(a) No permanent employee in the classified service or employee serving a working test period after regular appointment shall be laid off or demoted in lieu of layoff until he shall have been given notice in writing, personally or by certified mail, of the date upon which he will be laid off or demoted and the reasons for the action. Such notice shall be served at least 45 days before the layoff or demotion becomes effective and a copy of such notice must be sent to the Civil Service Department at the same time.

(b) An employee who shall be laid off or demoted in lieu of layoff shall have the right of appeal to the Commission provided such appeal is received by the Commission within 20 days after the date of receipt of notice.

4:1-16.13 Request for reemployment

(a) A permanent employee who has resigned in good standing may within two years of the effective date of his resignation request consideration of reemployment by indicating his availability for employment to the appointing authority from whose agency he had resigned.

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(b) Upon recommendation of the appointing authority, the employee shall have his name placed on a regular reemployment list for the class title from which he had resigned. No name shall remain on the regular reemployment list beyond two years from the date of resignation.

(c) Seniority determinations for an employee reemployed from a regular reemployment list shall begin as of the date of reemployment except that, when determining the order of layoff or demotion, ties of equal seniority will be broken by consideration of the period of permanent employment prior to the break in service.

4:1–16.14 Resignation resulting from unauthorized absence

(a) Any employee who is absent from duty for five consecutive business days without notice and approval of his superior of the reason for such absence and the time he expects to return or who fails to report for duty within five business days after the expiration of any authorized leave shall be held to have resigned not in good standing.

(b) The employee shall be properly notified by personal service or certified mail return receipt requested of his involuntary resignation and the precise reasons therefor, and entitlement to a departmental hearing if he so desires in accordance with Section 5.15 (Departmental hearing) of this Chapter. The appointing authority shall report the resignation to the Department of Civil Service.

4:1-17.8 Emergency and special leave (State service)

An employee in State service shall be given time off without loss of pay when:

(a) Performing jury duty;

(b) Summoned to appear as a witness before a court, legislative committee or judicial or quasi-judicial body unless the appearance is as a party to the litigation in a matter unrelated to his capacity as an employee or officer of his agency;

(c) Performing emergency civilian duty in relation to national defense or other emergency when so ordered by the Governor or the President of the United States.

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4:1-17.16 Amount of sick leave (State service)

(a) The minimum sick leave with pay shall accrue to any full-time employee on the basis of one working day per month during the remainder of the first calendar year of employment after initial appointment and 15 working days in every calendar year thereafter. Part-time permanent employees shall be entitled to sick leave as established by regulation.

(b) Any amount of sick leave allowance not used in any calendar year shall accumulate to the employee's credit from year to year to be used if and when needed for such purpose.

(c) An employee shall not be reimbursed for accrued sick leave at the time of termination of his employment. Upon termination, the appointing authority shall certify to the Department of Civil Service the employee's accumulated sick leave which shall be made a part of the employee's permanent record.

(d) An employee who has been reemployed shall be credited with the total accrued sick leave at the termination of his previous employment.

(CORRECTION)

4:1-17.17 Reporting of absence on sick leave

If an employee is absent for reasons that entitle him to sick leave, his supervisor shall be notified promptly as of the employee's usual reporting time, except in those work situations where notice must be made prior to the employee's starting time:

(a) Failure to so notify his supervisor may be cause of denial of the use of sick leave for that absence and constitute cause for disciplinary action;

(b) Absence without notice for five consecutive days shall constitute a resignation under Section 16.14 (Resignation resulting from unauthorized absence) of this Chapter.

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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 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 (i.e. unsatisfactory) 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 unsatisfactory rating. If the rating is a primary or contributing factor in future adverse action (i.e. demotion, separation, etc.), the employee retains all rights to a formal hearing as provided in Subchapter 5, (Hearings) of this Chapter.

4:1–21.2 Discrimination

No person in seeking admission to the classified service shall be discriminated against because of his political or religious opinions or affiliations nor because of his sex, race, ancestry or national origin. Age shall be a valid factor for employment only where it is required for the position by law and where it is lawfully an occupational requirement.

4:1-23.4 Employer responsibility

Each department shall implement the formal procedure for submission of grievances by employees to insure prompt and orderly consideration and determination of such grievances by supervisors and administrators. The head of each State department shall be responsible for carrying out the provisions of the approved grievance procedure.

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State Service

2d ed.

Historical copy. Superseded pages retained and so marked. JM 11/10/77

NJ/KA8
C5/C6
1973
C.1

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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STATE OF NEW JERSEY
DEPARTMENT OF CIVIL SERVICE
JAMES A. ALLOWAY, PRESIDENT
STATE HOUSE, TRENTON, N.J. 08625

Dear Civil Service Personnel Manual Recipients:

On behalf of the Civil Service Commission, I am pleased to announce the reissuance of the Civil Service Personnel Manual (State Service). The material accompanying this letter represents the first complete reprinting of the Civil Service Personnel Manual since the original version of March 2, 1970. We hope the new format will assist you in locating the appropriate subpart more expeditiously.

It is very important that this Manual be kept up-to-date by inserting addendums in their proper place and removing rescinded or outdated material. For your convenience, a Subpart List and Rescission Sheet are included with this issuance. Any subparts issued or rescinded subsequent to February 5, 1973, should be added or deleted accordingly. All subsequent issuances will be printed on pink paper for easy identification. Any prior Manuals should be discarded to assure that all personnel have current information.

An Unofficial Supplement to the Civil Service Rules containing all rule changes between April 15, 1971, and February 1, 1973, is also included with the Personnel Manual. This Supplement provides a complete updating of the Civil Service Rules (Revised April 15, 1971). At the present time, this is the only printed version of the twenty-five rule changes adopted by the Civil Service Commission effective February 1, 1973. Please keep this Supplement with your Rulebook.

Sincerely yours,

James A. Alloway

President

March 12, 1973

Attachments

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INTRODUCTION
to the
CIVIL SERVICE PERSONNEL MANUAL
(STATE SERVICE)

The purpose of the Civil Service Personnel Manual (State Service) is to further interpret the Civil Service Rules and describe related procedures that are to be used by the Department of Civil Service and the appointing authorities of the State.

The Civil Service Rules are Chapter 1 of Title 4, Department of Civil Service of the New Jersey Administrative Code. Each Rule is a Subchapter divided into Sections. Thus Civil Service Rule 10-1 (formerly cited 4:10-1) shall be identified as Section 1 of Subchapter (Rule) 10, of Title 4, Chapter 1 of the New Jersey Administrative Code. It will be cited as N.J.A.C. 4:1-10.1.

The Civil Service Personnel Manual will be keyed to the numbering system of the New Jersey Administrative Code. Series headings in the Personnel Manual will be the same as Subchapter headings in the N.J.A.C.. Part headings in the Personnel Manual will be the same as Section headings in the N.J.A.C.. Subpart headings in the Personnel Manual are the most specific. A Subpart, therefore, is in effect what replaces the former Civil Service Circular, and will be keyed to the N.J.A.C. by content rather than an exact heading.

For example:

New Jersey Administrative Code, Title 4, Chapter 1, Department of Civil Service		Civil Service Personnel Manual
Subchapter 4:1-5 - Hearings	-is keyed to-	Series 5 - Hearings
Section 4:1-5.15 - Departmental Hearing	-is keyed to-	Part 5-15 - Departmental Hearing
		Subpart 5-15.101 - Delay of Departmental Hearing Under N.J.A.C. 4:1-5.15 Pending the Outcome of Criminal Charges

Although the format of the Personnel Manual will be as above, only the Subpart need be mentioned for purposes of citation. A typical citation would read:

> "Please refer to Subpart 5-15.101 of the Civil Service Personnel Manual (State Service)."

In unusual instances where a Subpart cannot be associated with a Part keyed to an existing Section of the N.J.A.C., and a new Part heading would be necessary, a number higher than the last Section in the Subchapter of the N.J.A.C., will be used for the new Part heading in the Civil Service Personnel Manual.

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CIVIL SERVICE PERSONNEL MANUAL

(STATE SERVICE)

As of March 22, 1974, the following is an up-to-date list of subparts that should be contained in your Civil Service Personnel Manual (State Service).

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*NOTE: Subpart 20-5.107 - WIN/PSE Program was incorrectly issued with designation of 20-5.106.

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CIVIL SERVICE PERSONNEL MANUAL

(STATE SERVICE)

Please be advised that the following subparts have been rescinded:

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Series 1

Authority and Purpose

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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Series 2
Definitions

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 2-1 WORDS AND PHRASES DEFINED

Subpart 2-1.101 Reduction of Age by Amount of Service During Period of Actual Hostilities as Defined in N.J.S.A. 11:27-1

2-1.101a Subject:

This subpart defines the procedures for determining an applicant's "reduced age" under the provisions of N.J.S.A. 38:23A-2.

2-1.101b Procedure:

Applicants who are ineligible under the present maximum age limitations and who have served in the military during the periods of actual hostilities as listed in N.J.A.C. 4:1-2.1 (See "Veteran") and N.J.S.A. 11:27-1, will receive the following reductions in determining their age for Civil Service purposes:

(a) only the initial period of service (including involuntary extensions) completed during the time periods stipulated in N.J.A.C. 4:1-2.1 (See "Veteran") and N.J.S.A. 11:27-1 can be subtracted from the applicant's present age, and

(b) comparison between this reduced age and the age requirement for the position at the time of entrance into military service will be made.

Examples:

A 45 year old person, applying at the present time for the positions of firefighter or police officer, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty in the U. S. Army from July 27, 1952 to July 27, 1954. The applicant subsequently re-enlisted for a five (5) year period and was discharged on July 26, 1959. Under N.J.A.C. 4:1-2.1 only one of the seven (7) years of service was during a period of actual hostilities. Therefore, there will be a deduction from the applicant's present age of 45. This reduced age, or 44, is compared with the maximum age 30, as of July 27, 1952, when the applicant entered military service. The applicant is also ineligible under the reduced age formula.

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2-1.101b (cont'd)

A 36 year old person, applying at the present time (1975) for the position of police or firefighter, is ineligible since the present maximum age is 35 years. However, this applicant served either involuntarily or as a result of induction, on active duty with the U. S. Army from December 1, 1971 to December 1, 1973. The applicant subsequently re-enlisted for a two-year period and was discharged on December 1, 1975. Under N.J.A.C. 4:1-2.1 the years of service during a period of actual hostilities was from December 1, 1971 to August 1, 1975, a total of 2 years, 9 months. Of this 2 3/4 year period 2 years were served either involuntarily or as a result of induction. Therefore, there will be a deduction of 2 years from the applicant's present age of 36. This reduced age, or 34, is compared with the maximum age which was in effect as of December 1, 1971, when the applicant entered military service; that maximum age was also 35. Therefore, the applicant is eligible under the reduced age formula.

NOTE:

(1) An applicant is considered to be over 35 years of age on the day of his/her 35th birthday.

(2) State laws concerning age limitations for prospective police officers and firefighters are based on the announced closing date.

(3) The maximum age for police officer and fire-fighter is 30 prior to September 4, 1968.

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CIVIL SERVICE APPEALS MANUAL

This product was made possible by a grant from the US Office of Personnel Management (OPM) under the Intergovernmental Personnel Act of 1970 and that OPM is not responsible for the accuracy of the material or the conclusions it contains.

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

DIVISION of ADMINISTRATIVE PRACTICES and LABOR RELATIONS

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PUBLIC HEARINGS

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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BACKGROUND

> "In the administrative agencies of State government, due process demands that an avenue of appeal be provided to all persons wishing to contest government action which may be adverse to individual interests." (Director, Division of Administrative Practices and Labor Relations, Department of Civil Service)

The Civil Service Appeals Manual describes the process involved in assuring all parties due process from the time an appeal is initiated to the final determination. The present sophisticated process utilizing research analysts, classification reviewers, salary reviewers, review boards and administrative law judges has evolved from the early limited appeal hearings conducted by the Civil Service Commission from appeals contesting disciplinary actions. (N.J.S.A. 11:15-1, 11:22-38) In 1969 the Revised Civil Service Administrative Code (N.J.A.C.) and the Administrative Procedure Act were promulgated and the Unit of Hearing and Regulations became a Division of the Department of Civil Service. A renewed interest in individual rights and a surge of labor relations activity resulted in an increased number of appeals. The cases became unwieldy for the Commission to hear on a case by case basis; a backlog started building. By 1971 hearing officers were appointed to conduct hearings on some of the appeals previously heard by the Commission, therefore easing the case load. The hearing officers reported to the Commission which made a final determination on each case. (N.J.S.A. 4:1-5.11)

In 1971, a statutory amendment provided for persons to "submit facts for consideration" if the Chief Examiner and Secretary refused to "examine an applicant" or "certify an eligible." (N.J.S.A. 11:5-1e, 11:9-6) About the same time the Civil Service Personnel Manual (CSPM) was amended to deliniate N.J.S.A. 11:5-16 and include a provision for appealing salary and classification determinations. Appeals that didn't fit into specific categories were processed under the umbrella of Administrative appeals. Active negotiations with bargaining units resulted in the consideration of grievances (N.J.S.A. 11:5-1f) as well as increasing and examining the importance of evidence and cross examination.

The number and scope of appeals were burgeoning. From 1969 to 1979 the number of appeals had multiplied more than ten times over. As in any agency dealing with large work loads and constant crisis situations, procedures were developed in response to need and were passed on verbally or through training sessions. Departments were urged to try to settle complaints from adverse governmental actions within the agency. The President of the Civil Service Commission assigned reviewers to conduct informal hearings on salary and classification appeals. A growing number of analysts and technicians reviewed appeals that were not entitled to hearings. Medical Boards were established to hear appeals from negative medical and psychiatric determinations. In 1978, the State created the Office of Administrative Law, which, in 1980, took over the hearing officer function of hearing all contested cases on questions of material fact. (N.J.S.A 52:14F) Administrative Law Judges also reported their findings and recommendations to the Civil Service Commission for final determinations. Appeals that were decided solely on the written record and/or through informal hearing were processed by the Division of Hearing and Regulations, now called the Division of Administrative Practices and Labor Relations. Reports and recommendations from these reviews were, and are, submitted to the Civil Service Commission for final determination.

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The growing number and various types of appeals review precipated a need for a procedural manual. The manual was to offer guidelines for procedural consistency and to establish standards for all reports and recommendations. In 1979 the Division of Administrative Practices and Labor Relations proposed and received an Intergovernmental Personnel Act (IPA) grant to write a training manual for use by training officers, reviewers, analysts, personnel officers, employees and their representatives. This Civil Service Appeals Manual (CSAM) published in 1980 is the product of that grant.

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ACKNOWLEDGEMENTS

The Director and Assistant Director of the Division of Administrative Practices and Labor Relations, in addition to implementing their concept of an Appeals Manual, were always available to answer questions, give direction, supervision and support to the project. The research analysts and administrative staff shared their information, clarified vague areas, and reviewed the text. The Word Processing Center Staff worked patiently and diligently to store all the original text in the word processing equipment and produce copy for printing.

All the people involved in this project are confident that the Civil Service Appeals Manual will be a valuable aide in easing you through the appeal processes. The Manual provides comprehensive procedural guidelines to all parties to an appeal and, as a consequence, advances positive employee-employer relationships. All comments that may add to its effectiveness are encouraged and welcomed.

Barbara Fields, Senior Research Analyst
IPA Hearing Officers Training Manual
Department of Civil Service
Division of Administrative Practices
and Labor Relations
1980

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INTRODUCTION

The Civil Service Appeals Manual describes, in plain language, the system through which the seventeen different types of appeals flow from initiation to final determination. Appeal types that utilize similar procedures are combined into single sections:

Examinations
Medical Review Board-Physical
Medical Review Board-Psychological

Administrative
SAC
Suggestion Awards
Lump Sum Sick Leave
Discrimination

Public Hearings

SLI

Disciplinary, Major
Non-Disciplinary Appeals Entitled to a Hearing:
Retirement Under Duress
Resignation Under Duress
Release at the End of a Work Test Period

Disciplinary, Minor
Grievances

Layoff-Issue A
Layoff-Issue B

These two types of appeals do not have similar appeal processes. Layoff-Issue A is an appeal that is entitled to a hearing and Layoff-Issue B is processed by written review. They are grouped because they often overlap. Combining them into one section allows for easy review.

The following pages will explain State and local goverment relative to the Manual as well as how to use the Manual.

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The purpose of the Civil Service Appeals Manual is to facilitate filing, researching, writing and tracking of an appeal, appeal memo, report and recommendation and/or decision letter. The Appeals Manual defines the appeal process including its integral time restrictions and required information. The technicalities of the procedure are specific, defined and documented.

The Civil Service Appeals Manual identification number corresponds to Civil Service Rules (N.J.A.C.) and Civil Service Personnel Manual (CSPM) title and numerical system.

The numerical system of the Civil Service Personnel Manual (CSPM) and the Civil Service Rules (N.J.A.C.) are identical. However, there are two easily understood labeling differences. CSPM uses the nomenclature "series" and "parts" to identify units whereas the N.J.A.C. identifies the same units as "subchapters" and "sections" respectively; e.g. CSPM "series 12" is the same as N.J.A.C. "subchapter 12"; CSPM "part 11" is the same as N.J.A.C. "section 11." The New Jersey statute citations (N.J.S.A.) have no numerical relationship to the N.J.A.C. or CSPM systems. The appeals manual is numbered by appeal type, or series, narrative page number or appendix page numbers. The appeal number in the narrative is followed by a colon and the page number. Thus, 8:1 is examination appeal, page 1. When the narrative refers to a page in the appendix, the subject sentence will be followed by the appeal number and appendix page number in brackets, e.g. 8[1] is examinations appeal, appendix page 1.

Example

Appeal Type: Examinations

Appeals Manual:	"Examinations," Series 8
CSPM:	"Examinations and Applications," Series 8
N.J.A.C.:	"Examinations", subchapter 8

N.J.A.C. 4:1	corresponds to	CSPM
subchapter 8 is 4:1-8	is keyed to	series 8 is 8
section 11 is 4:1-8.11	is keyed to	part 11 is 8-11
		subpart 101 is 8-11.101

The 4:1 preceding the N.J.A.C. subchapter number designates title and chapter numbers for all Civil Service Rules, Title 4, Chapter 1.

The Appeals Manual will cite N.J.S.A., its corresponding Civil Service Rules (N.J.A.C.) and CSPM subparts wherever possible. The statutes, rules and subparts that are used most often are included in each Civil Service Appeals Manual series; however, all possible references are not included. The user should refer to the N.J.S.A., Title 11; N.J.A.C., Title 4; and the Local and State CSPM.

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Explanation of State and Local Governments

The New Jersey Civil Service Act, its resultant laws (N.J.S.A., Title 11), rules (N.J.A.C., Title 4, Chapter 1), and subparts (CSPM) apply to all classified State titles and to the employees occupying positions in these titles (N.J.S.A. 11:1-11:19), as well as to the classified employees in counties, municipalities, school districts, etc. that elect to operate under the Civil Service Laws. (N.J.S.A. 11:19 et seq.) Title 11 refers to a limited extent to employees and positions in the unclassified service.

Title 11 is divided into two sections, one for State service and one for local governments, as is the CSPM. Most of the CSPM subparts apply to both governments; however, in certain instances such as salary determinations, the State has no jurisdiction over local government actions. Therefore, the Appeals Manual will indicate whether a type of appeal is bifurcated or the appeal processes are so similar in both forms of government that they may be covered in a single section with occurrant differences noted as needed.

State Service

The New Jersey governmental structure is divided into departments, e.g. Transportation, Labor and Industry, Civil Service, etc.. Each department is further divided into divisions. Thus, the Department of Civil Service is comprised of the Division of Classification and Compensation, Division of Examinations, Division of Administrative Practices and Labor Relations, etc.. Each division may be subdivided into bureaus, units or sections, e.g. Research and Development is a unit of the Division of Administrative Practices and Labor Relations. The terminology "appointing authority" refers to the department, division, bureau, section or unit which has been delegated the power to appoint an employee to its service, or to remove an employee from its service under specific conditions. Appeals may be initiated by a department, division, employee organization, or individual.

The processing of an appeal will vary according to the type of appeal. Therefore, each type is being treated individually; its process traced from initiation through final administrative determination.

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Local Government Services - N.J.S.A. 11:19-2

Local Government Services is the Division within the Department of Civil Service which oversees appointing authorities in local government jurisdictions that have elected to operate under the New Jersey Civil Service statutes applicable to municipalities, counties, school districts, or other public corporations. (N.J.S.A. 11:19 et seq.) The Division of Local Government Services maintains three offices, referred to as local offices, or branch offices; one in Newark, one in Trenton and one in Camden.

Newark Local Office
Department of Civil Service
1100 Raymond Boulevard
Newark, New Jersey 07102

Camden Local Office
Department of Civil Service
517 Market Street
Camden, New Jersey 08102

Trenton Local Office
Department of Civil Service
126 East Hanover Street
Trenton, New Jersey 08625

Each local office has its own office manager, professional and administrative staff. The Director of the Division of Local Government Services, located in Trenton, directs the operations of the three branch offices.

As in State Civil Service, appointing authorities, employee organizations, or individuals have the right to appeal adverse governmental actions. Appeals which originate within a local government and pertain to Civil Service Laws, rules, or regulations may be appealed through the appropriate Local Government Services office. The Division of Local Government Services is responsible for recording all appeals that are directed to or through Local Government Services, for reviewing specific appeals, for making determinations, for referring appeals for further review to the Department of Civil Service or Civil Service Commission, Division of Administrative Practices and Labor Relations and for filling requests from the Division of Administrative Practices and Labor Relations for information concerning local government appeals.

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PUBLIC HEARINGS

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PUBLIC HEARINGS

Authority: N.J.S.A. 11:7-13, 11:22-50, 11:22-52; N.J.A.C. 4:1-5.14

Hearings because of significant impact

The Commission may "when circumstances warrant...make investigations and hold hearings... " If the Commission determines that a proposed action may have a significant impact on a department(s) and/or employees of the State or local government operating under State Civil Service laws, the Commission may schedule a public hearing in order to hear parties who wish to make presentations before the Commission.

Examples

1. Provisionals

The Commission conducted public hearings in Trenton, Camden, and Newark to elicit information and recommendations on the following issues: (1) What is the best method for resolving the general problem of the excessive numbers of provisional appointments which are made pending examination and the specific problem of persons who have been working as provisional appointees for extended periods of time; (2) What length of time is too long for provisional appointments; (3) Is decentralization of testing to agencies or local political subdivisions with monitoring by State Civil Service a good way to prevent excessive provisional appointments; (4) Should there be legislation to confer permanenet status on persons who have been working provisionally for too long; (5) Should this legislation confer permanent status based on: length of time served as provisional appointee only, passing an individual qualifying examination, or both; (6) Should Civil Service re-evaluate testing techniques or formats for titles routinely requiring a large number of provisional appointments (such as semi-skilled); (7) Should these tests be competitive or non-competitive; (8) Should any solution be limited to positions that are filled by open-competitive examination, to those positions that are filled by promotional examination, or both.

2. Civil Service Reform Act

During fiscal year 1978-1979, the Commission conducted six public hearings: four in Trenton, one in Camden, and one in Newark - on whether the statutory revisions proposed by the Merit System Review Project should be accepted, modified or rejected. Special meetings were held by the Commission and a final draft on the Reform Act was approved by the Commission on July 25, 1978, and forwarded to the Office of the Governor.

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3. Sick Leave Injury

The Commission held a public hearing to determine the standards to be applied by State Agencies in determining whether an employee who has sustained injury should be compensated by sick leave injury benefits, and if so, the extent of those benefits.

Hearings for purpose of reallocation of title from classified service to unclassified service.

The Civil Service Commission, pursuant to N.J.S.A. 11:7-13 and 11:22-50, may determine whether particular positions assigned to the classified service shall be reallocated to the unclassified service. The Civil Service Commission must determine whether or not it is practicable to determine merit and fitness for the subject position on the basis of competitive or non-competitive examination, or a review of the minimum qualifications for the exam. The Civil Service Commission, pursuant to N.J.S.A. 11:22-52, in determining whether such position should be in the unclassified service, must hold a public hearing.

Examples

1. Director, Office of Research and Evaluation, State Department of Health

A public hearing was held by the Commission to determine whether the title Director, Office of Research and Evalutation, State Department of Health, should be reallocated from the classified to the unclassified service.

Following consideration of all testimony submitted, the Commission determined that the position of Director, Office of Research and Evaluation, New Jersey Department of Health, should be reallocated to the unclassified service pursuant to N.J.S.A. 11:4-4(q) which specifically exempts directors who must also be licensed physicians from the classified service.

2. Deputy Directors, Division of Medical Assistance and Health Services and Division of Welfare, State Department of Human Services

A public hearing was held by the Commission to solicit testimony and/or memoranda to determine whether the titles of Deputy Director, Division of Medical Assistance and Health Services and Deputy Director, Division of Welfare, State Department of Human Services should be reallocated from the classified to the unclassified service.

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On October 17, 1978, the Commission concluded that the duties performed by the deputy Director, Division of Medical Assistance and Health Services, and Deputy Director, Division of Welfare involved the development of policy as primary functions and should be open to outside recruitment. Therefore, it was determined that it would not be practicable to test for merit and fitness for appointment for the subject positions, and ordered that both titles be reallocated for the classified to the unclassified service.

Hearings Procedure: N.J.A.C. 4:1-5.7, 4:1-5.14

Division of Administrative Practices and Labor Relations

Upon request from the appointing authority for a hearing 5[1], an Administrative Practices and Labor Relations analyst reviews the file for a detailed basis with documentation and/or written argument substantiating the merits of the request.5[2] Subsequent to research and appointing authority documentation 5[3-7], the analyst assesses the request and writes a memorandum for Commission consideration. The memorandum states the appointing authority's request and position, the factual and/or statutory basis for the request and a recommended action.5[8]

If the request for a hearing is denied, a decision letter based on the memorandum is sent to all parties. This is a final administrative determination.

If the Civil Service Commission grants a hearing, the time, date and place is scheduled by the Division of Administrative Practices and Labor Relations administrative staff.5[9] An advertisement is placed in three or more newspapers of general circulation.5[10] Notice of the hearing is posted in the main office of the Commission 5[11], in the three branch offices of the Division of Local Government Services 5[12], and with appointing authority personnel officers. A letter is sent to all involved parties stating that notification of intention to testify is not required, however, the Commission would appreciate notice about the parties' intentions to submit written statements, to make comments, or to appear at the hearing.5[13]

Hearing

Public hearings are opened with a statement by the President or his delegate.

"On behalf of the New Jersey Civil Service Commission may I welcome all of you to the public hearing on....

The Civil Service Commission directed that this hearing be held on... and is being conducted under the authorization of N.J.S.A. 11:5-1.

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The purpose of this hearing is to solicit testimony regarding....

The procedure at this hearing will be to allow witnesses who wish to address the Commission to have a reasonable amount of time to make a presentation. If necessary, the Commission will limit a presentation in the interest of reasonable expedition. Presentations may be submitted without the necessity of being read.

Anyone wishing to speak is asked to file his name with (staff person) if s/he has not done so. Each statement will be recorded and become part of the official record of this hearing. Any written statements filed with the Commission will also become a part of the record.

Members of the Commission will question witnesses if they find it necessary. Other persons wishing to comment on a witness' remarks will be given an opportunity to make such comments after the completion of all initial statements. The Commission will also give consideration to any written comments or statements relevant to the proposed revisions received [within two (2) weeks after the close of the hearing].

Announcement of the Public Hearing were submitted as public notices to and appeared in the following newspapers:

The Trentonian
The Trenton Times
Newark Star Ledger
Courier Post

Public Notice of the Public Hearing was posted in the Department of Civil Service, and the Division of Local Government Services' branch offices located in Newark, Camden, and Trenton..."

Two weeks after the close of the public hearing a transcript is prepared and submitted to the Division of Administrative Practices and Labor Relations. The analyst drafts a report synopsising all written and oral statements and makes a recommendation based on the statements. The report and recommendation is referred to the Commission for its consideration. The Commission makes a determination and issues an order constituting final action on the matter.5[14-18]

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APPENDIX

5[1] Letter Requesting a Hearing

5[2] Letter from the Division of Administrative Practices and Labor Relations Requesting Substantiating Materials

5[3-5] Letter with Substantiation

5[6-7] Job Description

5[8] Memorandum to President, Civil Service Commission from the Division of Administrative Practices and Labor Relations Synopsizing Information

5[9] Memorandum Directing that a Public Hearing Be Held; Time, Date and Place

5]10] Newspapers Publishing Notice

5[11] Public Notice

5[12] Public Notice to Appointing Authorities

5[13] Public Notice to All Parties

5[14] Decision Cover Letter

5[15-18] Decision Letter and Order by the Civil Service Commission

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OFFICE OF THE MAYOR

CITY OF TRENTON, NEW JERSEY 08608

SEP 14 AM 11 09

ARTHUR J. HOLLAND
MAYOR

OFFICE OF THE PRESIDENT
DEPARTMENT OF CIVIL SERVICE

September 13, 1979

Mr. Joseph Lavery, Director
Division of Administrative Practices
and Labor Relations
Department of Civil Service
215 East State Street
P.O. Box 1918
Trenton, New Jersey 08625

Dear Mr. Lavery:

The City of Trenton would appreciate the opportunity to present its case for placing the Municipal Museum Director position into the unclassified service at a public hearing. Mr. S. Howard Woodson, Jr. was kind enough to suggest this course of action in his letter to Mr. Phil McHugh of August 13, in which he referred us to you. A copy of that letter is enclosed for your review.

Please contact me to arrange a date for such a hearing, at your earliest opportunity. Your cooperation will be appreciated.

In the interim, I will notify Senator Merlino that the City of Trenton would like to have Senate bill 3384, our legislative effort to accomplish this objective, held indefinitely.

Sincerely yours,

Robert M Boyles III

Robert M. Boyles, III
Assistant Administrative Analyst

RMB/jg
cc: S. Howard Woodson, Jr.
Joseph DiGiacomo, Acting Business Administrator
George Dougherty, City Attorney
Eleanor Matthesius, Trenton Museum Commission
Philip McHugh, Senior Personnel Analyst

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State of New Jersey

DEPARTMENT OF CIVIL SERVICE

S. HOWARD WOODSON, JR
PRESIDENT

JOSEPH M. RYAN
ACTING
CHIEF EXAMINER & SECRETARY

EAST STATE & MONTGOMERY STREETS
P O BOX 1918
TRENTON, N.J. 08625

September

Mr. III
Assistant Administrative Analyst
Office of the Mayor
City of Trenton
Trenton, New Jersey 08608

Dear Mr. Boyles:

Thank you for your letter of in which you asked me to contact you for a date for hearing under 11:22-52. As you know that provision of the statute provides for public hearing where there is a question of practicability to test and consequent need for allocations to the unclassified service of an existing unclassified position.

As you can understand, it is necessary for the Commission to have a detailed basis with documentation and/or written arguments substantiating the merits of such request before the Commission can access the need for public hearing. This detailed basis was requested of you in Commissioner Woodson's letter of

I would appreciate before moving further on the matter a documentation of the grounds on which you propose to rest your argument for allocation to the unclassified service.

Very truly yours,

Joseph Lavery
Director of Administrative Practices
and Labor Relations

cc: S. Howard Woodson, Jr.
Joseph M. Ryan

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CITY OF TRENTON, NEW JERSEY ARTHUR J. HOLLAND, MAYOR

DEPARTMENT OF ADMINISTRATION

BRIAN T. BAXTER
BUSINESS ADMINISTRATOR

October 31, 1979

Mr. Joseph Lavery
Director of Administrative
Practices and Labor Relations
Department of Civil Service
215 East State Street
P. O. Box 1918
Trenton, New Jersey 08625

Dear Mr. Lavery:

In a letter to Mr. Robert M. Boyles, III dated September 21, 1979 you asked for a documentation of the grounds on which the City of Trenton proposes to rest our argument for allocation of the title of Municipal Museum Director (or Curator) to the unclassified service. The basis upon which the City petitions for a Public Hearing is as follows:

1. The director or curator serves in a capacity which demands such subjectively measurable qualities as personal poise, taste, enthusiasm and leadership. The dynamic nature of the museum, especially in its early stage of development, requires flexibility and discretion in the selection of a director in order that a person may be chosen who possesses the aforementioned qualities. It is imperative, also, that the museum management be able to discontinue the services of a director whose attitudes or other subjective characteristics are deemed inappropriate.

2. "Public recognition of the museum as a cultural and educational community agency is derived from the day-to-day activities of the institution. These, in turn, reflect the abilities of the salaried executive officer who devotes full time to the affairs of the Museum." (So you Want a Good Museum, Carl E. Guthe, American Association of Museums.) The Director or Curator should, therefore, be a person sensitive to the needs, feelings and background of the entire community. The Trenton City Museum Commission has already had the unhappy experience of having employed a Director who would undoubtedly have been able to pass a Civil Service examination for the position but who was unable to deal personally with the

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Commission,the Trenton Museum Society and many groups in the community and who had little intimate knowledge of Trenton.

3. "The Commission is empowered to collect, assemble, restore, maintain and exhibit memorabilia of the City of Trenton. Memorabilia is interpreted as meaning fine and decorative arts, objects, pictures, Trenton-manufactured products, clothing, and many artifacts associated with the social, political, economic, cultural, sport and other areas of the City's growth and that of its citizens." (From the City Ordinance creating the Museum Commission.) In order that the Museum may accomplish its mission, the person who would best direct the program is one who meets the broad academic requirements for museum work, but who by personal motivation has become familiar with Trentoniana through collecting, private study and/or by having been close to the Trenton scene for an extended period of time. That person should also be able to function closely and sensitively as a member of the community insofar as the families of the community are the potential donors to the museum collection.

4. We submit that the personal qualifications discussed in the preceding paragraphs can be acquired only through years of immersion in the local milieu and cannot possibly be measured by conventional examinations. Scores from written tests cannot reflect the all-important nuances of motivation, knowledge of the locality, and personality as these factors relate to this particular museum.

5. We point to our recent experience with the appointment of the Museum Curator for the Trent House as substantiation of our contention that selection from a Civil Service list generated through examination does not result in a curator or director with the degree of long-term relationship and commitment to the City that successful museum development obviously requires. The Trent House Curator, who was not originally a Trentonian, has resigned after a relatively short tenure in office in order to relocate in another state.

6. There are only three municipal museums in the United States and the Trenton City Museum is the only municipal museum in New Jersey. We submit that its unique quality buttresses our position regarding declassification of the position of Director or Curator.

In summary, it appears evident to us and consistent with accepted museum practices that an examination is not a satisfactory method of screening the type of person needed for this sensitive position, namely one who:

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a. Is dedicated to the City and the Museum.

b. Possesses the personal characteristics necessary for successful performance.

c. Is sensitive to the cultural and social composition of the City.

d. Can work effectively and cooperatively with City officials, the Museum Commission and community groups.

We request that the Department of Civil Service convene a public hearing on the question at the earliest possible date.

Sincerely,

Philip M. McHugh

Philip M. McHugh
Principal Personnel Technician

PMM:cl

cc: Mayor Holland
Mr. Di Giacomo
Mrs. Matthiesen
Mr. Ogren
Mr. Dougherty
Mr. Whitmire

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MUSEUM DIRECTOR

DEFINITION

Subject to the policies and rules of the Board of Trustees, organizes, develops, directs and has charge of the museum program; does related work as required.

EXAMPLES OF WORK

Administers the various activities of the museum through a staff and other assistants.

Organizes administrative and technical museum work, and develops appropriate work methods designed to accomplish the overall function of the museum.

Carries on research.

Writes articles, bulletins and other materials in the furtherance of the programs of the museum.

May teach classes in the museum as required.

Prepares the annual budget request of the museum and is responsible for the proper expenditure and accounting of museum budgeted funds.

Prepares budget estimates and analyses as required.

Attends and participates in local and other meetings and conferences and represents therein.

REQUIREMENTS

Education

Graduation from a four year course at an accredited college or university with a major course of study in any of the natural, physical or social sciences.

Note - Applicants who do not meet the educational requirement may substitute additional work experience as described below on a year for year basis.

Experience

Five years of full time paid top level professional administrative experience in the direction of a museum which shall have included programs consisting of Natural Science, Fine Art, Archeology and/or Anthropology.

Knowledge

Thorough knowledge of and familiarity with the functions, organization, purposes and operations of a museum.

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MUSEUM DIRECTOR - (Continued)

Thorough knowledge of and familiarity with the problems which arise in determining and executing appropriate work programs and developing suitable work methods.

Considerable knowledge of and familiarity with the principles, literature and techniques of anthropology and ethnology.

Considerable knowledge of and familiarity with the cataloguing and presentation of archeological and ethnological collections.

Ability

Ability to read, write, speak and understand English sufficiently to perform the duties of this position.

Ability to develop and carry out an appropriate program for a museum.

Ability to organize technical work, develop suitable work programs, procedures and schedules, and provide assignment, instruction and supervision for professional and other employees.

Ability to identify specimens and provide advice and assistance to inquirers.

Ability to direct the design, preparation, installation and maintenance of appropriate displays and exhibits.

Ability to work harmoniously with associates, subordinates and the general public.

Ability to make the most effective use of available personnel, funds, space, equipment, materials and supplies.

Ability to prepare clear, sound, accurate and informative technical, statistical, budget and other reports containing findings, conclusions and recommendations.

Ability to direct the establishment and maintenance of the essential records and files.

Good health and freedom from disabling physical and mental defects which would impair the proper perfromance of the required duties or which might endanger the health and safety of oneself or others.

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State of New Jersey

DEPARTMENT OF CIVIL SERVICE

S. HOWARD WOODSON, JR.
PRESIDENT

JOSEPH M. RYAN
ACTING
CHIEF EXAMINER & SECRETARY

EAST STATE & MONTGOMERY STREETS
P.O. BOX 1918
TRENTON, N.J. 08625

January 2, 1980

M E M O R A N D U M

TO: S. Howard Woodson, Jr., President
Civil Service Commission

FROM: Joseph Lavery, Director
Division of Administrative Practices and Labor Relations

SUBJECT: Request for Public Hearing: Municipal Museum Director, Trenton

The City of Trenton has requested a Public Hearing to consider the reallocation of the title Municipal Museum Director, Trenton, from the classified to the unclassified service. In support of its request, the City has stated that the position in question requires "...subjectively measurable qualities as personal poise, taste, enthusiasm and leadership..." and a "person sensitive to the needs, feelings and background of the entire community" who is "familiar with Trentoniana". The City contends that these qualifications cannot be measured via conventional examinations. In addition, it is stated that the Trenton City Museum is the only municipal museum in New Jersey, and one of 3 municipal museums in the United States. The fact that the Trent House Curator appointed from a Civil Service list, not originally a Trentonian, resigned after a short term in office in order to relocate in another state, is used to support the contention that a Civil Service examination "does not result in a curator or director with the degree of long-term relationship and commitment to the City that successful museum development obviously requires".

The Division of Local Government Services has advised that the Museum Curator position exists in three Civil Service jurisdictions within the State. In Cape May County at the Cape May County Museum, the Museum Curator was permanently appointed from a promotional list on December 3, 1977. In Paterson at the Paterson Museum, the current incumbent has had permanent status in the position since July 24, 1975. The third Museum Curator position, at the Mercer County Trent House Commission, was also filled from an open competitive list. Although the incumbent resigned effective December 14, 1979, that resignation by itself does not support the City's contention that a Civil Service examination will not test properly.

The information submitted by the City does not appear to demonstrate a need for reallocation to the unclassified service. We suggest however that the request of the city be brought before the Commission to determine whether they would prefer to explore the matter further at a public hearing pursuant to N.J.S.A. 11:22-52.

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State of New Jersey

DEPARTMENT OF CIVIL SERVICE

S. HOWARD WOODSON, JR.
PRESIDENT

JOSEPH M. RYAN
ACTING
CHIEF EXAMINER & SECRETARY

EAST STATE & MONTGOMERY STREETS
P.O. BOX 1918
TRENTON, N.J. 08625

February 4, 1980

M E M O R A N D U M

TO: S. Howard Woodson, Jr., President, Civil Service Commission

FROM: Joseph Lavery, Director, Administrative Practices and Labor Relations

SUBJECT: Public Hearing - Municipal Museum Director, Trenton

The Civil Service Commission at its meeting of January 23, 1980, directed a Public Hearing be held to consider the reallocation of the title Municipal Museum Director, Trenton, from the classified to the unclassified service.

The Commission has scheduled the Public Hearing for Associate Hospital Administrator and Assistant Hospital Administrator, State Department of Human Services, for 1 p.m., March 4, 1980, following the regularly scheduled meeting of the Commission. It is recommended that the Public Hearing for Municipal Museum Director also be scheduled for that date at 2 p.m.

Hearing to be set
3-4-80 - 2 p.m.
CSC 2/5/80
MR

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MEMORANDUM ... NEW JERSEY DEPARTMENT OF CIVIL SERVICE

TO: Joseph M. Ryan DATE: February 19, 1980

FROM: Joseph Lavery

SUBJECT: PUBLIC HEARING - Municipal Museum Director, Trenton

The attached Public Notice went to all of the Commissioners and will be advertised in the following newspapers:

Trentonian
The Trenton Times
Newark Star Ledger
Courier Post

This notice was also sent to all local offices to be posted.

Attachment

IF CHECKED ☐ REPLY MAY BE MADE IN LONGHAND HEREON

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State of New Jersey

DEPARTMENT OF CIVIL SERVICE

S. HOWARD WOODSON, JR.
PRESIDENT

JOSEPH M. RYAN
ACTING
CHIEF EXAMINER & SECRETARY

EAST STATE & MONTGOMERY STREETS
P O BOX 1918
TRENTON, N.J. 08625

February 15, 1980

PUBLIC NOTICE

Please take notice that on March 4, 1980, at 2 p.m., in the Offices of the Civil Service Commission, 215 East State Street, Trenton, New Jersey, Room 150, the Civil Service Commission will hold a hearing open to the public for the purpose of gathering information and recommendations from interested parties, as well as the public-at-large, on the following topic:

THE CIVIL SERVICE COMMISSION WILL SOLICIT TESTIMONY AND/OR MEMORANDA, PURSUANT TO N.J.S.A. 11:7-13, TO CONSIDER THE REALLOCATION OF THE TITLE MUNICIPAL MUSEUM DIRECTOR, TRENTON, FROM THE CLASSIFIED SERVICE TO THE UNCLASSIFIED SERVICE.

Joseph M. Ryan
Acting Chief Examiner and Secretary

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MEMORANDUM ... NEW JERSEY DEPARTMENT OF CIVIL SERVICE

TO: Walton Streit, John Collins, Donald Bennett, and Robert Hartman

FROM: Joseph M. Ryan

SUBJECT: PUBLIC HEARING - Municipal Museum Director, Trenton

FILE COPY

Attached is copy of Public Notice of Public Hearing to be held on Tuesday, March 4, 1980.

Please post the Public Notice in a prominent place in your reception area from date of receipt through March 12, 1980.

After March 12, 1980, the above public Notice is to be returned to this office with a notation thereon that it has been posted for the requested period.

Enclosure

cc: Mr. Morris C. Ianni

IF CHECKED ☐ REPLY MAY BE MADE IN LONGHAND HEREON

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State of New Jersey

DEPARTMENT OF CIVIL SERVICE

S. HOWARD WOODSON, JR.
PRESIDENT

JOSEPH M RYAN
ACTING
CHIEF EXAMINER & SECRETARY

EAST STATE & MONTGOMERY STREETS
P O BOX 1918
TRENTON, N.J. 08625

February 15, 1980

M E M O R A N D U M

TO: ALL INTERESTED PARTIES

FROM: Joseph M. Ryan, Acting Chief Examiner and Secretary

SUBJECT: PUBLIC HEARING - Municipal Museum Director, Trenton

We are enclosing a copy of the NOTICE OF PUBLIC HEARING to be held on March 4, 1980, at 2 p.m., in the Offices of the Civil Service Commission, 215 East State Street, Trenton, New Jersey, Room 150.

The Civil Service Commission is scheduling this hearing to consider the reallocation of the title Municipal Museum Director, Trenton, from the classified service to the unclassified service.

Kindly be advised we are not making direct contact with any members of your organization and ask that you disseminate this information to your members who may be interested in this Public Hearing.

If it is at all possible, the Commission would appreciate receipt of notice from you concerning your intentions, either to submit a written statement in person or by mail, to present statements, or make comments, or to appear, or not to appear at the hearing, no later than March 3, 1980.

Enclosure

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State of New Jersey

DEPARTMENT OF CIVIL SERVICE

S. HOWARD WOODSON, JR.
PRESIDENT
JOSEPH M. RYAN
ACTING
CHIEF EXAMINER & SECRETARY

EAST STATE & MONTGOMERY STREETS
P O BOX 1918
TRENTON, N.J. 08625

June 6, 1980

In reply refer to:
A-13 MS/MR
Telephone Area Code 609
292-8482

The Honorable Arthur J. Holland
Mayor, City of Trenton
Trenton, New Jersey 08608

Dear Mayor Holland:

Re: Public Hearing - Reallocation of the Title of Municipal Museum Director, Trenton, from the Classified Service to the Unclassified Service

I am enclosing a certified copy of the decision of the Civil Service Commission rendered on May 6, 1980, on the above appeal, which is self-explantory.

Sincerely,

Joseph M. Ryan
Acting Chief Examiner and Secretary

Enclosure

cc: Joseph DiGiacomo, Acting Business Administrator
George Dougherty, City Attorney
Eleanor Matthesius, Trenton Museum Commission

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STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

S. HOWARD WOODSON
President
JOHN T. HOLDEN
MATHIAS E. RODRIGUEZ
CHARLES M. WALTHER, JR.
ROSE TEAGUE
Commissioners

JOSEPH M. RYAN
Acting Chief Examiner and Secretary

Reallocation of the Title of Municipal Museum Director, Trenton, from the Classified Service to the Unclassified Service

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Public Hearing

ISSUED: June 6, 1980

ORDER OF THE CIVIL SERVICE COMMISSION

SUBJECT: Reallocation of the Title of Municipal Museum Director, Trenton, From The Classified Service To The Unclassified Service.

On March 4, 1980, the Civil Service Commission held a public hearing to solicit testimony on whether or not the title of Municipal Museum Director, Trenton, should be reallocated from the classified service to the unclassified service.

The record reflects that Public Notices for this Public Hearing were sent to the Department of Civil Service local offices and the general Public Hearing mailing lists. Announcement of the Public Hearing appeared in the following newspapers:

The Trentonian

The Trenton Times

Newark Star Ledger

Courier Post

Notice of this Public Hearing was also posted in the Department of Civil Service in the Arnold Constable Building beginning February 15, 1980, and remained so posted until March 12, 1980.

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Four people were in attendance at the hearing, three of whom testified. Three written statements on this matter were also received.

Michael L. Bitterman, Esq., appeared on behalf of the City of Trenton. He stated this City's position to be that the title of Municipal Museum Director, Trenton, represents a unique position in that:

1. The Museum Director is the only member of the staff, and therefore his title is in a sense a misnomer, since he must perform numerous duties, including Public Relations, which would normally be done by others on a staff;

2. The Museum is concerned primarily with "Trentonia," and, as such, the person named as Director should be from the community and should exhibit qualities such as poise, taste, enthusiasm, and leadership ability, none of which can be measured by test;

3. The Civil Service job specifications do not adequately reflect the nature of the Trenton Municipal Museum Director position, since such director being required to set policy himself rather than merely to recommend policy, must be an extension of the Trenton Mayor and Trenton City Museum Commission.

Mr. Bitterman also stated that the local unit of AFSCME supported the City's position, and a letter to that effect from Albert P. Vrancik, Secretary, Local 2281, AFSCME, was sent to the Acting Chief Examiner and Secretary. He further emphasized that in his opinion, "Museum Director" and "Museum Curator" were essentially different positions and could not be equated, since the director position at the Trenton Museum is a "one-person show."

Mrs. Eleanor Matthiesen, past President of the Trenton City Museum Commission supported the position of Mr. Bitterman. She emphasized that the City needs a person in the position who knows Trenton, its people and its history. She further testified that the City has never had a person in the position permanently and that the position has previously been funded with CETA funds.

Phillip McHugh, Personnel Director, City of Trenton, generally agreed with the testimony of Mr. Bitterman and Mrs. Matthiesen. He emphasized the point that the position could not be tested for, either by written or oral examination. He also emphasized his belief that the party appointed should have a grounding in the community and should have philosophical compatibility with the Mayor and Museum Commission - again, a quality which cannot be tested for. Much of Mr. McHugh's testimony supported a letter which he had previously submitted to the Commission on this matter.

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In response to questions, Mr. McHugh stated that to his knowledge, other similar positions still do exist in the State of New Jersey, but these other positions are classified differently, according to the source of funding. He also stated that the Trenton City Museum Commission, which is appointed by the Mayor, would be the appointing authority for the Municipal Museum Director.

A letter dated November 1, 1979, from the Mayor of the City of Trenton, supported the arguments made at the Public Hearing by the City.

In response to a request from the Commission for information on this issue, the Division of Local Government Services advised that the Museum Curator position exist in three Civil Service jurisdictions within the State. In Cape May County Museum, the Museum Curator was permanently appointed from a promotional list on December 3, 1977. In Paterson at the Paterson Museum, the current incumbent has had permanent status in the position since July 24, 1975. The third Museum Curator position, at the Mercer County Trent House Commission, was also filled from an open competitive list. The iencumbent resigned effective December 14, 1979.

With regard to this latter title, the City has contended the following:

> "We point to our recent experience with the appointment of the Museum Curator for the Trent House as substantiation of our contention that selection from a Civil Service list generated through examination does not result in a curator or director with the degree of long-term relationship and commitment to the City that special museum development obviously requires. The Trent House Curator, who was not originally a Trentonian, has resigned after relatively short tenure in office in order to relocate in another state."

O R D E R

The evidence as presented in both writing and at the Public Hearing supports allocation of the position of Municipal Museum Director, Trenton, to the unclassified service.

The information submitted by Local Government Services indicates that other municipalities have established the similar position of Museum Curator which is in the classified service. Successful testing has been done for that position. However, evidence indicates that the positions of Curator and Director are different.

The City's argument that its experience with the position of Museum Curator, Trent House, shows a need for someone who was originally a Trentonian supports the City's contention that a Civil Service examination will nct test properly.

It is therefore ordered that the position of Municipal Museum Director, Trenton, be allocated to the unclassified service.

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DECISION RENDERED BY THE CIVIL
SERVICE COMMISSION ON MAY 6, 1980

I hereby certify that the above is
a true copy of the original which
appears in the official record of
the Civil Service Commission.

Joseph M. Ryan
Acting Chief Examiner and Secretary
Department of Civil Service

Inquiries
and
Correspondence

Joseph Lavery, Director
Division of Administrative Practices
and Labor Relations
215 East State Street
Trenton, New Jersey 08625

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CHAPTER 7

CLASSIFICATION OF POSITIONS

11:7-11. Determination of whether positions shall be in classified or unclassified service

The Civil Service Commission may determine, from time to time, whether positions in the State service, not assigned to the unclassified service of the civil service by law, shall be in the classified or the unclassified service of the civil service for purposes of appointment or promotion thereto and in so doing, the Civil Service Commission shall determine whether or not it is practicable to determine merit and fitness for employment or promotion in each such position on the basis of--

First, competitive examination, or

Second, examination which is not competitive, or

Third, minimum qualification requirements therefore.

In any case in which it is so found to be practicable to determine merit and fitness for employment or promotion to any such position in any such manner, the same shall be classified in the classified service of the State service, and merit and fitness for appointment or promotion thereto shall be ascertained in accordance with said determination of the Civil Service Commission.

11:7-12. Classification in unclassified service

In any case in which it is so found not to be practicable to determine merit and fitness for appointment or promotion to any such position in any such manner, the same shall be classified in the unclassified service of the State service.

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11:7-13. Reexamination of classification of positions in classified service; hearing

In any case in which any position, now in existence or hereafter created, has been or shall be classified in the classified service of the State service and the Civil Service Commission shall desire to re-examine the classfication thereof, the Civil Service Commission shall, before determining that any such position shall be in the unclassified service of the State service, hold a public hearing to determine whether or not it is practicable to determine merit and fitness for appointment or promotion to such position by means of competitive or other examination or on the basis of minimum qualification requirements thereof and if it shall be determined that it is not practicable so to do, it shall record and publish its findings in which it shall state the basis upon which such determination is made and, thereafter, such position shall be in the unclassified service of the State service.

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CHAPTER 22

CLASSES OF CIVIL SERVICE

11:22-52. Reexamination of Classification of Position In Classified Service; Hearing

In any case in which any position, now in existence or hereafter created, has been or shall be classified in the classified service of the service of any such political subdivision of the State and the Civil Service Commission shall desire to re-examine the classification thereof, the Civil Service Commission shall, before determining that any such position shall be in the unclassified service of the service of and such political subdivision of the State, hold a public hearing to determine whether or not it is practicable to determine merit and fitness for appointment or promotion to such position by means of competitive or other examination or on the basis of minimum qualification requirements thereof and if it shall be determined that it is not practicable so to do, it shall record and publish its findings in which it shall state the basis upon which such determination is made and, thereafter, such position shall be in the unclassified service of the service of such political subdivision of the State.

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CIVIL SERVICE RULES

SUBCHAPTER 5. HEARINGS

4:1-5.6 Execution of relief

* * *

(b)When the relief to be accorded to the petitioner provides that a hearing be held by the Commission, it shall:

2.Determine whether the hearing is to be in the nature of a public hearing requiring the issuance of public notices or a private hearing which may be restricted or open to the public but requiring notices only to the petitioner and other affected parties;

4:1-5.7 Notice of hearing

(a)The Commission shall issue an order or directive fixing the date, time and place at which the hearing will be held, and shall:

1.Give at least five business days notice to the petitioner and other parties thereto by serving copies of such order or directive upon them personally or by regular mail, or give such other notice as may be agreed upon and requested by all the parties;

2.Effect public notice thereof in accordance with the provisions on public hearing and public notice in Section 2.1 of this Chapter when required.

(b)Notice of a hearing may be combined with the notice granting the petition, provided service is made as provided in subsection (a)of this Section.

4:1-5.14 Public hearing

The Commission shall determine the procedural aspects of any public hearing that is of a non-adjudicative, fact-finding nature.

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CIVIL SERVICE RULES

SUBCHAPTER 6. POSITION CLASSIFICATION AND RECLASSIFICATION

4:1-6.7 Allocation and reallocation of class titles

* * *

(a) Before a class title in the classified service is reallocated to the unclassified service by the Commission, it shall hold a public hearing to ascertain whether or not is is practicable to determine merit and fitness for appointment or promotion in the class on the basis of:

1. First, competitive examinations; or

2. Second, examination which is not competitive; or

3. Third, minimum qualification requirements.

(b) The Commission shall record and publish its findings and determination whereby:

1. If it determines that merit and fitness for appointment or promotion to a position in the class can be ascertained in any manner indicated in subsection (a) of this Section, the class title shall be allocated or reallocated to the classified service; or

2. If it determines that merit and fitness for appointment or promotion to a position in the class cannot be ascertained in any such manner, the class title shall be allocated or reallocated to the unclassified service.

(c) Effect of reallocation of class titles:

2. The reallocation of a class title from the classified service to the unclassified service shall be accomplished only after adherence to the above procedure and the incumbent with permanent status in that class shall be entitled to all rights which are consistent with the classified service.

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GLOSSARY

DEPARTMENT OF CIVIL SERVICE
DIVISION OF ADMINISTRATIVE PRACTICES
AND LABOR RELATIONS
1980

CSAM
CIVIL SERVICE APPEALS MANUAL

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A - C

administrative law judge:
a hearing officer appointed by the Office of Administrative Law; conducts hearings and submits reports and recommendation to the Civil Service Commission.

appeal:
a written complaint by an employee, prospective employee, union representative or appointing authority alleging, that an action by a State department, Department of Civil Service or local governmental body is in violation of the Civil Service statutes, rules or regulations.

appeal memo:
a memorandum written by an analyst stating the issues, arguments submitted by all parties, findings of fact, conclusions and recommendation for consideration by the Civil Service Commission or the Chief Examiner and Secretary.

appeal process:
the procedure prescribed by law, rules, regulation or policy through which an appeal must advance for final determination: includes time restrictions, informational requirements, and levels from which determinations are made. Each level must be exhausted before advancing to the next level: the process may have one or more levels (tiers, steps).

appointing authority:
a commission, board, person or group of persons having the power authorized by law, or by reason of a law fully delegated authority, to appoint or remove an employee.

appointment:
the offer and acceptance of a position on either a permanent or temporary basis; most often used in connection with hiring for a classified position from an eligibility list.

Board of Medical Examiners (Medical Review Board-Physical):
a Board of physicians appointed by the Civil Service Commission to review upon request by the Civil Service Commission, rejections, removals, or SLI benefit decisions conditioned on results of physical examination.

burden of proof:
the responsibility of proving a fact or facts in dispute on an issue raised between the parties in a cause.

certification:
a ranked listing of eligibles, derived from various types of employment lists. The certification list is used by State and local government officials to fill classified government jobs.

Chief Examiner and Secretary:
the administrative head of the Department of Civil Service; appointed by the President of the Civil Service from a list promulgated by the Division of Examinations for this position in the competitive division of the State classified service.

Civil Service Commission:
created by legislative act to oversee and administer the employment, tenure and discharge of State and local government employees operating under the Civil Service act; comprised of a President and four Commissioners appointed by the Governor.

Civil Service Rule; New Jersey Administrative Code:
N.J.A.C. specifically Title 4 – Department of Civil Service; Title 4, Chapter 1; i.e. 4:1 et seq.

class:
a group of positions sufficiently alike in respect to its duties and responsibilities to justify common treatment in selection, compensation and other employment processes; a class may consist of one position if no others of the same kind exist in the service being classified: Example: Because of its unique character the class of Director, Division of Examinations in State service is a class of one position; the class title Clerk, however, may have over a thousand positions.

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C - E

classification:
a system of identifying and describing the different kinds of work in an organization; the grouping of similar positions under common job titles.

classification plan:
a schedule of class titles arranged according to series of classes and occupational groupings or other appropriate order. New Jersey State government has a classification plan containing over 4,100 class titles. Each of the over 290 county and local governmental units under New Jersey Civil Service has its own classification plan.

classified service:
all offices and positions which are in the service of the State, municipality, county, school district or other agency operating under the provisions of Title 11, Civil Service, New Jersey Statutes Annotated (N.J.S.A.). Excepted positions are those for which it is impracticable to examine or those excluded by statute, N.J.S A. 11:4-4, 11:22-2.

class title:
a descriptive, brief, and consistent label for a group of positions or a class.

CSPM:
Civil Service Personnel Manual; the parts and subparts corresponding to the series and subchapters in the Civil Service Rules and interpreting and delineating the Civil Service Statutes and Rules.

decision letter:
the letter of final determination comprised of a narrative, findings, conclusions and determination sent to all parties.

desk audit:
a job study made by a classification technician at the site of employment. The technician interviews the employee occupying the position and discusses the duties and responsibilities of the position being studied.

Division of Administrative Practices and Labor Relations:
the Division within the Department of Civil Service performing five major functions: regulatory, labor relations, Civil Service Commission support, appellate and hearings. The appeal manual pertains to the review and hearing function of reviewing appeals, preparing the appeal for the Civil Service Commission or Office of Administrative Law hearing, or for review of the written record.

Division of Classification and Compensation:
the Division within the Department of Civil Service responsible for the development and maintenance of the State's Classification and Compensation plans, research and planning with respect to salary and fringe benefits programs, and the processing, recording, and validation of State personnel transactions, in compliance with Civil Service law, rules, policies and procedures.

Division of Examinations:
the Division within the Department of Civil Service responsible for the development and administering of Civil Service examinations, for scoring, ranking, establishing and maintaining employment and reemployment lists, for certification and appointment of eligibles.

Division of Local Government Services:
the Division which oversees the operations of the county, municipal, school districts or other autonomous political subdivisions operating under the provisions of the Civil Service Law. The Division of Local Government Services has three branch offices; one in Camden, one in Newark, one in Trenton; the main office is located in Trenton.

eligible:
a person who has met all of the qualifications for appointment or reemployment from open competitive employment lists, promotional employment lists, regular and special reemployment lists.

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E - L

eligibility list (employment):
a ranked list of persons who are eligible for appointment or reemployment, and includes open competitive employment lists, promotional employment lists, regular and special reemployment lists.

exceptions:
the documents or briefs submitted to supplement or answer to the statements in the report and recommendation.

good faith:
layoff appeals, Issue A, that allege the appointing authority laid off an employee for reasons other than efficiency, economy or any other valid reason requiring a reduction of the number of employees in a given class.

Hay Point System:
a system of assigning a point value to job characteristics such as know-how, problem solving and accountability, providing an objective method of ranking titles in terms of salary within the classification plan.

hearing:
an opportunity for the appellant and respondant to answer to charges through personnel appearance; a hearing may be presided over by the President of the Civil Service Commission, a Commissioner, an Administrative Law Judge, a specially appointed Board, or any other person so appointed by the Civil Service Commission; a hearing may be trial-type, an informal review, or any variation thereof.

hearing officer:
a person appointed per diem to hold hearings and submit a report and recommendation to the Civil Service Commission or Chief Examiner and Secretary.

informal hearing (review):
an opportunity for all parties to present their arguments and documentation; normally conducted informally in a discussion format, questions and answers, as opposed to the more formal testimony and cross-examination; culminates in a report and recommendation by the reviewer; all parties are permitted to file exceptions and cross-exceptions to the report and recommendation prior to final decision.

in-time appeals:
those appeals which fall within the time limit allotted by statute, rule or subpart; the allotted time from when the appellant receives notice of the adverse action to the date stamped on the appeal when it is received by the Department of Civil Service.

Issue A:
appeals from layoffs charging bad faith, i.e., that the layoff action was not for reasons of efficiency, economy or any other valid reason, requiring a reduction in the number of employees in a given class.

Issue B:
appeals from layoffs charging improper application of lateral displacement, seniority, demotional and/or special reemployment rights.

jurisdiction:
the right, power or authority to administer laws, rules or regulation

any county, municipality, school district or other autonomous political subdivision.

layoff:
the separation of a permanent employee from his/her position for reasons other than delinquency or misconduct on his/her part.

local government:
the offices and positions in the Civil Service of any county, municipality, school district or other autonomous political subdivision operating under the provisions of the Civil Service law.

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L - P

lump sum:

supplemental compensation for earned and unused accumulated sick leave granted to each employee in the classified service of the State upon retirement and to each state employee in the unclassified service who has been granted sick leave under terms and conditions similar to classified employees;

supplemental compensation for performing duties in addition to those specified for a title.

Medical Review Board-Physical (Board of Medical Examiners):

a Board of physicians appointed by the Civil Service Commission to review, upon request by the Civil Service Commission, rejections, removals, or SLI benefit decisions conditioned on the results from a physical examination.

Medical Review Board-Psychological (MRB):

an arm of the Civil Service Commission appointed to review and hear appeals from an eligible whose name is being removed from an eligibility list on the grounds that the eligible is mentally unfit to effectively perform the duties of the job; comprised of a psychiatrist, a psychologist and a Civil Service representative from the Division of Administrative Practices and Labor Relations.

mitigate:

to make less severe due to the consideration of extenuating circumstance.

N.J.A.C.

New Jersey Administrative Code; specifically Title 4 - Department of Civil Service; Civil Service Rules; Title 4, Chapter 1, i.e. 4:1 et seq.

Office of Administrative Law:

a central independent agency in the executive branch of State government with the function of conducting administrative hearings pursuant to N.J.S.A. 52:14F-1.

out-of-time appeals:

those appeals that do not fall within the time limit allotted by statute, rule or subpart; the allotted time from when the appellant receives notice of the adverse action to the date stamped on the appeal when received at the Department of Civil Service.

permanent employee (RA):

a employee who has acquired permanent status in his/her position after the satisfactory completion of a working test period.

position:

a group of duties and responsibilities that require the full or part-time employment of one individual.

probationary period:

see definition of working test period.

probationer:

an employee serving his/her working test period.

provisional appointment (PA):

the appointment of an individual to a position pending a Civil Service examination and/or appointment of an eligible person from a special reemployment, regular reemployment or employment list.

public hearing:

an opportunity given, after public notice of at least five business days, for an interested party to appear and be heard on the matter involved; may be convened by order of the Civil Service Commission if the issue would have a significant impact on the State and local governments and/or its employees; or, to determine if a title should be reallocated from the classified service to the unclassified service.

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public notice:
publication by positing an announcement in a prominent place in or near the offices of the Commission and accessible the public during business hours or by advertising in any newspaper of general circulation in the State. distributed to newspapers with wide State circulation; posted in the local branch offices of the Division of Local Government Services.

reallocation:
the change of a class from one division to another within the classified service or to the unclassified service; or from the unclassified service to a division of the classified service.

reclassification:
the change of an individual position from one class to another class.

reduction-in-force (RIF):
term used synonymously with layoff procedures enforced because of reasons of efficiency and economy.

report and recommendation:
a document submitted by a reviewer to his/her superior, Department, Division of Administrative Practices and Labor Relations, Chief Examiner and Secretary or Civil Service Commission for consideration and determination; contains discussion, findings, conclusions and recommendation.

review of written record:
review and determination of an appeal by consideration of written documents submitted by all parties; there is no provision during this review for oral argument or personal presentation.

salary range:
based on the requirements of the position; the State Civil Service classification plan has forty-five (45) salary ranges each having eight (8) rates of pay, or steps, including a specified allowable minimum and maximum wage.

series:
classes of positions reflecting the degree of responsibility and difficulty of positions in the same category of work; example of a typical series is Clerk, Senior Clerk, Principal Clerk, Head Clerk.

Sick Leave Injury benefits (SLI):
compensation in the form of paid or part-paid leave of absence because of work related illness or injury; these benefits are never cash reimbursements for accident or illness related expenses.

special reemployment list:
a list of names of persons who had been permanent employees but were laid off for reasons of efficiency, economy or otherwise and not because of any misconduct or delinquency on their part; or whose office or position has been abolished and who are entitled to be certified for re-employment. These lists take precedence over promotion lists for the same organization unit, regular reemployment lists and open competitive employment lists.

specification (job specifications):
description of a class; composed of a class title, an overall statement of the kind and level of work, examples of typical tasks and general duties, and a statement of qualification standards.

symbol number:
the letter-number combination assigned to each examination for purpose of identification; must be included in all examination appeals; appears in job opportunities bulletin in heading for each test, on the test and answer sheet, and in all matters that refer to a specific test.

temporary appointment (TA):
employment during a period of emergency or in a temporary position.

timeliness:
the time allowed by law or rule within which an appeal must be submitted to the Civil Service Commission or Chief Examiner and Secretary; time alloted for submitting appeals, information, briefs, exceptions and/or cross exceptions.

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T - W

title:

label assigned to classes of positions; title should be concise, descriptive of the type of work, and indicate relative class level or rank.

unclassified service:

offices and positions not subject to all provisions of the Civil Service Law or Commission rules; lists of all unclassified titles are maintained for the State and local governments and include all offices and positions; the Commission may determine positions to be unclassified pursuant to N.J.S.A. 11:7-11 to 11:7-13 and 11:22-52; the lists include the citation authorizing the unclassified status of the office or position.

working test period or probationary period:

a part of the testing process which consists of a trial working period after regular appointment, during which time the work performance and conduct of the appointee is evaluated to determine if s/he shall merit permanent status.

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Series 3

Administration

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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Series 4

Commission Meetings

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Series 5

Hearings

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PART 2-1 WORDS AND PHRASES DEFINED

Subpart 2-1.101 Reduction of Age by Amount of Service During Period of Actual Hostilities as Defined in N.J.S.A. 11:27-1

2-1.101a Subject:

This subpart describes the procedure for determining on applicant's "reduced age" under the provisions of N.J.S.A. 38:23A-2.

2-1.101b Procedure:

Applicants qualifying as veterans of the Vietnam Conflict or other conflicts listed in N.J.A.C. 4:1-2.1; "Veteran" and N.J.S.A. 11:27-1 will receive the following reductions in determining their age for Civil Service purposes:

a. only the initial period of service (unless involuntarily extended) during time of actual hostilities as stipulated in N.J.A.C. 4:1-2.1; "Veteran" and N.J.S.A. 11:27-1 will be subtracted from present age, and

b. comparison between this reduced age and the age requirement for the position at the time of entrance into military service will be made.

Example:

If a 35 year old man applies for a position having a maximum age limitation of 30 years (as of March 31, 1961) and he has served on active duty during the Vietnam Conflict from March 31, 1961 to March 31, 1963 (90 days of which was overseas duty), we would deduct two years from his present age of 35. As his "reduced age" would be 33 as compared to the age maximum of 30, he would not be eligible for the position.

Note:

(1). When an applicant has reached his 35th birthday, he is considered over 35 years old.

(2). State laws concerning age limitations for prospective patrolmen and firemen are based on the announced closing date.

2-1.101c Limitations:

Overseas duty, for the purposes of this procedure, shall mean any tour of duty beyond the contiguous 48 states. Tours spent in peripheral locations such as Alaska, Hawaii, Puerto Rico qualify as overseas duty. Also included in the definition is any combination of 90 days spent beyond this boundary (1) on permanent or temporary ground duty, (2) on permanent or temporary shipboard duty, and (3) permanent or temporary flight duty.

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PART 5-6 EXECUTION OF RELIEF

Subpart 5-6.101 Hearings Conducted by Hearing Officers Assigned by the President of the Civil Service Commission

5-6.101a Subject:

This subpart will govern the assignment of Hearing Officers by the President of the Civil Service Commission to conduct hearings on appeals from disciplinary or other administrative actions and will detail the procedures to be followed.

5-6.101b Assignment:

The President of the Civil Service Commission will from time to time review appeals outstanding before the Civil Service Commission to determine whether a sufficient backlog exists to assign hearing officers in accordance with N.J.A.C. 4:1-5.6.

If the President thereafter so decides he will distribute cases according to the following priorities:

1. Removals
2. Layoffs
3. Suspensions for more than 5 days
4. Demotions
5. Administrative Appeals

5-6.101c Conduct of Hearings:

Hearings before hearing officers designated by the President will adhere to the procedures outlined in N.J.A.C. 4:1-5.1 et seq. generally.

5-6.101d Submission of the Hearing Officer's Report and Recommendation:

Ten (10) copies of the report and recommendations of hearing officers must be prepared and submitted to the Civil Service Commission in the written form described in N.J.A.C. 4:1-5.11(b) within 10 days from the date of hearing or within 10 days of return of the transcript of the hearing.

Copies of the Hearing Officer's Report and Recommendations will be served promptly on all parties to the proceeding. Ten (10) copies of any exceptions to the Hearing Officer's Report and Recommendations may be filed by any party with the Civil Service Commission within ten (10) calendar days after the service of the report and recommendations, provided, however that the President of the Civil Service Commission may for good cause shown extend the time for filing such exceptions. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such services shall be furnished to the Civil Service Commission.

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5-6.101e Filing Of Exceptions:

Exceptions to a Hearing Officer's Report and Recommendations shall:

1. Cite the precise findings of fact, conclusion, or procedure to which exceptions are taken;

2. Identify that part of the Hearing Officer's Report and Recommendations to which objection is made;

3. Cite the precise portions of the transcript relied on and state the grounds for the exceptions.

Any exception to a finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived.

Any exception which fails to comply with the foregoing requirements may be disregarded.

Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions.

Answering briefs to the exceptions, and cross-exceptions and supporting briefs, may be filed within ten (10) calendar days of the receipt of any exceptions filed by any other party. Copies of same shall be served simultaneously on all other parties, and a statement of such services, and ten (10) copies of such briefs and cross-exceptions shall be furnished to the Civil Service Commission.

5-6.101f Decisions:

Copies of the Hearing Officer's Report and Recommendations and any exceptions, answering briefs, or cross-exceptions received will be presented to the Civil Service Commission.

The Civil Service Commission, after consideration of the Hearing Officer's Report and Recommendations and any briefs or exceptions, will amend, modify, reject or adopt the Hearing Officer's Report and Recommendations and issue the Commission's decision to all parties.

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Copies of the Hearing Officer's Report and Recommendations will be served promptly on all parties to the proceeding. Ten (10) copies of any exceptions to the Hearing Officer's Report and Recommendations may be filed by any party with the Civil Service Commission within ten (10) calendar days after the service of the report and recommendations, provided, however that the President of the Civil Service Commission may for good cause shown extend the time for filing such exceptions. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such services shall be furnished to the Civil Service Commission.

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PART 5-6 EXECUTION OF RELIEF

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The President of the Civil Service Commission will from time to time review appeals outstanding before the Civil Service Commission to determine whether a sufficient backlog exists to assign hearing officers in accordance with N.J.A.C. 4:1-5.6.

If the President thereafter so decides he will distribute cases according to the following priorities:

1. Removals
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5-6.101c Conduct of Hearings:

Hearings before hearing officers designated by the President will adhere to the procedures outlined in N.J.A.C. 4:1-5.1 et seq. generally.

5-6.101d Submission of the Hearing Officer's Report and Recommendation:

Ten (10) copies of the report and recommendations of hearing officers must be prepared and submitted to the Civil Service Commission in the written form described in N.J.A.C. 4:1-5.11(b) within 10 days from the date of hearing or within 10 days of return of the transcript of the hearing.

Copies of the Hearing Officer's Report and Recommendations will be served promptly on all parties to the proceeding. Ten (10) copies of any exceptions to the Hearing Officer's Report and Recommendations may be filed by any party with the Civil Service Commission within ten (10) calendar days after the service of the report and recommendations, provided, however that the President of the Civil Service Commission may for good cause shown extend the time for filing such exceptions. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such services shall be furnished to the Civil Service Commission.

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PART 5-6 EXECUTION OF RELIEF

Subpart 5-6.101 Hearings Conducted by Hearing Officers Assigned by the President of the Civil Service Commission

5-6.101a Subject:

This subpart will govern the assignment of Hearing Officers by the President of the Civil Service Commission to conduct hearings on appeals from disciplinary or other administrative actions and will detail the procedures to be followed.

5-6.101b Assignment:

The President of the Civil Service Commission will from time to time review appeals outstanding before the Civil Service Commission to determine whether a sufficient backlog exists to assign hearing officers in accordance with N.J.A.C. 4:1-5.6.

If the President thereafter so decides he will distribute cases according to the following priorities:

1. Removals
2. Layoffs
3. Suspensions for more than 5 days
4. Demotions
5. Administrative Appeals

5-6.101c Conduct of Hearings:

Hearings before hearing officers designated by the President will adhere to the procedures outlined in N.J.A.C. 4:1-5.1 et seq. generally.

5-6.101d Submission of the Hearing Officer's Report and Recommendation:

Ten (10) copies of the report and recommendations of hearing officers must be prepared and submitted to the Civil Service Commission in the written form described in N.J.A.C. 4:1-5.11(b) within 10 days from the date of hearing or within 10 days of return of the transcript of the hearing.

Copies of the Hearing Officer's Report and Recommendations will be served promptly on all parties to the proceeding. Ten (10) copies of any exceptions to the Hearing Officer's Report and Recommendations may be filed by any party with the Civil Service Commission within seven (7) calendar days after the service of the report and recommendations, provided, however that the President of the Civil Service Commission may for good cause shown extend the time for filing such exceptions. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such services shall be furnished to the Civil Service Commission.

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5-6.101e Filing Of Exceptions:

Exceptions to a Hearing Officer's Report and Recommendations shall:

1. Cite the precise findings of fact, conclusion, or procedure to which exceptions are taken;

2. Identify that part of the Hearing Officer's Report and Recommendations to which objection is made;

3. Cite the precise portions of the transcript relied on and state the grounds for the exceptions.

Any exception to a finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived.

Any exception which fails to comply with the foregoing requirements may be disregarded.

Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions.

Answering briefs to the exceptions, and cross-exceptions and supporting briefs, may be filed within ten (10) calendar days of the receipt of any exceptions filed by any other party. Copies of same shall be served simultaneously on all other parties, and a statement of such services, and ten (10) copies of such briefs and cross-exceptions shall be furnished to the Civil Service Commission.

5-6.101f Decisions:

Copies of the Hearing Officer's Report and Recommendations and any exceptions, answering briefs, or cross-exceptions received will be presented to the Civil Service Commission.

The Civil Service Commission, after consideration of the Hearing Officer's Report and Recommendations and any briefs or exceptions, will amend, modify, reject or adopt the Hearing Officer's Report and Recommendations and issue the Commission's decision to all parties.

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PART 5-8 RIGHTS OF PETITIONER AND OTHER PARTIES TO HEARING

Subpart 5-8.101 Representation by Legal Counsel

5-8.101a Purpose:

This subpart further interprets N.J.A.C. 4:1-5.8 regarding representation by legal counsel.

5-8.101b Interpretation:

As stated in N.J.A.C. 4:1-5.8, every party to a hearing shall be entitled to present his case in person or be represented by legal counsel.

The term "legal counsel" in addition to attorneys includes third year law students participating in a legal assistance program approved by the Supreme Court.

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PART 5-10 CONDUCT OF HEARINGS

Subpart 5-10.101 Advancing Appeals For Stipulation On The Record Below

5-10.101a Subject:

This subpart will deal with the advancing of appeals made to the Civil Service Commission on its hearing calendar in return for stipulation by both parties that the hearing may be held on the record below.

5-10.101b Application:

Appeals brought before the Civil Service Commission shall be advanced along the Commission's hearing calendar if a stenographic record from the hearing below, agreed upon by attorneys from both parties, is presented. Supplemental briefs shall also be accepted. This entire record shall be referred to a Hearing Officer or a Commissioner who shall base the decision thereon.

If the appellant is not represented by an attorney the appellant's witnesses shall be required to testify that their testimony would be the same if they testified again at a Commission hearing. Said witnesses shall be permitted to add relevant, additional facts. If witnesses are not available to testify affidavits stipulating the above shall suffice.

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Subpart 5-10.102 Conduct Of Departmental Hearings

5-10.102a Purpose:

The contents of this subpart are set forth in order to ensure that all parties involved in a departmental hearing as prescribed by N.J.A.C. 4:1-5.15 are afforded due process during the course of the hearing.

5-10.102b Regulation:

In all disciplinary hearings the burden of proof shall be on the appointing authority except in those cases where an employee has been released at the end of his or her working test period. In such cases, the burden of proof shall be on the employee to demonstrate the action was taken in bad faith.

5-10.102c Conduct of Hearing:

All hearings shall be conducted in an informal manner, without reference to any formal rules of evidence, but subject to the following principles:

1. The hearing officer shall admit all testimony having reasonable probative value, but may exclude immaterial, irrelevant, or unduly cumulative testimony.

2. Direct and cross-examination of witnesses shall be allowed.

3. The petitioning employee shall not be required to testify, but if he or she does testify voluntarily, he or she may be cross-examined upon any matter relevant to the hearing.

4. No person shall serve as a hearing officer where he or she is the one who preferred the respective charges.

5-10.102d Findings and Decision:

1. The hearing officer shall issue a decision within 30 days of the hearing unless a later or earlier date is mutually agreed upon by the parties.

2. The decision shall include:

(1) A short statement of the nature of the proceedings.

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5-10.102d (cont'd)

(b) Discussion of any testimony or evidence which merits special analysis.

(c) Specific finding of fact, noted as such.

(d) Specific conclusion and decision based on findings of fact and applicable laws and rules.

5-10.102e Witnesses:

1. Departmental policies regarding the procedural steps to be taken in requesting witnesses shall be followed.

2. It shall be within the discretion of the hearing officer presiding to determine the necessity of specific witnesses on the basis of whether the testimony to be elicited from such witnesses would be immaterial, irrelevant, or unduly cumulative.

5-10.102f Time Off:

All appellants and witnesses in payroll status at the time of the hearing shall be given time off during their normal working hours.

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PART 5-15 DEPARTMENTAL HEARING

Subpart 5-15.101 Departmental Hearing Under N.J.A.C. 4:1-5.15 When Disciplinary Action Arises From Indictment or Criminal Complaint Lodged Against Classified Employees

5-15.101a Purpose:

This subpart further interprets N.J.A.C. 4:1-5.15(b) and applies to employees suspended, fined, demoted or removed pending the outcome of indictment or criminal complaint against them to be adjudicated in a court of law.

5-15.101b Interpretation:

Please note that N.J.A.C. 4:1-5.15 states:

a. In every disciplinary action involving a permanent employee where the contemplated penalty may be:

1. Suspension of more than five days at one time;

2. Suspensions or fines more than three times or for an aggregate of more than fifteen (15) days in one calendar year;

3. Demotion; or

4. Removal;

the employee shall have the right to a departmental hearing.

b. Such departmental hearings shall be commenced as soon as possible and not later than thirty (30) days after service of a copy of the charges.

5-15.101c Criminal Complaints Or Indictments:

If a criminal complaint or indictment is brought against a classified employee a hearing by the department must still be held within 30 days unless the employee, in writing, waives the hearing pending the court's disposition of indictment or complaints.

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5-15.101c (cont'd)

An employee is not prohibited from appealing to the Civil Service Commission for a hearing prior to the disposition of indictment or complaint in court. However, it is the policy of the Civil Service Commission not to schedule such hearings until the criminal issues are disposed of by the Court.

5-15.101d Departmental Charges Prior To Disciplinary Action:

When an appointing authority wishes to suspend, fine, remove or demote an employee solely because of an indictment or criminal complaint the Form CS-31A must charge the indictment or complaint itself and the wording therein. A suspension may be for an indefinite time and may extend beyond 6 months despite N.J.A.C. 4:1-16.7(a)3, but may not go beyond the date of disposition of the indictment or criminal complaint.

5-15.101e Departmental Hearing:

Suspension, fine, demotion or removal for indictment or criminal complaint is not mandatory, but if imposed the department must hold a hearing to show good cause why such action is appropriate.

(1) At this hearing the issue should not be the merits of the indictment or complaint but whether they warrant the findings that the public interest would best be served by the contemplated disciplinary action until disposition. Such considerations could include:

a. Whether the indictment is related to the accused employee's performance of official duties, or

b. Whether the penalty would inhibit the performance of fellow employees, or

c. Any other reasonable contention by the appointing authority.

(2) Nevertheless, despite the above an appointing authority if it so decides, is not prohibited from conducting a hearing on the basis of charges and evidence which are related to the merits of the indictment or criminal complaint.

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PART 5-15 DEPARTMENTAL HEARING

Subpart 5-15.101 Departmental Hearing Under N.J.A.C. 4:1-5.15 When Disciplinary Action Arises From Indictment or Criminal Complaint Lodged Against Classified Employees

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This subpart further interprets N.J.A.C. 4:1-5.15(d) and applies to employees suspended, fined, demoted or removed pending the outcome of indictment or criminal complaint against them to be adjudicated in a court of law.

5-15.101b Interpretation:

Please note that N.J.A.C. 4:1-5.15 states:

a. In every disciplinary action involving a permanent employee where the contemplated penalty may be:

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the employee shall have the right to a departmental hearing.

b. Such departmental hearings shall be commenced as soon as possible and not later than thirty (30) days after service of a copy of the charges.

5-15.101c Criminal Complaints Or Indictments:

If a criminal complaint or indictment is brought against a classified employee a hearing by the department must still be held within 30 days * unless the employee, in writing, waives the hearing pending the court's disposition of indictment or complaints.

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*Police officers are exempt from prompt departmental hearings if the conditions of N.J.S.A. 40A:149.1 are met.

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5-15.10lc (cont'd)

An employee is not prohibited from appealing to the Civil Service Commission for a hearing prior to the disposition of indictment or complaint in court. However, it is the policy of the Civil Service Commission not to schedule such hearings until the criminal issues are disposed of by the Court.

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Suspension, fine, demotion or removal for indictment or criminal complaint is not mandatory, but if imposed the department must hold a hearing to show good cause why such action is appropriate.

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a. Whether the indictment is related to the accused employee's performance of official duties, or

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(2) Nevertheless, despite the above an appointing authority if it so decides, is not prohibited from conducting a hearing on the basis of charges and evidence which are related to the merits of the indictment or criminal complaint.

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PART 5-15 DEPARTMENTAL HEARING

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This subpart further interprets N.J.A.C. 4:1-5.15(d) and applies to employees suspended, fined, demoted or removed pending the outcome of indictment or criminal complaint against them to be adjudicated in a court of law.

5-15.101b Interpretation:

Please note that N.J.A.C. 4:1-5.15 states:

a. In every disciplinary action involving a permanent employee where the contemplated penalty may be:

1. Suspension of more than five days at one time;

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5-15.101c (cont'd)

An employee is not prohibited from appealing to the Civil Service Commission for a hearing prior to the disposition of indictment or complaint in court.

5-15.101d Departmental Charges Prior To Disciplinary Action:

When an appointing authority wishes to suspend, fine, remove or demote an employee solely because of an indictment or criminal complaint the Form CS-31A must charge the indictment or complaint itself and the wording therein. A suspension may be for an indefinite time and may extend beyond 6 months despite N.J.A.C. 4:1-16.7(a)3, but may not go beyond the date of disposition of the indictment or criminal complaint.

5-15.101e Departmental Hearing:

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(1) At this hearing the issue should not be the merits of the indictment or complaint but whether they warrant the findings that the public interest would best be served by the contemplated disciplinary action until disposition. Such considerations could include:

a. Whether the indictment is related to the accused employee's performance of official duties, or

b. Whether the penalty would inhibit the performance of fellow employees, or

c. Any other reasonable contention by the appointing authority.

(2) Nevertheless, despite the above an appointing authority if it so decides, is not prohibited from conducting a hearing on the basis of charges and evidence which are related to the merits of the indictment or criminal complaint.

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Subpart 5-15.102 Service Of CS-31B Forms By Appointing Authorities

5-15.102a Purpose:

This subpart further interprets N.J.A.C. 4:1-5.15 regarding time limits for departmental hearings.

5-15.102b Interpretation:

As stated in N.J.A.C. 4:1-5.15, departmental hearings are required to be held not later than thirty (30) days after service of a copy of the charges (Form CS-31A).

Effective June 1, 1973, appointing authorities will be required to furnish the Final Notice of Disciplinary Action (Form CS-31B) containing the decision arising from the departmental hearing to the employee and the Department of Civil Service within 30 days of the date of hearing unless for good and sufficient reason the Chief Examiner and Secretary permits an extension of time.

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Subpart 5-15.103 Appeal For Departmental Hearing

5-15.103a Subject:

This subpart prescribes the regulation to be followed by an employee who receives a disciplinary penalty enumerated in N.J.A.C. 4:1-5.15 and desires a departmental hearing.

5-15.103b Regulation:

1. Any permanent employee who receives a penalty as described in N.J.A.C. 4:1-5.15 must appeal within ten days of receipt of notice of discipline in order to be granted a departmental hearing.

2. Employees who fail to appeal within the ten days prescribed above shall not be entitled to a departmental hearing; nevertheless, such employees may appeal their penalty to the Civil Service Commission.

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Subpart 5-15.103 Appeal For Departmental Hearing

5-15.103a Subject:

This subpart prescribes the regulation to be followed by an employee who receives a disciplinary penalty enumerated in N.J.A.C. 4:1-15.5 and desires a departmental hearing.

5-15.103b Regulation:

1. Any permanent employee who receives a penalty as described in N.J.A.C. 4:1-15.5 must appeal within ten days of receipt of notice of discipline in order to be granted a departmental hearing.

2. Employees who fail to appeal within ten days prescribed above shall not be entitled to a departmental hearing; nevertheless, such employees may appeal their penalty to the Civil Service Commission.

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Series 6

Position Classification and Reclassification

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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CIVIL SERVICE PERSONNEL MANUAL
(STATE SERVICE)

The following subpart has been repealed. Please remove the subpart from your manual:

Subpart	Issue Date	Repeal Date
6-3.101	7/27/73	9/10/81

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PART 6-3 CLASSIFICATION OF POSITIONS

Subpart 6-3.101 Neuter Position Classifications

6-3.101a Subject:

This subpart deals with the use of neuter class titles where the current title is identified as having a fixed gender.

6-3.101b Policy:

It is the policy of the Civil Service Commission to remove all forms of discrimination on the basis of sex. Accordingly, Civil Service class titles, wherever possible, will be identified by language that does not specify or imply a fixed gender. In those instances where an occupation has been traditionally described in terms denoting a fixed gender and a plausible neuter title cannot be found, the title will be followed by the designation M/W (example: Foreman (Trades) M/W). The M/W designation indicates that the job title is applicable to both men and women.

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Subpart 6-3.102 Non-Discriminatory Position Classifications and Titles

6-3.102a Subject:

This subpart deals with the use and revision of class titles that are identified as having either a written or implied fixed gender or reflect discriminatory job practices.

6-3.102b Policy:

It is the policy of the Civil Service Commission to remove all forms of discrimination. Specific attention is to be given to eliminating discrimination on the basis of race, creed, color, national origin, ancestry, age, marital status, physical handicap, or sex. Accordingly, Civil Service class titles will be identified by language that does not specify or imply a fixed gender.

6-3.102c Procedure:

Civil Service class titles will be identified by language that does not specify or imply any partiality. No language will be used which specifies or implies a fixed gender.

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SUPERSEDED

Subpart 6-3.102 Determination And Application Of Non-Discriminatory Titles By The Department Of Civil Service

6-3.102a Subject:

This subpart will prescribe that class titles shall be established and/or revised so as to reflect non-discriminatory job practices.

6-3.102b Definitions:

1. Non-Discriminatory - a class title which does not express, overtly or covertly any limitation, specification, preference or discrimination based on race, creed, color, national origin, ancestry, age, marital status, physical handicap, or sex, or has the intent of making such a limitation unless such is a bona fide occupational qualification, shall be considered non-discriminatory.

2. Bona Fide Occupational Qualification - qualifications which are reasonably necessary to the successful performance of the function.

6-3.102c Policy:

Any class title which contains words, phrases, or expressions which tend to influence, persuade or dissuade, encourage or discourage, attract or repel, any person or persons because of race, creed, color, national origin, ancestry, age marital status, physical handicap, or sex and such are not bona fide occupational qualifications shall be changed to utilize a non-discriminatory title wherever practicable.

6-3.102d Limitations:

1. Where not practicable to change the title, the designation "M/W" meaning man or woman, is to be used as part of the title.

Example: Foreman, M/W

2. If the use of "M/W" or a neutral class title is not feasible, the use of the non-neutral title and the title which is the sex counterpart may be used subject to the approval of the Department of Civil Service.

Example: Salesman/Saleswoman

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6-3.102e Application:

Changes implementing the use of non-discriminatory titles should take into account all of the following factors:

1. Specifications should reflect the non-discriminatory titles.

2. Certifications which are issued for newly implemented non-discriminatory titles should be issued under such titles.

3. All new record cards and future notations on existing record cards should indicate non-discriminatory titles.

4. All examination announcements and other documents containing job titles or job descriptions will utilize the non-discriminatory title or its substitute.

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PART 6-3 CLASSIFICATION OF POSITIONS

Subpart 6-3.103 Determination Of Bona Fide Occupational Qualifications

6-3.103a Subject:

This subpart describes the policy and procedure by which a bona fide occupational qualification is to be determined for specific positions in the classified service.

6-3.103b Policy:

In seeking admission to the classified service, no person shall be discriminated against because of age, sex, marital status, handicap, race, ancestry, national origin, political or religious opinions or affilations, or criminal record, unless the criminal record relates adversely to the employment sought. Non-discriminatory practices require that persons be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group.

The Department of Civil Service shall, however, permit the practice of employing individuals on the basis of that person's sex or national origin in instances where sex or national origin is a bona fide occupational qualification.

6-3.103c Definitions:

1. A bona fide occupational qualification is one which is reasonable and necessary for effective job performance. For example, a bona fide occupational qualification could be based on the need to protect the interests of privacy of institutionalized inmates. Where the normal responsibilities of the position require the employee to perform pat frisks of inmates and/or supervise living quarters in which the inmates are unclothed, a bona fide occupational qualification could be appropriate.

2. The following shall NOT warrant the application of a bona fide occupational qualification:

(a) Faulty assumptions such as comparative employment characteristics of women in general (e.g., the turnover rate among women is higher than among men);

(b) Stereotyped characterizations of the type of work performed (e.g., men are less capable of assembling intricate equipment than women; women are less capable of lifting or carrying items exceeding certain weight limits);

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6-3.103 (cont'd)

(c) Anticipated or existing preference of co-workers, supervisors, clients or customers;

(d) The quality or quantity of work (e.g., women are excluded from jobs scheduled during certain hours of the night, or for more than a specific number of hours per day or week).

6-3.103d Procedure:

1. A request for approval to assign a bona fide occupational qualification to a specific position shall be directed to the Director, Division of Classification and Compensation.

2. Upon request for such a qualification restriction, the Directors of the Division of Classification and Compensation and the Division of Equal Employment Opportunity/Affirmative Action will evaluate the request for the qualification restriction.

3. A recommendation will be made by the Directors of the Division of Classification and Compensation and the Division of Equal Employment Opportunity/Affirmative Action to the Chief Examiner and Secretary who will make a determination. Copies of the determination will be forwarded to the Civil Service Commission for informational purposes on the request.

6-3.103e Appeal

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 calendar days of notice of the Chief Examiner and Secretary's determination.

The burden of proof that the qualification restriction is a bona fide occupational requirement lies with the appointing authority.

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Subpart 8-6.103 Professional Qualifications Substitution Program

8-6.103a Subject:

This subpart provides for substituting appropriate prior work experience for college educational requirements for entry-level professional titles.

8-6.103b Policy:

It is the policy of the Civil Service Commission to encourage career development and upward mobility for employees and prospective employees. Therefore, experience appropriate to the related profession may be substituted for college educational requirements for designated open competitive or promotional examinations.

8-6.103c Standards:

1. Applicants may be considered eligible to take entry-level professional open competitive and promotional examinations by substituting appropriate work experience for college educational requirements.

2. Appropriate prior work experience shall be substituted on a year for year basis--e.g., five years of appropriate prior work experience may be substituted for a requirement of a B.A. degree and one year of experience.

3. For those class titles which require only specific course work or major fields of study, the successful completion of same shall be required and no substitution of experience for such requirements will be permitted unless the specific course work has been completed.

4. Non-professional career employees must have permanent status and the required time in grade to be considered eligible to take promotional examinations.

8-6.103d Procedure:

1. The Department of Civil Service will announce and conduct open competitive and promotional examinations.

2. Announcement of open competitive examinations will be made in the regular monthly "Job Opportunities Bulletin". The Bulletin shall include general information on eligibility requirements and how prospective applicants may utilize the Professional Qualifications Substitution Program outlined above.

3. Appointing authorities shall post, for ready access to employees, information about how employees may utilize the Professional Qualifications Substitution Program as outlined above.

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NOTE: See Subpart 8-6.104 for provisions for substituting CLEP (College Level Examination Program) scores for college educational requirements.

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Subpart 6-3.103 Determination Of Bona Fide Occupational Qualifications

6-3.103a Subject:

This subpart deals with the procedure by which a bona fide occupational qualification is to be determined for class titles in the classified service.

6-3.103b Policy:

In seeking admission to the classified service, no person shall be discriminated against because of political or religious opinions or affiliations nor because of sex, race, ancestry or national origin as specified in N.J.A.C. 4:1-21.2. The principles of non-discrimination require individuals be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group. As indicated in Subpart 6-3.101, the general policy of the Department of Civil Service shall be to use neuter class titles and to eliminate discrimination in employment in the classified service.

The Department of Civil Service shall, however, permit the practice of employing individuals on the basis of that person's sex or national origin in instances where sex or national origin is a bona fide occupational qualification reasonably necessary to facilitate the normal operation of a function of the appointing authority. Upon request for such a qualification restriction, the Director of the Division of Classification and Compensation in consultation with the Career Development Unit will evaluate the qualification. A recommendation will be made by the Director of Classification and Compensation to the Chief Examiner and Secretary who will make a determination. Copies of the determination will be forwarded to the Civil Service Commission for recording purposes. The burden of proof that the qualification restriction is a bona fide occupational requirement lies with the appointing authority. Such a restriction is to be strictly interpreted.

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 days of notice of the Chief Examiner and Secretary's determination.

6-3.103c Authority:

This subpart is based on the provisions of Title VII of the Federal Civil Rights Act of 1964, as amended. No State statute, local ordinance, or local resolution shall cause the Department of Civil Service to discriminate on the basis of sex or national origin. Only in instances where a bona fide occupational requirement is reasonable and necessary will the Department of Civil Service approve the employment of an individual on the basis of sex or national origin. Each case will be decided on its own merit.

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6-3.103d Illustrations:

The following shall NOT warrant the application of a bona fide occupational qualification:

(1) If the request is based on faulty assumptions such as comparative employment characteristics of women in general (e.g., the turnover rate among women is higher than among men);

(2) If the request is based on stereotyped characterizations of the type of work performed (e.g., men are less capable of assembling intricate equipment than women; women are less capable of aggressive behavior);

(3) If the request is based on anticipated or existing preference of co-workers, supervisors, clients or customers;

(4) If the request is based on the quality or quantity of work (e.g., females are excluded from jobs (a) requiring lifting or carrying items exceeding certain weight limits, (b) scheduled during certain hours of the night, or (c) scheduled for more than a specific number of hours per day or week).

The following SHALL warrant the application of a bona fide occupational qualification:

(1) If the request is based on the need to protect the interests to privacy of institutionalized inmates, where the normal responsibilities of the position require the employee to perform pat frisks of inmates and/or supervision in living quarters where it would be necessary to observe the inmates unclothed.

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Subpart 6-3.103 Determination Of Bona Fide Occupational Qualifications

6-3.103a Subject:

This subpart deals with the procedure by which a bona fide occupational qualification is to be determined for class titles in the classified service.

6-3.103b Policy:

In seeking admission to the classified service, no person shall be discriminated against because of political or religious opinions or affiliations nor because of sex, race, ancestry or national origin as specified in N.J.A.C. 4:1-21.2. The principles of non-discrimination require individuals be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group. As indicated in Subpart 6-3.101, the general policy of the Department of Civil Service shall be to use neuter class titles and to eliminate discrimination in employment in the classified service.

The Department of Civil Service shall, however, permit the practice of employing individuals on the basis of that person's sex or national origin in instances where sex or national origin is a bona fide occupational qualification reasonably necessary to facilitate the normal operation of a function of the appointing authority. Upon request for such a qualification restriction, the Director of the Division of Classification and Compensation in consulation with the Career Development Unit will evaluate the qualification. A recommendation will be made by the Director of Classification and Compensation to the Chief Examiner and Secretary who will make a determination which will be presented to the Civil Service Commission for approval of such requests. The burden of proof that the qualification restriction is a bona fide occupational requirement lies with the appointing authority. Such a restriction is to be strictly interpreted.

6-3.103c Authority:

This subpart is based on the provisions of Title VII of the Federal Civil Rights Act of 1964, as amended. No State statute, local ordinance, or local resolution shall cause the Department of Civil Service to discriminate on the basis of sex or national origin. Only in instances where a bona fide occupational requirement is reasonable and necessary will the Department of Civil Service approve the employment of an individual on the basis of sex or national origin. Each case will be decided on its own merit.

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6-3.103d Illustrations:

The following shall NOT warrant the application of a bona fide occupational qualification:

(1) If the request is based on faulty assumptions such as comparative employment characteristics of women in general (e.g., the turnover rate among women is higher than among men);

(2) If the request is based on stereotyped characterizations of the type of work performed (e.g., men are less capable of assembling intricate equipment than women; women are less capable of aggressive behavior);

(3) If the request is based on anticipated or existing preferences of co-workers, supervisors, clients or customers;

(4) If the request is based on the quality or quantity of work (e.g., females are excluded from jobs (a) requiring lifting or carrying items exceeding certain weight limits, (b) scheduled during certain hours of the night, or (c) scheduled for more than a specific number of hours per day or week).

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Subpart 6-3.103 Determination Of Bona Fide Occupational Qualifications

6-3.103a Subject:

This subpart deals with the procedure by which a bona fide occupational qualification is to be determined for class titles in the classified service.

6-3.103b Policy:

In seeking admission to the classified service, no person shall be unlawfully discriminated against because of sex or other characteristics as specified in N.J.A.C. 4:1-21.2. The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group. Therefore, as indicated in Subpart 6-3.101, the general policy of the Department of Civil Service shall be to use neuter class titles and to eliminate sex discrimination in employment in the classified service.

The Department of Civil Service shall, however, permit differential treatment on the basis of sex when such action is determined by the Director of Classification and Compensation to be a bona fide occupational requirement.

6-3.103c Limitations:

The following shall not warrant the application of the bona fide occupational qualification exception for creating sex differentiated class titles:

1. If the title is based on faulty assumptions of the comparative employment characteristics of women in general (e.g., the turnover rate among women is higher than among men);

2. If the title is based on stereotypical characterizations of the type of work performed by the sexes (e.g., men are less capable of assembling intricate equipment or that women are less capable of aggressive behavior);

3. If the title is based on the anticipated or existing preferences of co-workers, supervisors, clients or customers;

4. If the title limits the quality or quantity of work by sex (e.g., females are excluded from jobs (a) requiring the lifting or carrying of weights exceeding certain limits, (b) scheduled during certain hours of the night or (c) scheduled for more than a specified number of hours per day or week).

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6-3.103c (cont'd)

In as much as this subpart is based on the provisions of Title VII of the Federal Civil Rights Act of 1964 as amended, no State statute, local ordinance, or local resolution shall cause the Department of Civil Service to discriminate on the basis of sex where such action is not based on a bona fide occupational requirement.

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PART 6-5 RECLASSIFICATION OF POSITIONS

Subpart 6-5.101 Appeals From Classification Or Reclassification Of Positions

6-5.101a Subject:

This subpart will describe the procedures to be followed by (a) employees in classified positions, or (b) appointing authorities, who object to the classification or reclassification of a position or positions.

6-5.101b Entitlement:

Both an employee and an appointing authority may appeal pursuant to N.J.A.C. 4:1-6.5(b).

6-5.101c Time For Appeal:

An appeal of a classification or reclassification may be made no later than 20 calendar days from the effective date of action, or notice of the action, which is in dispute.

6-5.101d Appeal Procedure:

Employees, Appointing Authorities, Employee Groups:

1. An employee aggrieved by the current or proposed classification of his position shall first appeal in writing to his appointing authority through the Personnel Office stating the reasons for which he believes his position to be incorrectly classified.

2. The appointing authority shall review the appeal and advise the appellant of its view in writing within 10 calendar days. If the appointing authority determines that reclassification would be appropriate, it shall follow existing administrative procedures to request reclassification by the Department of Civil Service.

3. If the appointing authority determines that the position is correctly classified or if no reply is received from the appointing authority within 10 days, the employee may appeal further in writing within 21 days to:

Department of Civil Service
Director, Division of Classification
and Compensation
Arnold Constable Building
Front and Montgomery Streets
Trenton, New Jersey 08625

stating the reasons for which he believes his position to be incorrectly classified.

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6-5.101d (cont'd)

4. The Division Director shall after thorough review and investigation of the complaint respond to the appellant by letter which will include:

a. the decision of the Director with respect to appeal, the Civil Service Rule citations on which the Director relies,

b. a detailed statement of the pertinent facts upon which the Director's action is based,

c. a statement that the appeal may be pursued within 20 days to the Civil Service Commission through the Chief Examiner and Secretary,

d. the address of the Hearings and Regulations Section, to which such appeals should be forwarded.

5. Upon receipt of the appeal forwarded through the Hearings and Regulations Section the Chief Examiner and Secretary will:

a. render a decision based upon the report of the Director affirming, rejecting or modifying the recommendations, inform all interested parties and direct such action as necessary, or

b. appoint a Classification Appeals Reviewer who shall hold an informal review and report his findings, conclusions and recommendations; the Chief Examiner and Secretary will then proceed as in 5(a) above, or

c. refer the appeal, with or without the Classification Appeals Reviewer's recommendations, to the Civil Service Commission for a hearing.

6. An employee appealing his current or proposed classification is entitled to representation by counsel or by an employee organization at every level except that of the Civil Service Commission. Representation before the Civil Service Commission may be by the employee himself or by legal counsel.

7. Appointing authorities may appeal a refusal by the Department of Civil Service to reclassify a position as requested in the same manner as an employee.

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6-5.10le Classification Appeals Reviewer:

A Classification Reviewer may be appointed by the Chief Examiner and Secretary on a per diem basis to review any of the above appeals and prepare a report and recommendation for action by the Chief Examiner and Secretary.

The Classification Appeals Reviewer will be appointed after consideration of experience, education and background suitable to the duties of that position. The report and recommendation of the Classification Reviewer will be in writing and will not be a final decision, but a guide for the Chief Examiner and Secretary in taking action in a classification appeal.

6-5.10lf Participation By Employee Organizations:

The first step of a classification appeal shall be the appointing authority even though employee organizations may first contact the Department of Civil Service.

When an employee organization requests a number of appeals, these appeals shall be scheduled separately and time off for the parties shall be granted only for their individual appeals.

Employee organizations shall contact the Department of Civil Service through the Chief, Hearings and Regulations in order to appeal from a decision by the appointing authority.

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6-5.102e Conditions:

By July 1, 1978 and each year thereafter, each department and agency shall submit to the Director of Classification and Compensation a listing of all reclassification actions accomplished during the preceding year. A form will be provided for this and the information will be reviewed by the Joint Reclassification Committee.

If a post audit of a reclassified position reveals that it is not properly classified, the Department of Civil Service, after notice to the Appointing Authority, shall initiate remedial action to classify properly the position.

The Department of Civil Service reserves the right to revoke or suspend authority for pre-audit reclassification actions entirely or in limited areas if it is determined that there is misuse or abuse of such authority.

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PART 6-6 CHANGES IN CLASSIFICATION PLANS

Subpart 6-6.101 Requests for New Titles to be Allocated to the Classification Plan

6-6.101a Subject:

This subpart will specify the responsibilities and procedures that will govern State Departments proposing new titles for allocation to the State Classification Plan.

6-6.101b Procedures for State Departments:

Requests for new titles must be initiated by a letter from the Personnel Officer from the Department or Agency addressed to the Director, Division of Classification and Compensation, Department of Civil Service. The letter must contain:

1. the new title
2. recommendations for an appropriate salary range
3. a complete job specification for the title
4. a brief explanation of why the new title is needed

6-6.101c Investigation by the Division of Classification and Compensation, Department of Civil Service:

Upon receipt of the letter, the Division of Classification and Compensation will determine through its normal investigative procedures whether the request is based on a clear and definite need for a new title. If there is such a need, the Division of Classification and Compensation will submit all pertinent information to the State Job Content Evaluation Committee.

6-6.101d Evaluation by State Job Content Evaluation Committee:

The Evaluation Committee will consist of a representative from the Division of Classification and Compensation, the Bureau of the Budget and the requesting Department. The Evaluation Committee will review the report of the Division of Classification and Compensation and the Departmental request in order to recommend an appropriate salary range.

6-6.101e Final Approval:

Thereafter, the Division of Classification and Compensation will prepare a summary recommendation in written form for review by the Chief Examiner and Secretary. The Chief Examiner and Secretary will then present the recommendation to the Civil Service Commission for their approval or disapproval.

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Subpart 6-6.102 Use Of The Title "Consultant" In The State Service

6-6.102a Subject:

This subpart deals with the use of the unclassified, no-range title of Consultant in the State service.

6-6.102b Procedures:

A State executive department, institution, or agency may request the classification of a temporary new position in the title Consultant for full-time positions of duration of six months or less for which there is no existing title in the State Classification Plan in order to provide unique professional services of a nature not available in State government.

1. Such requests should be forwarded to the Division of Classification and Compensation for review. Only those requests which are in accordance with these regulations will be approved.

2. The Personnel Office of each State executive department, institution or agency shall ensure that the employment of individuals in the title Consultant will be restricted to six months or less, and that the individual being appointed to the title Consultant is informed of the terminal date of the employment.

3. Should a State executive department, institution or agency deem it necessary for the employment of a Consultant beyond six months, they shall correspond with the Division of Classification and Compensation two months prior to the termination date of that Consultant in order to determine the proper classification for the position that will continue beyond the six month period of time.

4. In no case may a Consultant be used beyond the six month period of time.

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Part 6-7 ALLOCATION AND REALLOCATION OF CLASS TITLES

Subpart 6-7.101 Reallocation Of Title Between Divisions Of The Classified Service

6-7.101a Subject:

This subpart shall set forth the procedure to be used for reallocation of a title from one division of the classified service to another division of the classified service.

6-7.101b Application:

1. When a title is reallocated from the competitive division of the classified service to either the non-competitive division, the labor division or the exempt division of the classified service, employees in the reallocated title with permanent status in that title shall be placed on a special reemployment list of competitive titles previously held by the employee.

2. When a title is reallocated from the non-competitive division, the labor division or the exempt division of the classified service to the competitive division of the classified service, the employees serving in those titles with permanent status shall retain permanent status in the titles previously held, but shall not have promotion rights in the competitive division. Such employees may obtain promotion rights by passing an open competitive examination and receiving an appointment from an open competitive list for that title in the normal manner. Employees who receive such open competitive appointment will not be subject to another working test period.

3. The appointing authority shall be apprised of the contemplated reallocation before it goes into effect and be given 20 days in which to state objections.

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SUPERSEDED

PART 6-7 ALLOCATION AND REALLOCATION OF CLASS TITLES

Subpart 6-7.101 Reallocation Of Title Between Divisions Of The Classified Service

6-7.101a Subject:

This subpart shall set forth the procedure to be used for reallocation of a title from one division of the classified service to another division of the classified service.

6-7.101b Application:

1. When a title is reallocated from the competitive division of the classified service to either the non-competitive division, the labor division or the exempt division of the classified service, employees in the reallocated title with permanent status in that title shall be placed on a special reemployment list of competitive titles previously held by the employee.

2. When a title is reallocated from the non-competitive division, the labor division or the exempt division of the classified service to the competitive division of the classified service, the employees serving in those titles with permanent status shall retain permanent status in the titles previously held, but shall not have promotion rights in the competitive division. Such employees may obtain promotion rights by passing an open competitive examination and receiving an appointment from an open competitive list for that title in the normal manner.

3. The appointing authority shall be apprised of the contemplated reallocation before it goes into effect and be given 20 days in which to state objections.

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Subpart 6-7.102 Allocation Of Confidential Positions To Boards

6-7.102a Subject:

This subpart specifies the prerequisites for entitlements of Boards to confidential positions and appointments thereto under N.J.S.A. 11:4-4(m).

6-7.102b Conditions:

The following prerequisites must be met in order for unclassified confidential positions to be allocated to Boards under N.J.S.A. 11:4-4(m):

(1) The Board must have the actual power to administer a statutorily designated function, and

(2) The Board must have the power to appoint discharge and otherwise act with complete control over its personnel, as with any other appointing authority.

6-7.102c Procedures:

Requests for entitlement to confidential positions for statutorily created Boards should be made to the Director, Division of Classification and Compensation, Department of Civil Service, and must include documentation that the above conditions have been met. In addition, such requests must be accompanied by a certification from the Board that such positions are essential to the work of the Board.

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Series 7
Compensation

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PART 7-1 Compensation

Subpart 7-1.101 Titles Designated as NL4

7-1.101a Subject:

This subpart is issued to provide information concerning the provisions approved by the Civil Service Commission for individuals in NL (hours not limited) titles who supervise 40 hours per week employees.

7-1.101b Policy:

The Civil Service Commission approved the following changes in the compensation plan, effective June 22, 1974 (Salary Administration Memorandum No. 3-75):

> "Effective June 22, 1974, salary ranges assigned to titles whose duties include supervision of employees in titles assigned a 40 hour work week will be allocated to ranges that are one range higher in the Pay Schedule than that range to which the job evaluation points convert, the same as if they were 40 hour week titles... Such titles will be designated in the Compensation Plan as NL4."

7-1.101c Application:

In accordance with the above policy, there is one condition to be met for a title to be designated as NL4. That condition is that the duties of the title require the incumbent(s) to work regularly at least a 40 hour week in order to directly supervise employees on a regular and continuous basis in titles assigned to a 40 hour work week.

7-1.101d Procedure

An Appointing Authority may request that a NL class title be designated NL4 by submitting a written request to the Director Division of Classification and Compensation. Upon receipt of the request, a review of the specific reasons for such designation shall be made and an investigation may be made, if necessary. If the request is not supported by the facts the Appointing Authority shall be promptly notified. If the request is justified the Director of Classification and Compensation shall forward a recommendation to the Chief Examiner and Secretary who may submit it to the Civil Service Commission for consideration.

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PART 7-2 AMENDMENT AND REVISION OF STATE COMPENSATION PLAN

Subpart 7-2.101 Salary Reevaluation Requests Involving Titles In Recognized Collective Negotiation Units

7-2.101a Subject:

This subpart will describe the procedure to be followed when an individual, an appointing authority, or an employee organization recognized as an exclusive representative requests a salary reevaluation for a title(s) included in a recognized collective negotiation unit.

7-2.101b Time For Request:

All salary reevaluation requests must be filed no later than August 31 of the year preceding the new fiscal year. Any requests currently in process will continue in the normal course.

7-3.101c Procedure:

A request for a salary reevaluation shall first be filed in writing with:

Director, Division of Classification & Compensation
Department of Civil Service
Arnold Constable Building
Front and Montgomery Streets
Trenton, New Jersey 08625

It shall include the reasons for requesting such reevaluation. The Director will acknowledge and notify all parties of interest.

The Job Evaluation Committee, composed of representatives of the Department of Civil Service and the Division of Budget and Accounting will convene to consider the request. The findings of the Committee shall be submitted to the Director, Division of Classification and Compensation for review. The Director will recommend to the Chief Examiner and Secretary a new salary range or that there should be no change.

The Chief Examiner and Secretary will review the recommendation and thereafter inform the Director, Office of Employee Relations of his determination prior to September 30th of the year preceding the new fiscal year. The Director will present the determination during negotiations for the ensuing fiscal year to the employee organization which represents the Unit in which the respective title is included.

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7-2.101c (cont'd)

If the employee organization desires to appeal the determination, the Director of the Office of Employee Relations shall inform the Chief Examiner and Secretary accordingly. When the appeal is presented to the Civil Service Commission the State as the employer shall be represented by the Office of Employee Relations. If there is no appeal the salary reevaluation determination shall be placed before the Civil Service Commission pursuant to regular procedures.

7-3.101d Limitations:

Appeals must be decided prior to the signing of an agreement unless the parties stipulate otherwise.

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PART 7-3 ADMINISTRATION OF THE COMPENSATION PLAN

Subpart 7-3.101 Determination Of Anniversary Dates

7-3.101a Subject:

This subpart will deal with the determination of quarterly anniversary dates for new employees, promoted employees, or employees who receive pay adjustments in State service.

7-3.101b Application:

In determining quarterly anniversary dates for employees who are newly hired, promoted or who receive pay adjustments or other actions that establish new anniversary dates, the final cut-off date for assigning the correct anniversary date shall be either the calendar quarterly date or the quarterly action date, whichever is later. In the event that the cut-off date, determined as above, falls on a non-working day the cut-off date shall become the first working date thereafter. Newly assigned anniversary dates should always be indicated on the form CS-21 in the space provided at Item 46.

7-3.101c Examples:

Calendar Quarterly Date	Quarterly Action Date	Cut-Off Date	Anniversary Date Assigned
10-1-73	9-29-73	10-1-73	AD10/74
1-1-74	1-5-74	1-7-74	AD1/75
4-1-74	3-30-74	4-1-74	AD4/75
7-1-74	6-22-74	7-1-74	AD7/75

7-3.101d Exceptions:

1. Anniversary dates for annual increments of academic employees who are employed by the Department of Education, Department of Higher Education and the Department of Institutions and Agencies on a 10 month working year basis are to be determined as follows:

(a) Employees hired on any date up to and including the closing day of the bi-weekly pay period in which the first day of the 5 month semester falls, shall be given the anniversary date of the month during which the semester begins, i.e., February-AD2, September-AD9.

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7-3.101d (cont'd)

(b) Such employees shall become eligible for an annual increment if merited, on the first day of the bi-weekly pay period 12 months later in which the corresponding semester begins. In the case of September anniversary dates, (AD9) the increment shall be applied on September 1.

(c) Those employees hired after the bi-weekly period get the anniversary date of the next following semester.

2. An employee, who has been promoted and whose effective date is the first day of the beginning of a pay period following the anniversary date cut-off, shall not have his or her anniversary date advanced to the next quarter.

3. An employee at the maximum of the range, for whom a CS-21 must be submitted, shall carry the anniversary date assigned during the year that the employee attained the maximum.

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Subpart 7-3.102 Pay Adjustments For Employees Who Are Appointed To Titles With Higher Salary Range Evaluations

7-3.102a Subject:

This subpart 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 Subpart 7-3.103, effective June 23, 1973.

7-3.102b 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 he or she has been advanced before workweek adjustment provided:

a. 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,

b. The class title to which he or she 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,

c. 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 he or she is being advanced.

Examples:

(1) A truck driver being appointed to 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.

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SUPERSEDED

Subpart 7-3.102 Pay Adjustments For Employees Who Are Appointed To Titles With Higher Salary Range Evaluations

7-3.102a Subject:

This subpart 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 Subpart 7-3.103, effective June 23, 1973.

7-3.102b 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 he or she has been advanced provided:

a. 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,

b. The class title to which he or she 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,

c. 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 he or she is being advanced.

Examples:

(1) A truck driver being appointed to 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.

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SUPERSEDED

7-3.102b (cont'd)

(2) A Food Service Supervisor being appointed to 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.

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:

(1) Classified Service:

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

(2) Unclassified:

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

(3) Transfer or Resignation with no break in service.

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.

3. When an employee at the maximum of the range has been at the maximum for at least one year he or she shall receive, if otherwise eligible, a normal increment in addition to the increment due by reason of the advancement, provided that the advancement increment does not take the employee to the new range maximum.

An employee who has been at the maximum for less than one year before the advancement shall retain the anniversary date and receive, if otherwise eligible, a normal increment at the next anniversary date, provided that he or she is not already at the maximum of the new range.

4. Any appointment to a higher title to which 7-3.102b above does <u>not</u> apply shall receive equalization <u>only</u>.

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7-3.102b (cont'd)

(2) A Food Service Supervisor being appointed to 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.

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:

(1) 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
From NC or L to Competitive RA or PA or vice versa

(2) Unclassified:

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

(3) Transfer or Resignation with no break in service.

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.

3. When an employee at the maximum of the range has been at the maximum for at least one year he or she 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.)

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

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7-3.102b (cont'd)

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 7-3.102b 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 at the maximum of the range has been at the maximum for at least one year he or she 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 that 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.)

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 or her anniversary date.

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. Such anniversary date shall be determined per Subpart 7-3.101.

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SUPERSEDED

7-3.102b (cont'd)

5. When the total pay adjustment is less than two increments of the range from which an employee is advanced, an employee will retain his or her anniversary date.

When the total amount of pay 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. Such anniversary date shall be determined per Subpart 7-3.101.

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Subpart 7-3.103 Pay Adjustments and Changes In Anniversary Dates As A Result Of An Advancement Due To A Promotion Subject To Or Following Promotional Examination Procedures

7-3.103a Subject:

This subpart deals with the anniversary dates and pay adjustments for employees who are promoted.

7-3.103b 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.

2. a. 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.

b. 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.

3. 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.)

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

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

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SUPERSEDED

Subpart 7-3.103 Pay Adjustments And Changes In Anniversary Dates As A Result Of An Advancement Due To A Promotion Subject To Or Following Promotional Examination Procedures

7-3.103a Subject:

This subpart deal with the anniversary dates and pay adjustments for employees who are promoted, effective June 23, 1973.

7-3.103b Application:

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

2. a. When the total pay adjustment is less than two increments of the range from which an employee is advanced, the employee's anniversary date will be retained.

b. When the total amount of pay 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.

3. When an employee at the range maximum has been at the maximum for at least one year the employee shall receive, if otherwise eligible, a normal increment in addition to the increment due by reason of the promotion, providing the promotion increment does not take the employee to the new range maximum. The anniversary date shall be determined by the effective date of the promotion.

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

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Subpart 7-3.104 Credit Toward Increments Of Employees Who Are On Leave Without Pay

7-3.104a Subject:

This subpart will govern credit for salary increments during leave without pay.

7-3.104b Credit:

Time spent by employees on leave of absence without pay will not be included in total time of employment when calculating eligibility for annual salary increments. Eligibility for payment of the earned increment after such leave will be the 1st quarterly action date immediately following the completion of 12 months of earned time since last increment or date of hiring.

7-3.104c Exceptions:

The following exceptions will apply to the above rule:

(1). The first 30 days of total leave without pay in an increment year

(2). Military Leave Without Pay

(3). Educational Leave Without Pay

(4). Sick Leave Injury extended to Leave Without Pay

(5). Leave Without Pay while receiving Workmen's Compensation benefits as a result of a service connected accident

(6). Leave of Absence for Military Service in accordance with the Reserve Forces Act 1955.

7-3.104d Procedures:

A leave of absence without pay must be requested on a personnel action form (CS-21) whenever the duration of the leave exceeds a full payroll period.

An employee whose total leave of absence without pay exceeds 30 calendar days within the 12 months immediately prior to his increment due date will have his anniversary date (AD) changed on the CS-21 requesting the return from the leave which causes the employee's leave time to exceed 30 days within that 12 month period. The change, due to the duration of the leave, may cause the AD to move one, two, three or four quarters.

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7-3.104d (cont'd)

For example, whenever leave time without pay:

exceeds	30 days	but is less than or equal to	120 days	move AD	1 quarter
exceeds	120 days	but is less than or equal to	210 days	move AD	2 quarters
exceeds	210 days	but is less than or equal to	300 days	move AD	3 quarters
exceeds	300 days	but is less than or equal to	390 days	move AD	4 quarters

However, if more than eleven months of active service separate the date of appointment or the date of the employee's last increment from the employee's increment due date (anniversary date), no change in the anniversary date shall be made.

Ten month employees who are on leave without pay in excess of sixty days shall have their anniversary dates moved to the next semi-annual date.

7-3.104e Limitations:

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

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Subpart 7-3.105 Policy For Determining Salary And Anniversary Date of An Employee Who Has Been Demoted Or Reappointed To A Title With A Lower Evaluation

7-3.105a Subject:

This subpart will deal 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.

7-3.105b Application:

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

If it is:

1. 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. A No Fault Demotion, through no fault of the employee resulting from some action by the appointing authority, the Civil Service Commission or other agency having jurisdiction over an employee's status for reasons of economy, reduction in force, seniority layoff, in lieu of layoff etc., the salary of 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, shall be processed under this procedure.

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*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 he/she 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 he/she received before slotting into the appropriate step of the lower salary range. This shall not apply in layoff situations.

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FOOTNOTE CONTINUED:

This note shall apply only in cases where the employee is returning to the same level he/she was promoted or advanced from. 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 employee were promoted to the intermediate title at the time of original promotion.

Example:		Range	Salary	AD
	Senior Clerk Stenographer	A09	$8079.12	10/78
	7/1/78 promoted to Principal Clerk Steno	A13	9350.30	7/79
	Demoted 7/1/79 to Principal Clerk			

Reconstruction would be:

Senior Clerk Stenographer	A09	$8079.12	10/78
7/1/78 promoted to Principal Clerk	A11	8482.64	10/78
10/78 Increment		8906.00	10/79

7-3.105c Limitations:

1. This method shall be used only when:

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

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

      (1) The lower title is a lower title in the same occupation series, or

      (2) 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 C.S. 21.

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

3. In no case shall an employee taking a voluntary demotion receive an increase in salary rate.

4. In no case shall an employee receive a lesser salary than he/she would have received had he/she not been promoted.

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7-3.105d Alternative Conditions:

In all other situations of demotion or appointment to a title with a lower evaluation not falling within the above conditions, the employee's salary in their lower title shall be arrived at by reconstructing the employee's salary based on service he/she would have had had he/she been appointed to or stayed in the lower title or in fact had been serving in the lower title on the date he/she was appointed to the higher title.

7-3.105e Rights:

For all No Fault Demotions except voluntary demotions, the employee must be given a 45 day notice of the demotion by the appointing authority.

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Subpart 7-3.105 Policy For Determining Salary And Anniversary Date of An Employee Who Has Been Demoted Or Reappointed To A Title With A Lower Evaluation

7-3.105a Subject:

This subpart will deal 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.

7-3.105b Application:

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

If it is:

1. 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. A No Fault Demotion, through no fault of the employee resulting from some action by the appointing authority, the Civil Service Commission or other agency having jurisdiction over an employee's status for reasons of economy, reduction in force, seniority layoff, in lieu of layoff etc., the salary of 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, shall be processed under this procedure.

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*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 he/she 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 he/she received before slotting into the appropriate step of the lower salary range. This shall not apply in layoff situations.

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FOOTNOTE CONTINUED:

This note shall apply only in cases where the employee is returning to the same level he/she was promoted or advanced from. 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 employee were promoted to the intermediate title at the time of original promotion.

Example:		Range	Salary	AD
	Senior Clerk Stenographer	A09	$8079.12	10/78
	7/1/78 promoted to Principal Clerk Steno	A13	9350.30	7/79
	Demoted 7/1/79 to Principal Clerk			

Reconstruction would be:

Senior Clerk Stenographer	A09	$8079.12	10/78
7/1/78 promoted to Principal Clerk	A11	8482.64	10/78
10/78 Increment		8906.00	10/79

7-3.105c Limitations:

1. This method shall be used only when:

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

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

      (1) The lower title is a lower title in the same occupation series, or

      (2) 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 C.S. 21.

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

3. In no case shall an employee taking a voluntary demotion receive an increase in salary rate.

4. In no case shall an employee receive a lesser salary than he/she would have received had he/she not been promoted.

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7-3.105d Alternative Conditions:

In all other situations of demotion or appointment to a title with a lower evaluation not falling within the above conditions, the employee's salary in their lower title shall be arrived at by reconstructing the employee's salary based on service he/she would have had had he/she been appointed to or stayed in the lower title or in fact had been serving in the lower title on the date he/she was appointed to the higher title.

7-3.105e Rights:

For all No Fault Demotions except voluntary demotions, the employee must be given a 45 day notice of the demotion by the appointing authority.

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SUPERSEDED

Subpart 7-3.105 Policy For Determining Salary And Anniversary Date Of An Employee Who Has Been Demoted Or Reappointed To A Title With A Lower Evaluation

7-3.105a Subject:

This subpart will deal 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 immediately previous title.

7-3.105b Application:

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

If it is:

1. 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 next lower rate of the range of the title to which the employee is being reappointed. The date of the reappointment will determine the new anniversary date. Voluntary demotions shall be processed under this procedure.

2. An Exigencies of the Service Demotion, through no fault of the employee resulting from some action by the appointing authority, the Civil Service Commission or other agency having jurisdiction over an employee's status for reasons as economy, reduction in force, seniority layoff, in lieu of layoff etc., the salary of 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.

* If 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 he received two or more "promotion" increments, when going from the lower to the higher title, his salary for demotion shall first be reduced by the equivalent number of increments he received or would have received before slotting into the appropriate steps of the lower salary range.

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7-3.105c Limitations:

1. This method shall be used only when:

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

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

(1) The lower title is a lower title in the same occupation series, or

(2) 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.

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

7-3.105d Alternative Conditions:

In all other situations of demotion or appointment to a title with a lower evaluation not falling within the above conditions, the employee's salary in the lower title shall be arrived at by reconstructing the employee's salary based on service he would have had had he been appointed to or stayed in the lower title or in fact had been serving in the lower title on the date he was appointed to the higher title.

7-3.105e Rights:

For all Exigencies of the Service demotions, the employee must be given a 45 day notice of the demotion by the appointing authority.

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Subpart 7-3.106 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

7-3.106a Subject:

This subpart 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.

7-3.106b Application:

1. For upward range revisions:

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

Example: An employee in step 4 of Range A09 ($5830-$7874) receives an upward range reassignment to Range A12 ($6749-$9108).

Step 4 Range A09 = $6706
Add Increment of Range A09 = $6998
Equalization Range A12 = Step 2 $7086
Anniversary date remains the same

b. (1) 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.

(2) 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.

c. When an employee at the maximum has been at the maximum for at least one year he shall receive, if otherwise eligible, a performance increment in addition to the increment due him by reason of the range revision, providing 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.

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

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7-3.106b (cont'd)

Example (c): An employee at the maximum of Range A09 ($5830-$7874) for two years receives an upward range reassignment to Range A12 ($6749-$9108).

Maximum Range A09 = $7874
Add Increment of Range A09 = $8166
Equalization into Range A12 = Step 6 $8434
Performance Increment = Step 7 $8771
New Anniversary Date based on effective date of Salary Adjustment

2. For downward range revisions:

a. 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.

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

c. When a title is reassigned to a lower salary range the employee(s) shall remain at his 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 to a rate of pay that is equivalent to his current rate of pay, or the next higher rate of pay within the lower salary range.

That part of his 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. Those 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 ($6749-$9108) AD 4/73 receives a downward range revision to Range A11 ($6428-$8675) effective February 3, 1973.

Step 4 Range A12 = $7660
February 3, 1973, salary remains at $7660 between steps 5 and 6 of range A11

March 31, 1973 adjusts to sixth step $8033 AD 7/74

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7-3.106c Limitations:

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 subpart 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.

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Subpart 7-3.107 Pay Adjustment For Lateral Title Change

7-3.107a Subject:

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

7-3.107b Application:

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.

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.

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Subpart 7-3.108 Determination of Salary And Anniversary Dates of Employees Moving From 10 Month To 12 Month Positions And From 12 Month To 10 Month Positions

7-3.108a Subject:

This subpart will deal 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.

7-3.108b 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*), 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.

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:

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

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

(c) 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:

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

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

*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 CSPM 7-3.109 - prior to the adherance to the following procedures.

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7-3.108b (cont'd)

(c) 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)

(a) 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

a. AD2 changes to AD4
b. AD9 changes to AD10

2. From 12 to 10 month positions

a. AD1 changes to AD2
b. AD4 changes to AD9
c. AD7 changes to AD9
d. AD10 changes to AD2

(b) If the employee receives an increase of more than two increments after adjustment for change in work year, the employee's AD shall be advanced one full year based on the effective date of the action.

Example:

In December of 1976 an AD2/77 employee after adjustment for change in work year due to the move to a 12 month position, receives more than two increments of the range to which he is thus adjusted, his AD is changed to AD 4/77 to adjust for the change of work year and advanced to AD 4/78 due to the pay increase of more than two increments.

(c) If the employee receives a demotion due to the adjustment for change in work year, the employee's anniversary date shall be adjusted for change of work year as in (a) above and further adjusted as stipulated in Subpart 7-3.105.

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Subpart 7-3.108 Determination Of Salary And Anniversary Dates Of Employees Moving From 10 Month To 12 Month Positions And From 12 To 10 Month Positions

7-3.108a Subject:

This subpart will deal 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.

7-3.108b Application:

1. When an employee moves from a 10 month position to a 12 month position (same or different title), 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.

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:

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

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

(c) 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:

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

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

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

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SUPERSEDED

SUPERSEDED

7-3.108b (cont'd)

4. Anniversary Dates

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

1. AD2 changes to AD4
2. AD9 changes to AD10
3. AD1 changes to AD2
4. AD4 changes to AD9
5. AD7 changes to AD9
6. AD10 changes to AD2

(b) If the employee receives an increase of more than two increments after adjustment for change in work year, the employee's AD shall be advanced one full year.

Example:

An AD2/73 employee after adjustment for change in work year due to the move to a 12 month position, receives more than two increments of the range to which he is thus adjusted, his AD is changed to AD4/73 to adjust for the change of work year and advanced AD4/74 due to the pay increase of more than two increments.

(c) If the employee receives a demotion due to the adjustment for change in work year, the employee's anniversary date shall be adjusted for change of work year as in (a) above and further adjusted as stipulated in Subpart 7-3.105.

7-3.108c Examples:

1. Examples of changes in going from a 10 month position to a 12 month position.

(a) An AD2 employee in a 10 month position is at step 4 of range #22. He goes to a 12 month position with a salary range #25 (3 up). Lateral transfer procedures are used; the employee is adjusted the same step three ranges higher, step 4 of range #25. The anniversary date changes from AD2 to AD4.

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7-3.108c (cont'd)

(b) An AD9 employee is at step 4 of range #22 and goes to a 12 month position with range #26 (4 up); promotion procedures are used. The rate is adjusted to the same step three ranges up to step 4 of range #25, a promotion increment is added, step 5 of range #25 and the rate is equalized to the next higher rate in range #26, step 4. The anniversary date changes from AD9 to AD10.

(c) An AD2 employee is at step 4 of range #22 and goes to a 12 month position with range #23 (1 up); demotion procedures are followed. The rate is adjusted up three ranges to the same step, step 4, range #25 a demotion increment is deducted, step 3, range #25 and the rate is equalized to the next higher rate in range #23, step 6. The anniversary date changes from AD2 to AD4.

2. Examples of changes in going from a 12 month position to a 10 month position.

(a) An AD7 employee is at the fourth step in range #25 and goes to a 10 month position assigned to range #22; lateral transfer procedures are followed. The employee is assigned the same step, step 4 three ranges lower, step 4 of range #22. The anniversary date changes from AD7 to AD9.

(b) An AD1 employee at step 4 of range #25 goes to a 10 month position in range #21; exigency of the service demotion procedures are followed. The rate is adjusted down three ranges to the same step, step 4, a demotion increment is deducted, step 3, range #22, and the rate is equalized to the next higher rate in range #21, step 5. The anniversary date changes from AD1 to AD2.

(c) An AD4 employee at step 4 in range #23 goes to a 10 month position in range #23; promotion procedures are followed. The rate is adjusted down three ranges to the same step, step 4 of range #22; a promotion increment is added, step 5, range #22; and the rate is equalized to the next higher rate in range #23, step 4. The anniversary date changes from AD4 to AD9.

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Subpart 7-3.109 Pay Adjustments Resulting From Changes In Work Week

7-3.109a Subject:

This subpart will deal with the determination of the type of personnel action, the appropriate procedure for salary adjustment, and the anniversary date, for employees who move from one work week category (35, NL, NL4, 40) to another through reappointment or other action that changes the work week.

7-3.109b Policy:

When an employee moves from one work week category to another, the determination of the type of action, procedure for pay adjustment and anniversary date shall be based upon the policies that:

1. All classes are evaluated on the basis of job content.

2. Salary ranges are assigned to classes in accordance with the salary range conversion table.

3. Class titles designated NL (hours not limited) are assigned to the evaluated range.

4. Class titles designated 35 hours per week are assigned one range lower than the evaluated range.

5. Class titles designated 40 hours and NL4 are assigned one range higher than the evaluated range.

7-3.109c Application:

1. When an employee moves from one work week category to another, the work week of the employee's then current position shall first be equalized to that of the position to which the employee will be appointed, adjusting the salary range of the employee's current position based on a comparision of work weeks of the two positions. If necessary, refer to the following chart to determine the adjusted salary range.

WORKWEEK OF EMPLOYEES CURRENT POSITION	WORKWEEK OF POSITION TO BE APPOINTED TO: 35	NL	40 or NL4
35		+1 SALARY RANGE	+2 SALARY RANGES
NL	-1 SALARY RANGE		+1 SALARY RANGE
40 or NL4	-2 SALARY RANGES	-1 SALARY RANGE	

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7-3.109c (cont'd)

EXAMPLE: An employee in salary range #10 in a 35 hour week position is to be appointed to a 40 hour week position in range #12. Adjusting salary range #10 (35 hours) to the 40 hour week (+2 salary ranges) will result in a range #12. Therefore, lateral title change procedures would be used.

(a) If the salary range which results from the above adjustment is the same as that of the position to which the employee is to be appointed, lateral title change procedure shall be used (CSPM 7-3.107).

(b) If the salary range which results from the above adjustment is higher than that of the title to which the employee is to be appointed, demotion procedures shall be used (CSPM 7-3.105).

(c) If the salary range which results from the above adjustment is lower than that of the title to which the employee is to be appointed, promotion procedure shall be used (CSPM 7-3.102 or 7-3.103).

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SUPERSEDED

7-3.109c (cont'd)

5. When an employee moves from a 40 hour a week classification to an NL classification the following shall determine the type of action and the procedure that shall be used in making the pay adjustment.

a. When the NL work week position is one range less than the 40 hour week position, Lateral Transfer procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to an NL work week position in range #9.
Work week adjustment: Rate goes to same step 4 in range #9. The anniversary date remains the same.

b. When the range of the NL work week position is equal to or greater than the range of the 40 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour work week position and moves to an NL position in range #11.
Work week adjustment: Rate goes to same step 4 of range #9.
Promotion increment added: Rate goes to step 5 in range #9.
Adjustment to new range: Rate goes to step 3 (next higher) in range #11. The anniversary date remains the same.

c. When the NL work week position is more than one range less than the 40 hour week position, Demotion procedures* shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to an NL position in range #7. The employee has served more than one year in the 40 hour week position and it is an Exigencies of the Service demotion.
Work week adjustment: Rate goes to same step 4 in range #9.
Demotion increment subtracted: Rate goes to step 3 of range #9.
Adjustment to new range: Rate goes to step 6 (next higher) in range #7. The anniversary date remains the same.

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SUPERSEDED

7-3.109c (cont'd)

EXCEPTION:

"Exception - effective December 10, 1973, when an employee moves from a 40 hour week classification to an NL classification that has responsibility for first-line supervision of employees serving in 40 hour classifications, after application of the above adjustments the employee shall be moved to the next higher step in the new range, if position in the range permits." THE CS-21 MUST CONTAIN A STATEMENT THAT THE ABOVE DESCRIBED SITUATION APPLIES TO THE ACTION.

6. When an employee moves from an NL work week classification to a 35 hour week classification the determinations and procedures used are the same as those for moving from a 40 hour week to an NL work week.

7-3.109d Rights:

In situations under 7-3.109c where Exigencies of the Service Demotion procedures* (as defined in Subpart 7-3.105) are used, a 45 day notice of demotion shall be given to the employee.

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SUPERSEDED

Subpart 7-3.109 Pay Adjustments Resulting From Changes In Work Week

7-3.109a Subject:

This subpart will deal with the determination of the type of personnel action, the appropriate procedure for salary adjustment, and the anniversary date, for employees who move from one work week category (35, NL,40) to another through reappointment or other action that changes the work week.

7-3.109b Policy:

When an employee moves from one work week category to another, the determination of the type of action, procedure for pay adjustment and anniversary date shall be based upon the policies that:

1. All classes are evaluated on the basis of job content.

2. Salary ranges are assigned to classes in accordance with the salary range conversion table.

3. Class titles designated NL (hours not limited) are assigned to the evaluated range.

4. Class titles designated 35 hours per week are assigned one range lower than the evaluated range.

5. Class titles designated 40 hours per week are assigned one range higher than the evaluated range.

7-3.109c Application:

1. When an employee moves from a 35 hour week classification to a 40 hour week classification, the following shall determine the type of action and the procedure to be followed in making the pay adjustment:

a. When the 40 hour week position is compensated two ranges higher than the 35 hour week position, Lateral Transfer procedures shall be used.

Example: The employee is at step 4 of salary range #10 in a 35 hour week position and moves to a 40 hour week position in range #12. Work week adjustment: The employee's rate goes to same step 4 of range #12, the anniversary date remains the same.

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7-3.109c (cont'd)

b. When the 40 hour work week position is compensated at three or more ranges higher than the 35 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to a 40 hour week position in range #14.
Work week adjustment: The employee's rate goes to same step 4, range #12.
Promotion increment added: Rate goes to step 5, range #12.
Adjustment into new range: Rate goes to next higher rate in range #14, step 3. The anniversary date remains the same. (Basic procedure)

c. When the 40 hour week position is compensated at less than two ranges higher than the 35 hour week position, Demotion procedures* shall be used.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to a 40 hour week position in the same range (#10), the employee has been in the 35 hour week position for more than one year and it is an Exigencies of the Service demotion.
Work week adjustment: Rate goes to same step 4 of range #12.
Demotion increment(s) subtracted: Rate goes to step 3 of range #12.
Adjustment into same range: Rate goes to step 6 (next higher) of range #10. The anniversary date remains the same.

2. When an employee moves from a 35 hour week classification to an NL classification the following shall determine the type of action and the procedure to be followed in making the pay adjustment:

a. When the NL position is compensated one range higher than the 35 hour week position, Lateral Transfer procedures shall be followed.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to an NL position in range #11.
Work week adjustment: The employee's rate goes to same step 4 of range #11. The anniversary date remains the same.

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SUPERSEDED

7-3.109c (cont'd)

b. When the NL position is compensated at two or more ranges higher than the 35 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to an NL position in range #16.
Work week adjustment: Rate goes to same step 4 of range #11.
Promotion increment added: Rate goes to step 5 of range #11.
Adjustment into new range: Rate goes to step 1 (next higher) of range #16 (more than one increment increase).
The anniversary date changes to date of action because the net salary increase, after adjustment for work week to range #11, is greater than two increments of range #11.

c. When the range of the NL position is equal to or lower than the range of the 35 hour week position Demotion procedures* shall be used.

Example: The employee is at step 4 of range #10 of a 35 hour week position and moves to an NL position in same range (#10). The employee has served in the 35 hour week position for more than one year and it is an Exigencies of the Service demotion.
Work week adjustment: Rate goes to same step 4 of range #11.
Demotion increment(s) subtracted: Rate goes to step 3 of range #11.
Adjustment to same range: Rate goes to step 5 (next higher) of range #10. The anniversary date does not change.

3. When an employee moves from an NL classification to a 40 hour week classification, the determinations and procedures are the same as those for 35 hour week employees moving to NL work weeks.

4. When an employee moves from a 40 hour week classification to a 35 hour week classification, the following shall determine the type of action and the procedure to be followed in making the pay adjustment:

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7-3.109c (cont'd)

a. When the 35 hour week position is two ranges less than the 40 hour week position, Lateral Transfer procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to a 35 hour week position in range #8.
Work week adjustment: Employee's rate goes to same step 4 in range #8. The anniversary date remains the same.

b. When the 35 hour week position is less than two ranges lower than the 40 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to a 35 hour week position in the same range (#10).
Work week adjustment: Rate goes to same step 4 in range #8.
Promotion increment added: Rate goes to step 5 of range #8.
Adjustment into same range (#10): Rate goes to step 3 of range #10. The anniversary date remains the same.

c. When the 35 hour week position is more than two ranges lower than the 40 hour week position, Demotion procedures* should be used.

Example: The employee is at step 4 in range #10 and moves to a 35 hour week position in range #6. The employee has served more than one year in the 40 hour week position and this is a Deficiency demotion.
Work week adjustment: Rate goes to same step 4 of range #8.
Demotion increment(s) subtracted: Rate goes to step #3 of range #8.
Adjustment to new range: Rate goes to step #5 of range #6, next lower rate.
Anniversary date changes to the date of the action.

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Subpart 7-3.110 Back Pay For Employees Reinstated Subsequent To Adjudication Or Settlement

7-3.110a Subject:

This subpart shall state the procedure for filing and processing requests for back pay in conformance with Court or Civil Service Commission orders or because of the appointing authority's determination and directive.

7-3.110b Procedure:

In cases involving the payment of back pay, the following information must be submitted to the Department of Civil Service:

(1) a final copy of the disciplinary action form CS-31B,

(2) a form CS-21 requesting reinstatement and indicating the salary rate or rates for the pertinent periods,

(3) an affidavit from the parties involved:

a. enumerating all income during the period for consideration in mitigation; and/or

b. stating that certain income (such as welfare payments) must be repaid and has not been considered in mitigation; or

c. stating that there was no income during the period,

(4) a statement clearly identifying the amount due the employee,

(5) any other documentation required by the Court or Commission order.

7-3.110c Limitations:

The Department of Civil Service will accept responsibility for the legality of a Commission or Court order, but not for any determination by an appointing authority.

In every case, the Department of Civil Service action will verify the accuracy of the salary for the period indicated, but will not pass upon the earnings declared for purposes of mitigation.

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7-3.110c (cont'd)

The Department of Civil Service action will state:

> "In recognition of the reinstatement by the appointing authority, the Department of Civil Service approves the salary for the period indicated subject to the mitigation as documented in the attached."

Wherever warranted, the Department of Civil Service will investigate the particulars.

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Subpart 7-3.111 Salary Rates For Initial Appointments

7-3.111a Subject:

This subpart prescribes the regulation for salary rates to be followed when making appointments.

7-3.111b Regulation:

All initial appointments will be made at the minimum or authorized hiring rate of the range, except as authorized by the Salary Adjustment Committee or as otherwise provided for in this Civil Service Personnel Manual.

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Subpart 7-3.111 Appointments From Open Competitive Lists

7-3.111a Subject:

This subpart prescribes the regulation to be followed when making appointments from open competitive lists.

7-3.111b Regulation:

All appointments from open competitive lists will be made at the minimum or authorized hiring rate of the range, unless the appointing authority requests and receives approval from the Salary Adjustment Committee for a higher rate. This regulation does not apply to appointees already employed in the Department making the appointment.

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Subpart 7-3.116 Information Subpart

7-3.116a Subject:

This subpart contains the regulations and guidelines approved by the Salary Adjustment Committee effective April 15, 1976.

7-3.116b Regulations and Guidelines:

1. An Appointing Authority is authorized to:

a. Appoint a new employee at a salary step up to and including the fourth step of the salary range to which his/her class title is assigned.

b. Grant a salary increase to an employee who has a substantiated, bona fide offer of employment from an employer other than the State of New Jersey at a salary which exceeds the present salary of the employee, and whose loss to his/her Department will be detrimental. Such increase in salary may not exceed three steps in the salary range to which the employee's class title is assigned.

c. Appoint an employee at the appropriate step of the salary range, thereby precluding any reduction in salary as a result of an interdepartmental transfer or appointment.

d. Take those steps necessary to correct administrative errors which result in situations wherein employees are improperly compensated.

2. The Salary Adjustment Committee has authorized the Director, Division of Budget and Accounting to:

Approve informally the request of an Appointing Authority to appoint a new employee at a salary above the fourth step of the salary range to which his/her class title is assigned, subject to final formal approval by the Salary Adjustment Committee.

3. The Salary Adjustment Committee will continue to reserve for its formal approval the following:

a. A new hire above the fourth step of the salary range;

b. A salary increase in excess of three steps in the salary range in order to retain an employee;

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7-3.116b (cont'd)

c. A salary increase for an employee in a No Range (N98) position;

d. An authorized hiring rate above the minimum of the salary range for a specific class title;

e. A salary increase request based upon meritorious service, provided it is sufficiently justified;

f. A general policy decision addressing a State-wide and/or Agency salary problem; and

g. Other requests for salary adjustment not specifically included above, nor within the jurisdiction of the Director of the Division of Budget and Accounting.

4. The following conditions shall be met by an Appointing Authority requesting action provided in Section I:

a. Any CS21 to accomplish an action under Section I shall include in item 36 the statement "This SAC action is made in accordance with Salary Administration Memorandum #33-76."

b. No action shall be taken under Section I with an effective date prior to April 15, 1976.

c. Any action taken under Section I shall be on a current basis. In no case, shall such action be retroactive for a period longer than four weeks prior to the stamped date of receipt of the CS21 in the Department of Civil Service.

d. The authority granted to departments in Section I of this SAM is optional with the Appointing Authority.

e. Any action taken under this authorization shall not in any way constitute a discriminatory practice.

f. For any request under Section I or II, the Agency shall certify that funds are available within its salary account and shall not require the Agency to make a supplemental budget request or request a transfer of funds between major accounts to achieve the hiring or salary adjustment of any employee.

g. In applying the provisions of this memorandum all resulting appointments shall not in any way be construed to imply circumvention of merit system certification procedures.

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7-3.116b (cont'd)

h. No later than January 21, 1977, each Department shall submit to the Salary Adjustment Committee, on a form to be provided, a report of all SAC actions taken by an Agency under Section I for the period April 15, 1976, through December 31, 1976. Such report shall be submitted thereafter at the end of each fiscal year and no later than July 15. The report shall include the following:

(1) The total number of new appointments during the reporting period;

(2) A listing of the number of new appointments above the minimum or authorized hiring rate, by name of incumbent, title, range, salary and step in range, and the salary the incumbent earned immediately prior to employment by the Agency;

(3) The total added cost of all new hires beyond the minimum of the range for positions filled under this program;

(4) A listing of the number of salary increases granted to retain employees, by name of employee, title and cost of adjustment above authorized salary;

(5) A listing of the number of interdepartmental appointments requiring application of this provision by name of incumbent, title and cost of adjustment above authorized salary; and

(6) A listing of Administrative errors corrected.

When the Director, Division of Budget and Accounting has determined that an agency is misusing or abusing the authority contained therein, the authority may be revoked or suspended in whole or in part.

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PART 7-4 OVERTIME PAYMENT

Subpart 7-4.101 Regulations of the Joint Committee on Overtime

7-4.101a Subject:

This subpart incorporates joint regulations of the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting in the Department of the Treasury concerning the administration of overtime. The content of this subpart has been approved by the Joint Committee on Overtime and further amendment or supplement will not occur unless authorized by the Joint Committee.

7-4.101b General Authority

The following regulations are issued for the administration of the provisions of Chapter 323, Laws of 1966, as amended, which provide in substance:

1. The maximum regular work-week, insofar as practicable, shall be 40 hours.

2. Work beyond the normal work-week as established for any class or agency shall be compensated either by (1) cash payment at a rate representing 1 1/2 times the employee's hourly rate of regular pay or (2) compensatory time off at the rate of 1 1/2 hours for each hour worked, at the discretion of the Department Head with the approval 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.

3. The State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting in the Department of the Treasury shall have authority to designate the classes of positions or individual positions to which the provisions of this Act shall apply and may exclude from such designations any class of positions or individual positions where the conditions of employment and the nature of the duties performed or the difficulty of maintaining adequate time controls make it impracticable to establish a specific work-week and to apply to such classes of positions or individual positions the provisions of this Act; shall determine the eligibility of any employee or any class of employees in the State service to receive overtime compensation, in accordance with the provisions of this Act; and shall promulgate such rules and regulations as, in their discretion, appear to be necessary in order to achieve an equitable application of the provisions of this Act. These individuals shall be referred to as the "Overtime Committee".

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7-4.101c Categories of Class Titles to Which These Regulations Shall Apply

1. Classes of Positions to Which the Act Shall Apply

A. The provisions of the Act shall apply to employees in those classes of positions where the work schedule is consistently regular and controllable and the nature of work lends itself to the establishment of a specific work-week as standard for the class. These classes shall be referred to hereinafter as having "regular" work hours. The normal work-week for these classes shall be as established by the Civil Service Commission after consultation with the operating departments. The normal work-week is the number of hours per week designated as the standard for those classes of positions that have regular work hours, e.g., 35 hours or 40 hours.

The following criteria is used to determine the classes of positions classified as having regular hours and a specific normal work-week:

(1). The work schedule is consistently regular and amenable to administrative control.

(2). The hours of work conform to a standard pattern of work time for the typical work station.

(3). The employees work within a formal work program and are under contact supervision.

(4). An Appointing Authority can certify with assurance when an employee works on regular time and when he works beyond the normal work-week.

B. In order to clarify the application of subpart 7-4.101d the following interpretations and definitions are made with respect to irregular, part-time and "seven day coverage" employees, working in job classifications having regular work hours as designated in the State Compensation Plan.

(1). A part-time employee, herein defined as "an employee who by arrangement regularly works a constant percentage of full-time in a regular work hours position and is paid a percentage of the annual salary or at the hourly rate for the annual salary provided for the title in which he works" shall be entitled to premium overtime pay for work performed on a legal holiday, effective January 1, 1971. (See subpart 18-3.101)

(2). A casual employee, herein defined as "an employee who either by a continuing arrangement or in emergencies, performs services for the State irregularly and less than full-time and is paid either by the hour for hours worked or on a contract fee basis without a requirement to work full or fixed percentage of full-time, regardless

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7-4.101c (cont'd)

of whether he works in a regular hours position or not" shall not be entitled to premium pay for work on a holiday except when he works in excess of the normal work-week in any week in a regular work hours position, effective January 1, 1971.

(3). "Seven day coverage" positions are defined as those positions assigned to areas when work coverage is required on a seven day a week basis throughout the year.

2. Classes of Positions Excluded from the Application of the Act

The provisions of the Act shall not apply to employees in those classes of positions where the work-week is not limited to a fixed number of work hours. They shall represent those classes where the nature of the work requires irregular or variable work-time that precludes the establishment and control of a specific work-week. Titles falling in this category shall be designated "NL". Unusual requirements for work time by employees in this category may be adjusted by providing flexibility in the work time pattern or by the responsible agency official granting roughly comparable amounts of time off. However, they shall have no claim or entitlement to hour for hour time off or cash compensation.

The following criteria is used to determine the classes of positions classified as "NL":

A. Management Classes - Such executive, administrative and program supervisory classes where the primary duty is that of management of a State Department, Institution, Agency, Division, Service Bureau, Branch Office or continuous program. The employee's duties consist primarily of the managerial functions of planning, directing, scheduling, staffing, assigning, training, coordinating and/or evaluating, and include responsibility for and authority to determine the work program and the requirements for overtime of a work unit. Such positions include deputies, assistants and staff administrative classes at management levels who for all practical purposes perform the same functions as their superior, all or in part, through either delegation or in the absence of the responsible official. This category is considered to be above the level of work foreman and clerical supervisor, but would include supervisory professional classes.

B. Professional Classes - Classes of positions where the primary duties are to perform professional services requiring knowledge of an advanced type in a field of science or learning customarily acquired by formal specialized study as distinguished from a general academic education. The work schedule is determined more by the nature of the service than by the direction of a supervisor within fixed work hours. This category is not intended to include bachelor degree level non-supervisory professional technicians who

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are part of a work team under direct supervision. However, it does include other professional classes where a substantial amount of the work is accomplished by field work without direct supervision.

C. Field Service Classes - Classes where the primary duties are representing the State in contacts with private or public organizations or individuals who are recipient of service or subject to the supervision of the State Government. The employee has a reasonable degree of discretion over his work schedule and/or his working hours are subject to the conditions of the work, is not under contact supervision and regularly works away from a State Office location or place of business. The Appointing Authority would have difficulty in certifying with assurance when an employee actually works overtime.

D. Seasonal Classes - Classes where the prime work time and the slack work time are determined by the season of the year and full annual employment is better achieved by different schedules of work during the seasons of prime work and during the slack season.

E. Other Classes

(1). Military Classes - Classes of positions in the Department of Defense where by nature of their functions and responsibilities incumbents are at the same time members of the New Jersey National Guard or are required to be on duty in support of National Guard units engaged in fulfilling their missions.

(2). State Police - Classes of positions in the Division of State Police where the incumbents are law enforcement officers and the requirements are for general availability necessary for the maintenance of law, order and security. However, the Overtime Committee may, upon request by the Office of Employee Relations, authorize overtime payments for such State Police law enforcement officers by special memorandum.

3. The allocation of class titles as to either hours not limited (NL) or regular work hours with a normal work-week shall be as designated in the State Compensation Plan under a column headed "Hours".

A. Changes - Any requests for changes in designations should be submitted by the Department Head concerned to the President of the Civil Service Commission with copies to the State Treasurer and Director, Division of Budget and Accounting. The criteria prescribed in these regulations should be the basis for such requests whenever a request is made to change a class title from "NL" to regular work hours, it should include the recommended normal work-week and a statement by the Appointing Authority to the effect that he will be able to certify with assurance when an employee of the class has worked overtime.

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B. On Call Situations - In certain situations individuals in positions of a class that is designated to have regular work hours (35 or 40) may be required to live on the premises or to be on the premises near their work station or to be on call beyond his usual work hours for certain periods of time to be available on emergency. This shall not affect the regular work hours allocation of his position and the employee can receive cash overtime only while working at his normal work station in performance of his normal duties as required at the time.

C. Training Situations - In certain situations individuals in positions of a class that is designated to have regular work hours (35 or 40) may be required to attend training or educational classes, lectures or conferences that extend beyond the normal daily work hours and/or the normal work-week. Overtime compensation shall not be paid in these cases. Any exceptions to this must be approved in writing by the Overtime Committee.

7-4.101d Conditions for Cash Payment Or Compensatory Time at Time and One Half

1. Week Defined - In order that the regular work time and overtime may be certified to the appropriate period, the week within which work time is recorded shall begin at 12:01 A.M. Saturday and end midnight the following Friday.

2. Recording Compensable Overtime - Work does not accrue to become compensable overtime until after one hour has been worked continuously over and above the hours normally worked daily but will be recorded from the normal finish time once the first hour is completed for the balance of the day in units of 1/2 hour.

3. Rate of Compensation - Cash overtime compensation for time worked in excess of the normal work-week in any week shall be at a rate representing one and one-half times the employee's hourly rate calculated by an hourly proration of his annual salary rate. An overtime rate conversion table is published with the State Compensation Plan.

4. Work on Legal Holidays

A. General - An employee in a regular work hours position assigned to work on a legal holiday or a special holiday declared by the Governor will earn compensable overtime at time and one half for such work; this will be in addition to the normal credit due him for the holiday.

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7-4.101d (cont'd)

B. Seven Day Coverage - For each of the following three situations which could occur on a legal holiday or a special holiday declared by the Governor, the proper action to be taken by appointing authorities is indicated for "seven day coverage" positions.

(1). A holiday occurs on a regular work day of an employee and he works.

SOLUTION: Employee receives pay credit at his regular hourly rate and, additionally, is paid overtime at hourly overtime rates (time and one half) on overtime payroll.

(2). A holiday occurs on a regular work day of an employee and he is told not to report to duty.

SOLUTION: Employee is paid at his regular hourly rate: no overtime is involved.

(3). A holiday occurs on a regular day off of an employee.

SOLUTION: Employee is to be given an alternate day off in the same work week; this is a scheduling responsibility. Emergencies may require an employee to work on his alternate day off which might result in his exceeding his regular work week; in this situation overtime regulations apply. Application of these instructions will preclude the possibility of an employee working on a holiday occurring on his regular day off.

C. Amplifying Remarks -

(1). It is pointed out that if an employee works on a legal holiday or a special holiday declared by the Governor, he is paid at overtime rates for such work even though he may not be paid for a full work week.

(2). Some of the more common examples are illustrated in the chart reprinted at the end of this subpart.

5. Summer Hours - Whenever the hours of the work-week are shortened by executive order during the summer season, the

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7-4.101d (cont'd)

resultant work-week shall constitute the normal work-week for the period covered and time worked in excess of these hours shall be compensated for at the overtime rate of time and one half in accordance with 3. above (Rate of Compensation).

6. Special Projects and Emergencies - In order to be compensable under these regulations, work performed in excess of the normal work week must conform to the duties and responsibilities prescribed for the class title in which the employee regularly serves. This does not preclude compensation for work performed in special projects or under emergency conditions in accordance with regulations prescribing other rates of pay for duties and responsibilities other than those prescribed for an employee's class title.

7-4.101e Responsibilities of Department Head and/or Appointing Authority

1. Regulations - Develop regulations for administering overtime that are consistent with these regulations and at a minimum provide for:

A. Procedures for written authorization and approval by the Appointing Authority or his designate in advance of overtime to be worked. Whenever circumstances are such that prior authorization is not possible, the overtime must be authorized in writing immediately thereafter.

B. Records of approved overtime requests and work accomplished.

C. Systems for continuous and periodic review of overtime requirements with a view toward devising methods to accomplish the work during regular work time.

D. Procedures and guidelines for departmental unit directors, bureau chiefs and supervisors to follow in the authorization of either compensatory time or cash payment for overtime.

A copy of each department's regulations and any subsequent changes or published interpretations are to be furnished to the Overtime Committee (c/o the Department of Civil Service) and approved prior to promulgation. The initial regulations are to be submitted by July 14, 1967.

2. Reports - Make provisions for the report described below and such reports as may be prescribed hereafter by the Overtime Committee:

Annually - For budget requests, provide a summary to include the extent and justification for overtime required during the past fiscal year, current fiscal year and the extent and justification of anticipated overtime during the next fiscal year. The latter should be supported by a description of the work programs to be accomplished, the

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amount of hours and money involved, the circumstances dictating that it be overtime, and alternatives that would permit accomplishment of the overtime work on regular time. The instructions for the above will be included in the "Manual for Preparation of Budget Request" which is published and distributed to all State Agencies by the Budget Bureau.

3. Records - Make available to the Overtime Committee or its representatives all records and accounts of overtime work for purposes of audit at times and locations as the Overtime Committee may prescribe.

7-4.101f Payroll Procedures:

Procedures for payment of compensable overtime will be published as amendments to the Payroll Manual.

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7-4.101c (cont'd)

of whether he works in a regular hours position or not" shall not be entitled to premium pay for work on a holiday except when he works in excess of the normal work-week in any week in a regular work hours position, effective January 1, 1971.

(3). "Seven day coverage" positions are defined as those positions assigned to areas when work coverage is required on a seven day a week basis throughout the year.

2. Classes of Positions Excluded from the Application of the Act

The provisions of the Act shall not apply to employees in those classes of positions where the work-week is not limited to a fixed number of work hours. They shall represent those classes where the nature of the work requires irregular or variable work-time that precludes the establishment and control of a specific work-week. Titles falling in this category shall be designated "NL". Unusual requirements for work time by employees in this category may be adjusted by providing flexibility in the work time pattern or by the responsible agency official granting roughly comparable amounts of time off. However, they shall have no claim or entitlement to hour for hour time off or cash compensation.

The following criteria is used to determine the classes of positions classified as "NL":

A. Management Classes - Such executive, administrative and program supervisory classes where the primary duty is that of management of a State Department, Institution, Agency, Division, Service Bureau, Branch Office or continuous program. The employee's duties consist primarily of the managerial functions of planning, directing, scheduling, staffing, assigning, training, coordinating and/or evaluating, and include responsibility for and authority to determine the work program and the requirements for overtime of a work unit. Such positions include deputies, assistants and staff administrative classes at management levels who for all practical purposes perform the same functions as their superior, all or in part, through either delegation or in the absence of the responsible official. This category is considered to be above the level of work foreman and clerical supervisor, but would include supervisory professional classes.

B. Professional Classes - Classes of positions where the primary duties are to perform professional services requiring knowledge of an advanced type in a field of science or learning customarily acquired by formal specialized study as distinguished from a general academic education. The work schedule is determined more by the nature of the service than by the direction of a supervisor within fixed work hours. This category is not intended to include bachelor degree level non-supervisory professional technicians who

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are part of a work team under direct supervision. However, it does include other professional classes where a substantial amount of the work is accomplished by field work without direct supervision.

C. Field Service Classes - Classes where the primary duties are representing the State in contacts with private or public organizations or individuals who are recipient of service or subject to the supervision of the State Government. The employee has a reasonable degree of discretion over his work schedule and/or his working hours are subject to the conditions of the work, is not under contact supervision and regularly works away from a State Office location or place of business. The Appointing Authority would have difficulty in certifying with assurance when an employee actually works overtime.

D. Seasonal Classes - Classes where the prime work time and the slack work time are determined by the season of the year and full annual employment is better achieved by different schedules of work during the seasons of prime work and during the slack season.

E. Other Classes

(1). Military Classes - Classes of positions in the Department of Defense where by nature of their functions and responsibilities incumbents are at the same time members of the New Jersey National Guard or are required to be on duty in support of National Guard units engaged in fulfilling their missions.

(2). State Police - Classes of positions in the Division of State Police where the incumbents are law enforcement officers and the requirements are for general availability necessary for the maintenance of law, order and security.

3. The allocation of class titles as to either hours not limited (NL) or regular work hours with a normal work-week shall be as designated in the State Compensation Plan under a column headed "Hours".

A. Changes - Any requests for changes in designations should be submitted by the Department Head concerned to the President of the Civil Service Commission with copies to the State Treasurer and Director, Division of Budget and Accounting. The criteria prescribed in these regulations should be the basis for such requests whenever a request is made to change a class title from "NL" to regular work hours, it should include the recommended normal work-week and a statement by the Appointing Authority to the effect that he will be able to certify with assurance when an employee of the class has worked overtime.

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EMPLOYEE	SAT	SUN	MON	TUES	WED	THUR	FRI	HOURS CREDITED	HOURS WORKED	TOTAL HOURS	HOURS TO BE PAID STRAIGHT TIME	HOURS TO BE PAID PREMIUM TIME
A	8	8	H	8	8	R	R	8	32	40	40	-
B	8	8	H/8	8	8	R	R	8	40	48	40	8
C	8	8	H	R	R/8	8	8	8	40	48	40	8
D	12	12	H	R	R	R/8	8	8	40	48	40	8
E	12	12	H	R	R/8	R/8	8	8	48	56	40	16
F	R	R	H/8	S	S	S	A	32	8	40	32	8
G	R	R	H/8	S	S	S	S	40	8	48	40	8
H	8	8	H/16	R	R	8	8	8	48	56	40	16
* I	R	R	H/AWOP	8	8	8	Susp.	8	24	32	32	-
* J	8	8	H/AWOP	8	8	R	R	8	32	40	40	-
**K	8	AWOP	H/8	A	8	R/8	R/8	-	40	40	32	8
L	R	R	H	10	9.5	8	8	8	35.5	43.5	40	3.5

CODE: R = Regular day off

H = Holiday

S = Sick in pay status

A = Absent - not in pay status

AWOP = Absent without permission

SUSP = Suspended

* Scheduled to work on holiday.

** Did not earn holiday in this example; also demonstrates effect of using work week according to law.

follows 7.4.10le (cont'd)

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Subpart 7-4.102 Overlap Shift Security Overtime

7-4.102a Subject:

This subpart is an amendment to the Overtime Regulations (reprinted in 7-4.101) in reference to overtime worked on overlap shifts. This amendment was effective as of February 1, 1976.

7-4.102b Provisions:

1. In recognition of the fact that Sergeants and Lieutenants at the respective institutions and Sergeants at the Clinton Reformatory for Women who have custodial responsibility during the full eight (8) hours of their shift, must be on duty for an additional period of approximately fifteen minutes, on the average, each day while the counting of immates is verified by the succeeding shift such individuals will be credited with one hour and twenty minutes (total - 80 minutes) of overtime per week and will be paid for such time at the rate of time and one half.

2. To qualify to receive this overtime an individual must be on duty status during the week for which he/she may be so compensated. Those not on duty for any reason during the week will not receive this overtime. Those who are on duty during a portion of the week receive the overtime on a pro-rata basis for that time only.

3. The respective institutions will require that the Sergeants and Lieutenants not assigned to overlap shifts to be eligible under this policy will provide the institution with this amount of overtime each week.

Any other earned overtime shall only be as provided under the normal overtime regulations.

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Subpart 7-4.102 Overlap Shift Security Overtime

7-4.102a Subject:

This subpart is an amendment to the Overtime Regulations (reprinted in Subpart 7-4.101) in reference to overtime worked on overlap shifts. This amendment was effective as of January 1, 1974

7-4.102b Provisions:

1. In recognition of the fact that correction officers, at all the respective Institutions, and Cottage Officers at the Clinton Reformatory for Women who have custodial responsibility during the full eight (8) hours of their shift, must be on duty for an additional period of approximately fifteen minutes, on the average, each day while the counting of inmates is verified by the succeeding shift, Correction Officers, Senior Correction Officers, Sergeants, Lieutenants, at all the respective Institutions; and Cottage Officers and Head Cottage Officers at the Clinton Reformatory for Women will be credited with one (1) hour and twenty (20) minutes (total - 80 minutes) of overtime per week and will be paid for such time at the rate of time and one half.

2. To qualify to receive this overtime an individual must be on duty status during the week for which he/she may be so compensated. Those not on duty for any reason during the week will not receive this overtime. Those who are on duty during a portion of the week will receive the overtime on a pro-rata basis for that time only.

3. The respective Institutions will require that the Correction Officers, Senior Correction Officers, Sergeants, and Lieutenants not assigned to overlap shifts to be eligible under this policy will provide the Institution with this amount of overtime each week. This will also be applicable to Cottage Officers and Head Cottage Officers at the Clinton Reformatory for Women.

Any other earned overtime shall only be as provided under the normal overtime regulations.

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Subpart 7-3.108 Determination of Salary And Anniversary Dates of Employees Moving From 10 Month To 12 Month Positions And From 12 Month To 10 Month Positions

7-3.108a Subject:

This subpart will deal 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.

7-3.108b 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*), 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.

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:

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

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

(c) 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:

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

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

*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 CSPM 7-3.109 - prior to the adherance to the following procedures.

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7-3.108b (cont'd)

(c) 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)

(a) 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

a. AD2 changes to AD4
b. AD9 changes to AD10

2. From 12 to 10 month positions

a. AD1 changes to AD2
b. AD4 changes to AD9
c. AD7 changes to AD9
d. AD10 changes to AD2

(b) If the employee receives an increase of more than two increments after adjustment for change in work year, the employee's AD shall be advanced one full year based on the effective date of the action.

Example:

In December of 1976 an AD2/77 employee after adjustment for change in work year due to the move to a 12 month position, receives more than two increments of the range to which he is thus adjusted, his AD is changed to AD 4/77 to adjust for the change of work year and advanced to AD 4/78 due to the pay increase of more than two increments.

(c) If the employee receives a demotion due to the adjustment for change in work year, the employee's anniversary date shall be adjusted for change of work year as in (a) above and further adjusted as stipulated in Subpart 7-3.105.

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Subpart 7-3.108 Determination Of Salary And Anniversary Dates Of Employees Moving From 10 Month To 12 Month Positions And From 12 To 10 Month Positions

7-3.108a Subject:

This subpart will deal 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.

7-3.108b Application:

1. When an employee moves from a 10 month position to a 12 month position (same or different title), 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.

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:

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

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

(c) 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:

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

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

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

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7-3.108b (cont'd)

4. Anniversary Dates

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

1. AD2 changes to AD4
2. AD9 changes to AD10
3. AD1 changes to AD2
4. AD4 changes to AD9
5. AD7 changes to AD9
6. AD10 changes to AD2

(b) If the employee receives an increase of more than two increments after adjustment for change in work year, the employee's AD shall be advanced one full year.

Example:

An AD2/73 employee after adjustment for change in work year due to the move to a 12 month position, receives more than two increments of the range to which he is thus adjusted, his AD is changed to AD4/73 to adjust for the change of work year and advanced AD4/74 due to the pay increase of more than two increments.

(c) If the employee receives a demotion due to the adjustment for change in work year, the employee's anniversary date shall be adjusted for change of work year as in (a) above and further adjusted as stipulated in Subpart 7-3.105.

7-3.108c Examples:

1. Examples of changes in going from a 10 month position to a 12 month position.

(a) An AD2 employee in a 10 month position is at step 4 of range #22. He goes to a 12 month position with a salary range #25 (3 up). Lateral transfer procedures are used; the employee is adjusted the same step three ranges higher, step 4 of range #25. The anniversary date changes from AD2 to AD4.

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7-3.108c (cont'd)

(b) An AD9 employee is at step 4 of range #22 and goes to a 12 month position with range #26 (4 up); promotion procedures are used. The rate is adjusted to the same step three ranges up to step 4 of range #25, a promotion increment is added, step 5 of range #25 and the rate is equalized to the next higher rate in range #26, step 4. The anniversary date changes from AD9 to AD10.

(c) An AD2 employee is at step 4 of range #22 and goes to a 12 month position with range #23 (1 up); demotion procedures are followed. The rate is adjusted up three ranges to the same step, step 4, range #25 a demotion increment is deducted, step 3, range #25 and the rate is equalized to the next higher rate in range #23, step 6. The anniversary date changes from AD2 to AD4.

2. Examples of changes in going from a 12 month position to a 10 month position.

(a) An AD7 employee is at the fourth step in range #25 and goes to a 10 month position assigned to range #22; lateral transfer procedures are followed. The employee is assigned the same step, step 4 three ranges lower, step 4 of range #22. The anniversary date changes from AD7 to AD9.

(b) An AD1 employee at step 4 of range #25 goes to a 10 month position in range #21; exigency of the service demotion procedures are followed. The rate is adjusted down three ranges to the same step, step 4, a demotion increment is deducted, step 3, range #22, and the rate is equalized to the next higher rate in range #21, step 5. The anniversary date changes from AD1 to AD2.

(c) An AD4 employee at step 4 in range #23 goes to a 10 month position in range #23; promotion procedures are followed. The rate is adjusted down three ranges to the same step, step 4 of range #22; a promotion increment is added, step 5, range #22; and the rate is equalized to the next higher rate in range #23, step 4. The anniversary date changes from AD4 to AD9.

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Subpart 7-3.109 Pay Adjustments Resulting From Changes In Work Week

7-3.109a Subject:

This subpart will deal with the determination of the type of personnel action, the appropriate procedure for salary adjustment, and the anniversary date, for employees who move from one work week category (35, NL, NL4, 40) to another through reappointment or other action that changes the work week.

7-3.109b Policy:

When an employee moves from one work week category to another, the determination of the type of action, procedure for pay adjustment and anniversary date shall be based upon the policies that:

1. All classes are evaluated on the basis of job content.

2. Salary ranges are assigned to classes in accordance with the salary range conversion table.

3. Class titles designated NL (hours not limited) are assigned to the evaluated range.

4. Class titles designated 35 hours per week are assigned one range lower than the evaluated range.

5. Class titles designated 40 hours and NL4 are assigned one range higher than the evaluated range.

7-3.109c Application:

1. When an employee moves from one work week category to another, the work week of the employee's then current position shall first be equalized to that of the position to which the employee will be appointed, adjusting the salary range of the employee's current position based on a comparision of work weeks of the two positions. If necessary, refer to the following chart to determine the adjusted salary range.

WORKWEEK OF EMPLOYEES CURRENT POSITION	WORKWEEK OF POSITION TO BE APPOINTED TO: 35	NL	40 or NL4
35		+1 SALARY RANGE	+2 SALARY RANGES
NL	-1 SALARY RANGE		+1 SALARY RANGE
40 or NL4	-2 SALARY RANGES	-1 SALARY RANGE	

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7-3.109c (cont'd)

EXAMPLE: An employee in salary range #10 in a 35 hour week position is to be appointed to a 40 hour week position in range #12. Adjusting salary range #10 (35 hours) to the 40 hour week (+2 salary ranges) will result in a range #12. Therefore, lateral title change procedures would be used.

(a) If the salary range which results from the above adjustment is the same as that of the position to which the employee is to be appointed, lateral title change procedure shall be used (CSPM 7-3.107).

(b) If the salary range which results from the above adjustment is higher than that of the title to which the employee is to be appointed, demotion procedures shall be used (CSPM 7-3.105).

(c) If the salary range which results from the above adjustment is lower than that of the title to which the employee is to be appointed, promotion procedure shall be used (CSPM 7-3.102 or 7-3.103).

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SUPERSEDED

7-3.109c (cont'd)

5. When an employee moves from a 40 hour a week classification to an NL classification the following shall determine the type of action and the procedure that shall be used in making the pay adjustment.

a. When the NL work week position is one range less than the 40 hour week position, Lateral Transfer procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to an NL work week position in range #9.
Work week adjustment: Rate goes to same step 4 in range #9. The anniversary date remains the same.

b. When the range of the NL work week position is equal to or greater than the range of the 40 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour work week position and moves to an NL position in range #11.
Work week adjustment: Rate goes to same step 4 of range #9.
Promotion increment added: Rate goes to step 5 in range #9.
Adjustment to new range: Rate goes to step 3 (next higher) in range #11. The anniversary date remains the same.

c. When the NL work week position is more than one range less than the 40 hour week position, Demotion procedures* shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to an NL position in range #7. The employee has served more than one year in the 40 hour week position and it is an Exigencies of the Service demotion.
Work week adjustment: Rate goes to same step 4 in range #9.
Demotion increment subtracted: Rate goes to step 3 of range #9.
Adjustment to new range: Rate goes to step 6 (next higher) in range #7. The anniversary date remains the same.

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SUPERSEDED

7-3.109c (cont'd)

EXCEPTION:

"Exception - effective December 10, 1973, when an employee moves from a 40 hour week classification to an NL classification that has responsibility for first-line supervision of employees serving in 40 hour classifications, after application of the above adjustments the employee shall be moved to the next higher step in the new range, if position in the range permits." THE CS-21 MUST CONTAIN A STATEMENT THAT THE ABOVE DESCRIBED SITUATION APPLIES TO THE ACTION.

6. When an employee moves from an NL work week classification to a 35 hour week classification the determinations and procedures used are the same as those for moving from a 40 hour week to an NL work week.

7-3.109d Rights:

In situations under 7-3.109c where Exigencies of the Service Demotion procedures* (as defined in Subpart 7-3.105) are used, a 45 day notice of demotion shall be given to the employee.

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Subpart 7-3.109 Pay Adjustments Resulting From Changes In Work Week

7-3.109a Subject:

This subpart will deal with the determination of the type of personnel action, the appropriate procedure for salary adjustment, and the anniversary date, for employees who move from one work week category (35, NL,40) to another through reappointment or other action that changes the work week.

7-3.109b Policy:

When an employee moves from one work week category to another, the determination of the type of action, procedure for pay adjustment and anniversary date shall be based upon the policies that:

1. All classes are evaluated on the basis of job content.

2. Salary ranges are assigned to classes in accordance with the salary range conversion table.

3. Class titles designated NL (hours not limited) are assigned to the evaluated range.

4. Class titles designated 35 hours per week are assigned one range lower than the evaluated range.

5. Class titles designated 40 hours per week are assigned one range higher than the evaluated range.

7-3.109c Application:

1. When an employee moves from a 35 hour week classification to a 40 hour week classification, the following shall determine the type of action and the procedure to be followed in making the pay adjustment:

a. When the 40 hour week position is compensated two ranges higher than the 35 hour week position, Lateral Transfer procedures shall be used.

Example: The employee is at step 4 of salary range #10 in a 35 hour week position and moves to a 40 hour week position in range #12. Work week adjustment: The employee's rate goes to same step 4 of range #12, the anniversary date remains the same.

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SUPERSEDED

7-3.109c (cont'd)

b. When the 40 hour work week position is compensated at three or more ranges higher than the 35 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to a 40 hour week position in range #14.
Work week adjustment: The employee's rate goes to same step 4, range #12.
Promotion increment added: Rate goes to step 5, range #12.
Adjustment into new range: Rate goes to next higher rate in range #14, step 3. The anniversary date remains the same. (Basic procedure)

c. When the 40 hour week position is compensated at less than two ranges higher than the 35 hour week position, Demotion procedures* shall be used.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to a 40 hour week position in the same range (#10), the employee has been in the 35 hour week position for more than one year and it is an Exigencies of the Service demotion.
Work week adjustment: Rate goes to same step 4 of range #12.
Demotion increment(s) subtracted: Rate goes to step 3 of range #12.
Adjustment into same range: Rate goes to step 6 (next higher) of range #10. The anniversary date remains the same.

2. When an employee moves from a 35 hour week classification to an NL classification the following shall determine the type of action and the procedure to be followed in making the pay adjustment:

a. When the NL position is compensated one range higher than the 35 hour week position, Lateral Transfer procedures shall be followed.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to an NL position in range #11.
Work week adjustment: The employee's rate goes to same step 4 of range #11. The anniversary date remains the same.

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SUPERSEDED

7-3.109c (cont'd)

b. When the NL position is compensated at two or more ranges higher than the 35 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 35 hour week position and moves to an NL position in range #16.
Work week adjustment: Rate goes to same step 4 of range #11.
Promotion increment added: Rate goes to step 5 of range #11.
Adjustment into new range: Rate goes to step 1 (next higher) of range #16 (more than one increment increase).
The anniversary date changes to date of action because the net salary increase, after adjustment for work week to range #11, is greater than two increments of range #11.

c. When the range of the NL position is equal to or lower than the range of the 35 hour week position Demotion procedures* shall be used.

Example: The employee is at step 4 of range #10 of a 35 hour week position and moves to an NL position in same range (#10). The employee has served in the 35 hour week position for more than one year and it is an Exigencies of the Service demotion.
Work week adjustment: Rate goes to same step 4 of range #11.
Demotion increment(s) subtracted: Rate goes to step 3 of range #11.
Adjustment to same range: Rate goes to step 5 (next higher) of range #10. The anniversary date does not change.

3. When an employee moves from an NL classification to a 40 hour week classification, the determinations and procedures are the same as those for 35 hour week employees moving to NL work weeks.

4. When an employee moves from a 40 hour week classification to a 35 hour week classification, the following shall determine the type of action and the procedure to be followed in making the pay adjustment:

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7-3.109c (cont'd)

a. When the 35 hour week position is two ranges less than the 40 hour week position, Lateral Transfer procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to a 35 hour week position in range #8.
Work week adjustment: Employee's rate goes to same step 4 in range #8. The anniversary date remains the same.

b. When the 35 hour week position is less than two ranges lower than the 40 hour week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40 hour week position and moves to a 35 hour week position in the same range (#10).
Work week adjustment: Rate goes to same step 4 in range #8.
Promotion increment added: Rate goes to step 5 of range #8.
Adjustment into same range (#10): Rate goes to step 3 of range #10. The anniversary date remains the same.

c. When the 35 hour week position is more than two ranges lower than the 40 hour week position, Demotion procedures* should be used.

Example: The employee is at step 4 in range #10 and moves to a 35 hour week position in range #6. The employee has served more than one year in the 40 hour week position and this is a Deficiency demotion.
Work week adjustment: Rate goes to same step 4 of range #8.
Demotion increment(s) subtracted: Rate goes to step #3 of range #8.
Adjustment to new range: Rate goes to step #5 of range #6, next lower rate.
Anniversary date changes to the date of the action.

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Subpart 7-3.110 Back Pay For Employees Reinstated Subsequent To Adjudication Or Settlement

7-3.110a Subject:

This subpart shall state the procedure for filing and processing requests for back pay in conformance with Court or Civil Service Commission orders or because of the appointing authority's determination and directive.

7-3.110b Procedure:

In cases involving the payment of back pay, the following information must be submitted to the Department of Civil Service:

(1) a final copy of the disciplinary action form CS-31B,

(2) a form CS-21 requesting reinstatement and indicating the salary rate or rates for the pertinent periods,

(3) an affidavit from the parties involved:

a. enumerating all income during the period for consideration in mitigation; and/or

b. stating that certain income (such as welfare payments) must be repaid and has not been considered in mitigation; or

c. stating that there was no income during the period,

(4) a statement clearly identifying the amount due the employee,

(5) any other documentation required by the Court or Commission order.

7-3.110c Limitations:

The Department of Civil Service will accept responsibility for the legality of a Commission or Court order, but not for any determination by an appointing authority.

In every case, the Department of Civil Service action will verify the accuracy of the salary for the period indicated, but will not pass upon the earnings declared for purposes of mitigation.

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7-3.110c (cont'd)

The Department of Civil Service action will state:

> "In recognition of the reinstatement by the appointing authority, the Department of Civil Service approves the salary for the period indicated subject to the mitigation as documented in the attached."

Wherever warranted, the Department of Civil Service will investigate the particulars.

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Subpart 7-3.111 Salary Rates For Initial Appointments

7-3.111a Subject:

This subpart prescribes the regulation for salary rates to be followed when making appointments.

7-3.111b Regulation:

All initial appointments will be made at the minimum or authorized hiring rate of the range, except as authorized by the Salary Adjustment Committee or as otherwise provided for in this Civil Service Personnel Manual.

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Subpart 7-3.111 Appointments From Open Competitive Lists

7-3.111a Subject:

This subpart prescribes the regulation to be followed when making appointments from open competitive lists.

7-3.111b Regulation:

All appointments from open competitive lists will be made at the minimum or authorized hiring rate of the range, unless the appointing authority requests and receives approval from the Salary Adjustment Committee for a higher rate. This regulation does not apply to appointees already employed in the Department making the appointment.

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Subpart 7-3.116 Information Subpart

7-3.116a Subject:

This subpart contains the regulations and guidelines approved by the Salary Adjustment Committee effective April 15, 1976.

7-3.116b Regulations and Guidelines:

1. An Appointing Authority is authorized to:

a. Appoint a new employee at a salary step up to and including the fourth step of the salary range to which his/her class title is assigned.

b. Grant a salary increase to an employee who has a substantiated, bona fide offer of employment from an employer other than the State of New Jersey at a salary which exceeds the present salary of the employee, and whose loss to his/her Department will be detrimental. Such increase in salary may not exceed three steps in the salary range to which the employee's class title is assigned.

c. Appoint an employee at the appropriate step of the salary range, thereby precluding any reduction in salary as a result of an interdepartmental transfer or appointment.

d. Take those steps necessary to correct administrative errors which result in situations wherein employees are improperly compensated.

2. The Salary Adjustment Committee has authorized the Director, Division of Budget and Accounting to:

Approve informally the request of an Appointing Authority to appoint a new employee at a salary above the fourth step of the salary range to which his/her class title is assigned, subject to final formal approval by the Salary Adjustment Committee.

3. The Salary Adjustment Committee will continue to reserve for its formal approval the following:

a. A new hire above the fourth step of the salary range;

b. A salary increase in excess of three steps in the salary range in order to retain an employee;

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7-3.116b (cont'd)

c. A salary increase for an employee in a No Range (N98) position;

d. An authorized hiring rate above the minimum of the salary range for a specific class title;

e. A salary increase request based upon meritorious service, provided it is sufficiently justified;

f. A general policy decision addressing a State-wide and/or Agency salary problem; and

g. Other requests for salary adjustment not specifically included above, nor within the jurisdiction of the Director of the Division of Budget and Accounting.

4. The following conditions shall be met by an Appointing Authority requesting action provided in Section I:

a. Any CS21 to accomplish an action under Section I shall include in item 36 the statement "This SAC action is made in accordance with Salary Administration Memorandum #33-76."

b. No action shall be taken under Section I with an effective date prior to April 15, 1976.

c. Any action taken under Section I shall be on a current basis. In no case, shall such action be retroactive for a period longer than four weeks prior to the stamped date of receipt of the CS21 in the Department of Civil Service.

d. The authority granted to departments in Section I of this SAM is optional with the Appointing Authority.

e. Any action taken under this authorization shall not in any way constitute a discriminatory practice.

f. For any request under Section I or II, the Agency shall certify that funds are available within its salary account and shall not require the Agency to make a supplemental budget request or request a transfer of funds between major accounts to achieve the hiring or salary adjustment of any employee.

g. In applying the provisions of this memorandum all resulting appointments shall not in any way be construed to imply circumvention of merit system certification procedures.

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7-3.116b (cont'd)

h. No later than January 21, 1977, each Department shall submit to the Salary Adjustment Committee, on a form to be provided, a report of all SAC actions taken by an Agency under Section I for the period April 15, 1976, through December 31, 1976. Such report shall be submitted thereafter at the end of each fiscal year and no later than July 15. The report shall include the following:

(1) The total number of new appointments during the reporting period;

(2) A listing of the number of new appointments above the minimum or authorized hiring rate, by name of incumbent, title, range, salary and step in range, and the salary the incumbent earned immediately prior to employment by the Agency;

(3) The total added cost of all new hires beyond the minimum of the range for positions filled under this program;

(4) A listing of the number of salary increases granted to retain employees, by name of employee, title and cost of adjustment above authorized salary;

(5) A listing of the number of interdepartmental appointments requiring application of this provision by name of incumbent, title and cost of adjustment above authorized salary; and

(6) A listing of Administrative errors corrected.

When the Director, Division of Budget and Accounting has determined that an agency is misusing or abusing the authority contained therein, the authority may be revoked or suspended in whole or in part.

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PART 7-4 OVERTIME PAYMENT

Subpart 7-4.101 Regulations of the Joint Committee on Overtime

7-4.101a Subject:

This subpart incorporates joint regulations of the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting in the Department of the Treasury concerning the administration of overtime. The content of this subpart has been approved by the Joint Committee on Overtime and further amendment or supplement will not occur unless authorized by the Joint Committee.

7-4.101b General Authority

The following regulations are issued for the administration of the provisions of Chapter 323, Laws of 1966, as amended, which provide in substance:

1. The maximum regular work-week, insofar as practicable, shall be 40 hours.

2. Work beyond the normal work-week as established for any class or agency shall be compensated either by (1) cash payment at a rate representing 1 1/2 times the employee's hourly rate of regular pay or (2) compensatory time off at the rate of 1 1/2 hours for each hour worked, at the discretion of the Department Head with the approval 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.

3. The State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting in the Department of the Treasury shall have authority to designate the classes of positions or individual positions to which the provisions of this Act shall apply and may exclude from such designations any class of positions or individual positions where the conditions of employment and the nature of the duties performed or the difficulty of maintaining adequate time controls make it impracticable to establish a specific work-week and to apply to such classes of positions or individual positions the provisions of this Act; shall determine the eligibility of any employee or any class of employees in the State service to receive overtime compensation, in accordance with the provisions of this Act; and shall promulgate such rules and regulations as, in their discretion, appear to be necessary in order to achieve an equitable application of the provisions of this Act. These individuals shall be referred to as the "Overtime Committee".

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7-4.101c Categories of Class Titles to Which These Regulations Shall Apply

1. Classes of Positions to Which the Act Shall Apply

A. The provisions of the Act shall apply to employees in those classes of positions where the work schedule is consistently regular and controllable and the nature of work lends itself to the establishment of a specific work-week as standard for the class. These classes shall be referred to hereinafter as having "regular" work hours. The normal work-week for these classes shall be as established by the Civil Service Commission after consultation with the operating departments. The normal work-week is the number of hours per week designated as the standard for those classes of positions that have regular work hours, e.g., 35 hours or 40 hours.

The following criteria is used to determine the classes of positions classified as having regular hours and a specific normal work-week:

(1). The work schedule is consistently regular and amenable to administrative control.

(2). The hours of work conform to a standard pattern of work time for the typical work station.

(3). The employees work within a formal work program and are under contact supervision.

(4). An Appointing Authority can certify with assurance when an employee works on regular time and when he works beyond the normal work-week.

B. In order to clarify the application of subpart 7-4.101d the following interpretations and definitions are made with respect to irregular, part-time and "seven day coverage" employees, working in job classifications having regular work hours as designated in the State Compensation Plan.

(1). A part-time employee, herein defined as "an employee who by arrangement regularly works a constant percentage of full-time in a regular work hours position and is paid a percentage of the annual salary or at the hourly rate for the annual salary provided for the title in which he works" shall be entitled to premium overtime pay for work performed on a legal holiday, effective January 1, 1971. (See subpart 18-3.101)

(2). A casual employee, herein defined as "an employee who either by a continuing arrangement or in emergencies, performs services for the State irregularly and less than full-time and is paid either by the hour for hours worked or on a contract fee basis without a requirement to work full or fixed percentage of full-time, regardless

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7-4.101c (cont'd)

of whether he works in a regular hours position or not" shall not be entitled to premium pay for work on a holiday except when he works in excess of the normal work-week in any week in a regular work hours position, effective January 1, 1971.

(3). "Seven day coverage" positions are defined as those positions assigned to areas when work coverage is required on a seven day a week basis throughout the year.

2. Classes of Positions Excluded from the Application of the Act

The provisions of the Act shall not apply to employees in those classes of positions where the work-week is not limited to a fixed number of work hours. They shall represent those classes where the nature of the work requires irregular or variable work-time that precludes the establishment and control of a specific work-week. Titles falling in this category shall be designated "NL". Unusual requirements for work time by employees in this category may be adjusted by providing flexibility in the work time pattern or by the responsible agency official granting roughly comparable amounts of time off. However, they shall have no claim or entitlement to hour for hour time off or cash compensation.

The following criteria is used to determine the classes of positions classified as "NL":

A. Management Classes - Such executive, administrative and program supervisory classes where the primary duty is that of management of a State Department, Institution, Agency, Division, Service Bureau, Branch Office or continuous program. The employee's duties consist primarily of the managerial functions of planning, directing, scheduling, staffing, assigning, training, coordinating and/or evaluating, and include responsibility for and authority to determine the work program and the requirements for overtime of a work unit. Such positions include deputies, assistants and staff administrative classes at management levels who for all practical purposes perform the same functions as their superior, all or in part, through either delegation or in the absence of the responsible official. This category is considered to be above the level of work foreman and clerical supervisor, but would include supervisory professional classes.

B. Professional Classes - Classes of positions where the primary duties are to perform professional services requiring knowledge of an advanced type in a field of science or learning customarily acquired by formal specialized study as distinguished from a general academic education. The work schedule is determined more by the nature of the service than by the direction of a supervisor within fixed work hours. This category is not intended to include bachelor degree level non-supervisory professional technicians who

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are part of a work team under direct supervision. However, it does include other professional classes where a substantial amount of the work is accomplished by field work without direct supervision.

C. Field Service Classes - Classes where the primary duties are representing the State in contacts with private or public organizations or individuals who are recipient of service or subject to the supervision of the State Government. The employee has a reasonable degree of discretion over his work schedule and/or his working hours are subject to the conditions of the work, is not under contact supervision and regularly works away from a State Office location or place of business. The Appointing Authority would have difficulty in certifying with assurance when an employee actually works overtime.

D. Seasonal Classes - Classes where the prime work time and the slack work time are determined by the season of the year and full annual employment is better achieved by different schedules of work during the seasons of prime work and during the slack season.

E. Other Classes

(1). Military Classes - Classes of positions in the Department of Defense where by nature of their functions and responsibilities incumbents are at the same time members of the New Jersey National Guard or are required to be on duty in support of National Guard units engaged in fulfilling their missions.

(2). State Police - Classes of positions in the Division of State Police where the incumbents are law enforcement officers and the requirements are for general availability necessary for the maintenance of law, order and security. However, the Overtime Committee may, upon request by the Office of Employee Relations, authorize overtime payments for such State Police law enforcement officers by special memorandum.

3. The allocation of class titles as to either hours not limited (NL) or regular work hours with a normal work-week shall be as designated in the State Compensation Plan under a column headed "Hours".

A. Changes - Any requests for changes in designations should be submitted by the Department Head concerned to the President of the Civil Service Commission with copies to the State Treasurer and Director, Division of Budget and Accounting. The criteria prescribed in these regulations should be the basis for such requests whenever a request is made to change a class title from "NL" to regular work hours, it should include the recommended normal work-week and a statement by the Appointing Authority to the effect that he will be able to certify with assurance when an employee of the class has worked overtime.

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7-4.101c (cont'd)

B. On Call Situations - In certain situations individuals in positions of a class that is designated to have regular work hours (35 or 40) may be required to live on the premises or to be on the premises near their work station or to be on call beyond his usual work hours for certain periods of time to be available on emergency. This shall not affect the regular work hours allocation of his position and the employee can receive cash overtime only while working at his normal work station in performance of his normal duties as required at the time.

C. Training Situations - In certain situations individuals in positions of a class that is designated to have regular work hours (35 or 40) may be required to attend training or educational classes, lectures or conferences that extend beyond the normal daily work hours and/or the normal work-week. Overtime compensation shall not be paid in these cases. Any exceptions to this must be approved in writing by the Overtime Committee.

7-4.101d Conditions for Cash Payment Or Compensatory Time at Time and One Half

1. Week Defined - In order that the regular work time and overtime may be certified to the appropriate period, the week within which work time is recorded shall begin at 12:01 A.M. Saturday and end midnight the following Friday.

2. Recording Compensable Overtime - Work does not accrue to become compensable overtime until after one hour has been worked continuously over and above the hours normally worked daily but will be recorded from the normal finish time once the first hour is completed for the balance of the day in units of 1/2 hour.

3. Rate of Compensation - Cash overtime compensation for time worked in excess of the normal work-week in any week shall be at a rate representing one and one-half times the employee's hourly rate calculated by an hourly proration of his annual salary rate. An overtime rate conversion table is published with the State Compensation Plan.

4. Work on Legal Holidays

A. General - An employee in a regular work hours position assigned to work on a legal holiday or a special holiday declared by the Governor will earn compensable overtime at time and one half for such work; this will be in addition to the normal credit due him for the holiday.

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7-4.101d (cont'd)

B. Seven Day Coverage - For each of the following three situations which could occur on a legal holiday or a special holiday declared by the Governor, the proper action to be taken by appointing authorities is indicated for "seven day coverage" positions.

(1). A holiday occurs on a regular work day of an employee and he works.

SOLUTION: Employee receives pay credit at his regular hourly rate and, additionally, is paid overtime at hourly overtime rates (time and one half) on overtime payroll.

(2). A holiday occurs on a regular work day of an employee and he is told not to report to duty.

SOLUTION: Employee is paid at his regular hourly rate: no overtime is involved.

(3). A holiday occurs on a regular day off of an employee.

SOLUTION: Employee is to be given an alternate day off in the same work week; this is a scheduling responsibility. Emergencies may require an employee to work on his alternate day off which might result in his exceeding his regular work week; in this situation overtime regulations apply. Application of these instructions will preclude the possibility of an employee working on a holiday occurring on his regular day off.

C. Amplifying Remarks -

(1). It is pointed out that if an employee works on a legal holiday or a special holiday declared by the Governor, he is paid at overtime rates for such work even though he may not be paid for a full work week.

(2). Some of the more common examples are illustrated in the chart reprinted at the end of this subpart.

5. Summer Hours - Whenever the hours of the work-week are shortened by executive order during the summer season, the

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resultant work-week shall constitute the normal work-week for the period covered and time worked in excess of these hours shall be compensated for at the overtime rate of time and one half in accordance with 3. above (Rate of Compensation).

6. Special Projects and Emergencies - In order to be compensable under these regulations, work performed in excess of the normal work week must conform to the duties and responsibilities prescribed for the class title in which the employee regularly serves. This does not preclude compensation for work performed in special projects or under emergency conditions in accordance with regulations prescribing other rates of pay for duties and responsibilities other than those prescribed for an employee's class title.

7-4.10le Responsibilities of Department Head and/or Appointing Authority

1. Regulations - Develop regulations for administering overtime that are consistent with these regulations and at a minimum provide for:

A. Procedures for written authorization and approval by the Appointing Authority or his designate in advance of overtime to be worked. Whenever circumstances are such that prior authorization is not possible, the overtime must be authorized in writing immediately thereafter.

B. Records of approved overtime requests and work accomplished.

C. Systems for continuous and periodic review of overtime requirements with a view toward devising methods to accomplish the work during regular work time.

D. Procedures and guidelines for departmental unit directors, bureau chiefs and supervisors to follow in the authorization of either compensatory time or cash payment for overtime.

A copy of each department's regulations and any subsequent changes or published interpretations are to be furnished to the Overtime Committee (c/o the Department of Civil Service) and approved prior to promulgation. The initial regulations are to be submitted by July 14, 1967.

2. Reports - Make provisions for the report described below and such reports as may be prescribed hereafter by the Overtime Committee:

Annually - For budget requests, provide a summary to include the extent and justification for overtime required during the past fiscal year, current fiscal year and the extent and justification of anticipated overtime during the next fiscal year. The latter should be supported by a description of the work programs to be accomplished, the

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7-4.10le (cont'd)

amount of hours and money involved, the circumstances dictating that it be overtime, and alternatives that would permit accomplishment of the overtime work on regular time. The instructions for the above will be included in the "Manual for Preparation of Budget Request" which is published and distributed to all State Agencies by the Budget Bureau.

3. Records - Make available to the Overtime Committee or its representatives all records and accounts of overtime work for purposes of audit at times and locations as the Overtime Committee may prescribe.

7-4.10lf Payroll Procedures:

Procedures for payment of compensable overtime will be published as amendments to the Payroll Manual.

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7-4.101c (cont'd)

of whether he works in a regular hours position or not" shall not be entitled to premium pay for work on a holiday except when he works in excess of the normal work-week in any week in a regular work hours position, effective January 1, 1971.

(3). "Seven day coverage" positions are defined as those positions assigned to areas when work coverage is required on a seven day a week basis throughout the year.

2. Classes of Positions Excluded from the Application of the Act

The provisions of the Act shall not apply to employees in those classes of positions where the work-week is not limited to a fixed number of work hours. They shall represent those classes where the nature of the work requires irregular or variable work-time that precludes the establishment and control of a specific work-week. Titles falling in this category shall be designated "NL". Unusual requirements for work time by employees in this category may be adjusted by providing flexibility in the work time pattern or by the responsible agency official granting roughly comparable amounts of time off. However, they shall have no claim or entitlement to hour for hour time off or cash compensation.

The following criteria is used to determine the classes of positions classified as "NL":

A. Management Classes - Such executive, administrative and program supervisory classes where the primary duty is that of management of a State Department, Institution, Agency, Division, Service Bureau, Branch Office or continuous program. The employee's duties consist primarily of the managerial functions of planning, directing, scheduling, staffing, assigning, training, coordinating and/or evaluating, and include responsibility for and authority to determine the work program and the requirements for overtime of a work unit. Such positions include deputies, assistants and staff administrative classes at management levels who for all practical purposes perform the same functions as their superior, all or in part, through either delegation or in the absence of the responsible official. This category is considered to be above the level of work foreman and clerical supervisor, but would include supervisory professional classes.

B. Professional Classes - Classes of positions where the primary duties are to perform professional services requiring knowledge of an advanced type in a field of science or learning customarily acquired by formal specialized study as distinguished from a general academic education. The work schedule is determined more by the nature of the service than by the direction of a supervisor within fixed work hours. This category is not intended to include bachelor degree level non-supervisory professional technicians who

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are part of a work team under direct supervision. However, it does include other professional classes where a substantial amount of the work is accomplished by field work without direct supervision.

C. Field Service Classes - Classes where the primary duties are representing the State in contacts with private or public organizations or individuals who are recipient of service or subject to the supervision of the State Government. The employee has a reasonable degree of discretion over his work schedule and/or his working hours are subject to the conditions of the work, is not under contact supervision and regularly works away from a State Office location or place of business. The Appointing Authority would have difficulty in certifying with assurance when an employee actually works overtime.

D. Seasonal Classes - Classes where the prime work time and the slack work time are determined by the season of the year and full annual employment is better achieved by different schedules of work during the seasons of prime work and during the slack season.

E. Other Classes

(1). Military Classes - Classes of positions in the Department of Defense where by nature of their functions and responsibilities incumbents are at the same time members of the New Jersey National Guard or are required to be on duty in support of National Guard units engaged in fulfilling their missions.

(2). State Police - Classes of positions in the Division of State Police where the incumbents are law enforcement officers and the requirements are for general availability necessary for the maintenance of law, order and security.

3. The allocation of class titles as to either hours not limited (NL) or regular work hours with a normal work-week shall be as designated in the State Compensation Plan under a column headed "Hours".

A. Changes - Any requests for changes in designations should be submitted by the Department Head concerned to the President of the Civil Service Commission with copies to the State Treasurer and Director, Division of Budget and Accounting. The criteria prescribed in these regulations should be the basis for such requests whenever a request is made to change a class title from "NL" to regular work hours, it should include the recommended normal work-week and a statement by the Appointing Authority to the effect that he will be able to certify with assurance when an employee of the class has worked overtime.

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EMPLOYEE	SAT	SUN	MON	TUES	WED	THUR	FRI	HOURS CREDITED	HOURS WORKED	TOTAL HOURS	HOURS TO BE PAID STRAIGHT TIME	HOURS TO BE PAID PREMIUM TIME
A	8	8	H	8	8	R	R	8	32	40	40	-
B	8	8	H/8	8	8	R	R	8	40	48	40	8
C	8	8	H	R	R/8	8	8	8	40	48	40	8
D	12	12	H	R	R	R/8	8	8	40	48	40	8
E	12	12	H	R	R/8	R/8	8	8	48	56	40	16
F	R	R	H/8	S	S	S	A	32	8	40	32	8
G	R	R	H/8	S	S	S	S	40	8	48	40	8
H	8	8	H/16	R	R	8	8	8	48	56	40	16
* I	R	R	H/AWOP	8	8	8	Susp.	8	24	32	32	-
* J	8	8	H/AWOP	8	8	R	R	8	32	40	40	-
**K	8	AWOP	H/8	A	8	R/8	R/8	-	40	40	32	8
L	R	R	H	10	9.5	8	8	8	35.5	43.5	40	3.5

CODE: R = Regular day off

H = Holiday

S = Sick in pay status

A = Absent - not in pay status

AWOP = Absent without permission

SUSP = Suspended

* Scheduled to work on holiday.

** Did not earn holiday in this example; also demonstrates effect of using work week according to law.

follows 7.4.101e (cont'd)

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Subpart 7-4.102 Overlap Shift Security Overtime

7-4.102a Subject:

This subpart is an amendment to the Overtime Regulations (reprinted in 7-4.101) in reference to overtime worked on overlap shifts. This amendment was effective as of February 1, 1976.

7-4.102b Provisions:

1. In recognition of the fact that Sergeants and Lieutenants at the respective institutions and Sergeants at the Clinton Reformatory for Women who have custodial responsibility during the full eight (8) hours of their shift, must be on duty for an additional period of approximately fifteen minutes, on the average, each day while the counting of immates is verified by the succeeding shift such individuals will be credited with one hour and twenty minutes (total - 80 minutes) of overtime per week and will be paid for such time at the rate of time and one half.

2. To qualify to receive this overtime an individual must be on duty status during the week for which he/she may be so compensated. Those not on duty for any reason during the week will not receive this overtime. Those who are on duty during a portion of the week receive the overtime on a pro-rata basis for that time only.

3. The respective institutions will require that the Sergeants and Lieutenants not assigned to overlap shifts to be eligible under this policy will provide the institution with this amount of overtime each week.

Any other earned overtime shall only be as provided under the normal overtime regulations.

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Subpart 7-4.102 Overlap Shift Security Overtime

7-4.102a Subject:

This subpart is an amendment to the Overtime Regulations (reprinted in Subpart 7-4.101) in reference to overtime worked on overlap shifts. This amendment was effective as of January 1, 1974

7-4.102b Provisions:

1. In recognition of the fact that correction officers, at all the respective Institutions, and Cottage Officers at the Clinton Reformatory for Women who have custodial responsibility during the full eight (8) hours of their shift, must be on duty for an additional period of approximately fifteen minutes, on the average, each day while the counting of inmates is verified by the succeeding shift, Correction Officers, Senior Correction Officers, Sergeants, Lieutenants, at all the respective Institutions; and Cottage Officers and Head Cottage Officers at the Clinton Reformatory for Women will be credited with one (1) hour and twenty (20) minutes (total - 80 minutes) of overtime per week and will be paid for such time at the rate of time and one half.

2. To qualify to receive this overtime an individual must be on duty status during the week for which he/she may be so compensated. Those not on duty for any reason during the week will not receive this overtime. Those who are on duty during a portion of the week will receive the overtime on a pro-rata basis for that time only.

3. The respective Institutions will require that the Correction Officers, Senior Correction Officers, Sergeants, and Lieutenants not assigned to overlap shifts to be eligible under this policy will provide the Institution with this amount of overtime each week. This will also be applicable to Cottage Officers and Head Cottage Officers at the Clinton Reformatory for Women.

Any other earned overtime shall only be as provided under the normal overtime regulations.

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Series 8

Examinations and Applications

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 8-6 QUALIFICATIONS FOR PROMOTIONAL EXAMINATIONS

Subpart 8-6.101 Interim Status of Permanent Employees Promoted to Higher Class

8-6.101a Subject:

This subpart describes the policy and procedure applicable to any employee with permanent status in the classified service who has been promoted to a higher class in the same organizational unit and is serving provisionally or in a working test period.

8-6.101b Policy:

The provisional or probationary employee is considered to be continuing in the lower class (permanent status) while serving provisionally or in a working test period in the higher class and continues to accrue seniority in the lower class.

8-6.101c Procedures:

It is not necessary to grant this employee a leave of absence from the lower class. An employee's tenure rights to the lower class continue until the employee becomes permanent (successfully completes his working test period) in the higher class. Appointments replacing the employee in the lower class are made in accordance with the laws and rules concerning permanent positions. An employee in the higher class is not eligible for other promotional examinations at the higher level while serving his/her working test period. If an employee fails the working test period, or otherwise returns to his/her lower permanent title, and a promotional examination for which s/he is eligible was announced in the interim, s/he may request a make-up examination.

Any such employee, who is discontinued in that higher class during provisional employment or his/her working test period shall be returned to the duties and responsibilities of the lower class unless s/he has been otherwise disqualified for further employment. See subpart 14-1.101 for procedures for the retun of provisional employees and employees who fail their working test period and provisional employees to their permanent titles.

8-6.101c Application:

This policy and procedure applies to all situations in which a permament employee is promoted* to a higher class whether the promotion* is from the non-competitive or labor division to the competitive division or within any of the divisions of the classified service.

*promotion is to be interpreted for salary reasons only: an employee in the non-competitive or labor division can be appointed to a higher position, but is not eligible for a promotion.

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PART 8-6 QUALIFICATIONS FOR PROMOTIONAL EXAMINATIONS

Subpart 8-6.101 Interim Status of Permanent Employees Elevated to Higher Class

8-6.101a Subject:

This subpart provides that any employee in the classified service who has attained permanent status in any class and has been elevated to a higher class in the same organization unit on a temporary or provisional basis, shall be considered as continuing in the lower class during all time while serving in the higher class provisionally or in a working test period.

8-6.101b Procedures:

In such cases it will not be necessary to grant a leave of absence from the lower class and an employee's tenure rights to the lower class will continue until such time as the employee becomes permanent (successfully completes his working test period) in the higher class. Appointments replacing the employee in the lower class will continue to be made in accordance with the law and rules concerning permanent positions. Employees, while serving their working test period in the higher class will not be eligible for other promotional examinations at that level.

In conformance with this administrative policy, any such employee, prior to attaining permanent status in the higher class, who is discontinued in that higher class shall be returned to the duties and responsibilities of the lower class unless he has been otherwise disqualified for further employment.

8-6.101c Application:

This policy shall apply to all situations in which a permanent employee is elevated to a higher class whether the elevation is from the non-competitive or labor division to the competitive division or within any of the divisions of the classified service.

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Subpart 8-6.102 Exceptions to the Qualifications for Promotional Examination

8-6.102a Subject:

This subpart will deal with the exceptions to the stipulation in N.J.A.C. 4:1-8.6 that an applicant, in order to qualify for a promotional examination, must be in active employment for at least 1 year (on the announced closing date for filing applications) in a class title designated in the public announcement and remain in such employment until the employment list is issued, with certain exceptions.

8-6.102b Exceptions:

1. Upon the decision of the appointing authority, a promotional examination may be opened to all applicants who have completed the working test period but who have been employed less than one year after regular appointment in a class title within the designated scope of eligibility if:

(a) the number of applicants currently eligible for examination will result in an incomplete list for the class title or,

(b) the number of estimated future vacancies to be filled within the lifetime of the employment list will exceed the anticipated maximum number of eligibles that could result from the examination for the class title or,

(c) for other valid reasons.

2. An applicant who "is promoted to another class title in the same organization unit" is permitted under N.J.A.C. 4:1-8.6;(c) 6 to qualify for a promotional examination. This section permits permanent employees with less than 1 year of permanent status in their class title to file applications for promotional examinations which are open to:

(a) their current permanent titles at the closing date for filing applications

(b) titles lower than their current titles in which they had previously attained permanent status,

provided: the time and permanent status accrued under those current and former class titles enumerated in (a) and (b) amounts to 1 year.

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8-6.102b (cont'd)

For example: An employee who accrued 7 months permanent status in her former title of Clerk Stenographer, and has been permanent in her current title of Senior Clerk Stenographer for 5 months, would be admitted to promotional examination for Principal Clerk Stenographer open to Clerk Stenographer and Senior Clerk Stenographer.

3. An applicant who is absent from active employment "on an approved leave with pay" is permitted to qualify for promotional examination under N.J.A.C. 4:1-8.6;(c)1. This exception includes applicants who are on approved sick leave even when extended to sick leave without pay, and applicants on a leave of absence with pay (SLI-sick leave injury).

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Subpart 8-6.103 Professional Qualifications Substitution Program

8-6.103a Subject:

This subpart provides for substituting appropriate prior work experience for college educational requirements for entry-level professional titles.

8-6.103b Policy:

It is the policy of the Civil Service Commission to encourage career development and upward mobility for employees and prospective employees. Therefore, experience appropriate to the related profession may be substituted for college educational requirements for designated open competitive or promotional examinations.

8-6.103c Standards:

1. Applicants may be considered eligible to take entry-level professional open competitive and promotional examinations by substituting appropriate work experience for college educational requirements.

2. Appropriate prior work experience shall be substituted on a year for year basis--e.g., five years of appropriate prior work experience may be substituted for a requirement of a B.A. degree and one year of experience.

3. For those class titles which require only specific course work or major fields of study, the successful completion of same shall be required and no substitution of experience for such requirements will be permitted unless the specific course work has been completed.

4. Non-professional career employees must have permanent status and the required time in grade to be considered eligible to take promotional examinations.

8-6.103d Procedure:

1. The Department of Civil Service will announce and conduct open competitive and promotional examinations.

2. Announcement of open competitive examinations will be made in the regular monthly "Job Opportunities Bulletin". The Bulletin shall include general information on eligibility requirements and how prospective applicants may utilize the Professional Qualifications Substitution Program outlined above.

3. Appointing authorities shall post, for ready access to employees, information about how employees may utilize the Professional Qualifications Substitution Program as outlined above.

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NOTE: See Subpart 8-6.104 for provisions for substituting CLEP (College Level Examination Program) scores for college educational requirements.

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SUPERSEDED

Subpart 8-6.103 Professional Qualification Substitution and Journeyman Level Qualification Program

8-6.103a Subject:

This subpart describes the professional qualification substitution program whereby non-professional career employees and competent persons, through a combination of education and/or requisite experience, may qualify to take open competitive examinations for journeyman level positions and/or promotional examinations for journeyman level positions which normally require a baccalaureate degree and one year of experience.

8-6.103b Eligibility:

Interested persons shall be considered eligible to take open competitive examinations for journeyman level titles and non-professional career employees shall be considered eligible to take open competitive and/or promotional examinations for journeyman level titles if they meet the following requirements:

1. The accumulation of appropriate professional-level experience and/or college credits (30 credits shall equal one year) totaling five years. A score of 425 or higher on the five-part CLEP general examination may be substituted for up to 30 college credits.

2. For those class titles requiring specific course work or major fields of study, an additional requirement shall be the successful completion of that course work. A score of 425 or above in the appropriate CLEP subject examination, if one exists, may be substituted for 3-6 semester hours of the required course work.

3. Non-professional career employees must have permanent status as State employees to be considered eligible to take promotional examinations.

8-6.103c Examination Procedure:

1. The Department of Civil Service will announce open competitive and promotional examinations as required.

2. Announcement of open competitive examinations will be made in the regular, monthly Job Opportunities bulletins. The announcement shall include information on eligibility requirements and how prospective applicants may utilize the experience/college substitution procedures outlined above.

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8-6.103c (cont'd)

3. Three months prior to the Civil Service examination announcement, the operating agencies shall post notices indicating the upcoming journeyman level professional promotional announcements. These notices shall include information on the eligibility requirements and how employees may use the substitution procedures outlined above. The Division of Equal Employment Opportunity and Affirmative Action will be responsible for informing all personnel officers of employees who have achieved this college level proficiency. Additionally, the Division of Equal Employment Opportunity and Affirmative Action will provide open competitive examination information to such employees as appropriate examinations are announced.

4. Open competitive announcements shall be on a State-wide, or if justified, on a nation-wide basis. Two employment lists will result with the State-wide lists taking precedence over the nation-wide lists.

5. The Department of Civil Service shall receive applications, check for proper status showing salary range and dates of service in class titles at the required salary range.

6. The Department of Civil Service shall hold both open competitive and promotional examinations and shall produce appropriate eligible lists.

8-6.103d Salary Administration:

Salary adjustments for non-professional career employees shall be in accordance with procedures established for promotional salary adjustments except that, where an employee is at a higher salary rate than the maximum of the salary range or the highest rate authorized for the class to which he/she is being appointed, he/she shall remain at the current salary rate until future within grade adjustments, range revisions or other adjustments arising out of the salary program will entitle the employee to a rate of pay that is equivalent to the current rate or the next higher rate for the latter classification.

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SUPERSEDED

Subpart 8-6.103 College-Level Examination Program (CLEP)

8-6.103a Subject:

This subpart describes the promotional program whereby competent nonprofessional employees can be promoted to professional positions.

8-6.103b Eligibility:

Classified employees shall be considered eligible to take promotional examinations for entry level professional trainee titles if they meet all of the following requirements:

1. The successful completion of two years of college or a score of 450 or higher on the CLEP general examination; and

2. Three years RA status in a class title in salary Range A-11 (35 hours) or higher computed as of the announced closing date for filing applications for the promotional examination, except that employees whose current salary exceeds the maximum of salary range A-17 in a 35 hour week classification, the maximum of salary range A-18 in an NL classification or the maximum of salary range A-19 in a 40 hour week classification will be ineligible for the program.

3. For those class titles requiring specific course work or major fields of study, an additional requirement shall be the successful completion of that course work (a major shall require 24 semester hours). A score of 40 or above in the appropriate CLEP subject examination, if one exists, may be substituted for 6 semester hours of the required course work.

An examination on the college entrance level will be given as a promotional examination to employees in the classified service fulfilling the above mentioned requirements.

8-6.103c Examination Procedure:

1. The Department of Civil Service will announce promotional examinations as required.

2. Three months prior to the Civil Service examination announcement, the operating agency shall post notice indicating the upcoming announcement. This notice shall include information on the eligibility requirements and how employees may use their CLEP scores.

3. The promotional announcement under this program shall be open on a departmental and on a state-wide basis. Two employment lists will result with the departmental lists taking precedence over the state-wide list. No more than 50% of the entry level professional vacancies shall be filled from this program.

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SUPERSEDED

8-6.103c (cont'd)

4. The Department of Civil Service shall receive applications, check for proper college work and/or CLEP scores (documents shall be required), check for the required experience and notify ineligible candidates. The operating agency must certify that the employee has had the required RA status showing salary range and dates of service in class titles at the required salary range.

5. The Department of Civil Service shall hold the promotional examinations and produce appropriate eligible lists.

8-6.103d Salary Administration:

Salary adjustments shall be in accordance with procedures established for promotional salary adjustments except that, where an employee is at a higher salary rate than the maximum of the salary range or the highest rate authorized for the class to which he is being appointed, he shall remain at his current salary rate until future within grade adjustments, range revisions or other adjustments arising out of salary programs will entitle him to a rate of pay that is equivalent to his current rate or the next higher rate for his latter classification.

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Subpart 8-6.104 College-Level Examination Program (CLEP)

8-6.104a Subject:

This subpart provides for substituting acceptable College Level Examination Program (CLEP) examination scores for college credits requirements.

8-6.104b Policy:

It is the policy of the Civil Service Commission to encourage career development and upward mobility for all employees and prospective employees. Therefore, the Commission recognizes acceptable CLEP scores as a substitution for college credits required for open competitive or promotional examinations. Acceptable scores are those consistent with scores accepted for credit by Thomas A. Edison College as published annually in its catalog.

8-6.104c Standards:

1. Applicants may be considered eligible to take open competitive and promotional examinations by substituting a combination of education, appropriate work experience and acceptable CLEP scores.

2. Acceptable scores on the CLEP General Examination and Subject Examinations will be considered the same as college undergraduate credits.

3. Acceptable scores on the five-part CLEP General Examination shall be substituted for up to 30 undergraduate college credits.

4. Where specific course work and/or a major field of study are required in the job specification or examination announcement:

   (a) An acceptable SCORE on an appropriate CLEP Subject Examination may be substituted for college credit hours.

   (b) An acceptable SUBSCORE on an appropriate subsection of the CLEP General Examination may be substituted for undergraduate college credit hours for the course work requirement.

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5. Acceptable scores achieved on any of the CLEP Subject Examinations shall be viewed to correspond to those credits normally earned during the final two years of a four-year college curriculum.

6. Acceptable scaled scores or subscores on the CLEP General Examination shall be viewed to correspond to those credits normally earned during the first two years of a four-year college curriculum.

7. Non-professional career employees must have permanent status and the required time in grade to be considered eligible to take promotional examinations.

8-6.104d Procedure:

The CLEP General Examination and Subject Examinations are given at educational testing sites. Information about testing site locations and application procedures can be obtained from the Educational Testing Service (ETS), Princeton, New Jersey and Thomas Edison College in Trenton, New Jersey.

1. The Department of Civil Service will announce and conduct open competitive and promotional examinations.

2. Announcement of open competitive examinations will be made in the regular monthly "Job Opportunities Bulletin." The Bulletin shall include general information on eligibility requirements and how prospective applicants may utilize CLEP as outlined above.

3. Appointing authorities shall post, for ready access to employees, information about how employees may utilize CLEP as outlined above.

NOTE: See Subpart 8-6.103 for provisions for substituting experience for college educational requirements.

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Subpart 8-6.105 Eligibility For Promotion And Seniority

8-6.105a Subject:

This subpart is issued to clarify Civil Service policy on eligibility for promotion and seniority when an employee has

(1) Taken a leave of absence without pay, or

(2) Returned to employment via a special or regular re-employment list.

8-6.105b Policy:

The time during absence from work should be deducted from total service for employees who have taken a leave of absence without pay or who have returned to work via a special reemployment list. This deduction should be made when computing service time to determine both eligibility for promotion and/or seniority.

Employees who return to employment from a regular reemployment list begin accumulating seniority in a position from the date of reemployment.

8-6.105c Exceptions:

Time should not be deducted from total service for employees who have taken a leave of absence without pay for:

1. Military Leave
2. Education
3. Sick leave (including maternity)

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PART 8-8 QUALIFICATION OF APPLICANTS FOR OPEN COMPETITIVE EXAMINATIONS

Subpart 8-8.101 Records Of Conviction

8-8.101a Subject:

This subpart will deal with records of convictions and their effect on qualification for examination and subsequent appointment to the classified service. It does not automatically disqualify persons with police records from examination, nor will it be used as an artificial barrier to the hiring of the disadvantaged or minority population.

8-8.101b Requirements:

Subject to the exceptions below, persons convicted of indictable crimes may not be appointed to the public service. All convictions must be listed on the Civil Service application for examination. Failure to mention previous convictions on the application will be reason for rejection of the application, refusal to examine, refusal to certify, or removal of an eligible from a list.

8-8.101c Exceptions:

An exception to the general rule will occur when the Chief Examiner and Secretary with the concurrence of the appointing authority determines that an applicant has evidenced sufficient rehabilitation so that his examination or appointment would be in the best interests of the service. However, this exception shall have no application to police or firemen.

Note:

Where an applicant for examination has a record of past conviction but claims the benefit of a court order of expunction, a bonafide copy of the order must be submitted. The benefit of a court order of expunction is not retroactive. Juvenile records need not be listed on any Civil Service application, and will not be considered if discovered at a later date.

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Subpart 8-8.102 Review of Job Specifications Prior to Open Competitive Examinations

8-8.102a Subject:

This subpart will deal with review of job specifications by appointing authorities and requests for changes in these specifications prior to announcement of open competitive examinations.

8-8.102b Requirements:

Upon a provisional appointment of an employee to a class title whose use is restricted to a particular appointing department or agency, appointing authorities should immediately review the specification of the class for accuracy particularly with respect to requirements, prior to the announcement of open competitive examination.

Appointing authorities should as soon as possible after review submit requests for changes in a specification to the Division of Classification and Compensation, Department of Civil Service, otherwise it will not be possible to reflect these changes in the Civil Service examination announcement bulletin.

8-8.102c Compliance:

The Department of Civil Service will not notify appointing authorities of their obligation to review job specifications before the announcement of open competitive examinations. Of course, requests to change or modify specifications may be made at any time by appointing authorities.

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Subpart 8-8.103 Requirement to Live Within a Certain Distance From Place of Employment

8-8.103a Subject:

This subpart will deal with the procedure to be used by appointing authorities for reporting and justifying the need for special residence limitations as a qualification for examination.

8-8.103b Requirements:

When a vacancy is anticipated or exists in a position that requires an appointee who lives a certain distance from the place of employment, the appointing authority should immediately review and validate the reasons for the initial determination of such a requirement. If the requirement is still deemed to be a valid one, the appointing authority should send a request to the Division of Examinations, Department of Civil Service, giving the justification for the residence limitation and the radius from the job site within which prospective employees are to reside.

This request must be received and approved in time for the special residence requirement to be included in the Civil Service examination announcement bulletin.

8-8.103c Compliance:

The Department of Civil Service will not notify appointing authorities of their obligation to review and justify the special residence requirement for inclusion in the examination announcement. If such a request is not received and approved before announcement of the examination, the Department of Civil Service will not permit individuals who take the examination to be rejected because they do not meet the appointing authority's residence requirement. However, at the discretion of the Division of Examinations, special residence limitations may be added after the promulgation of an eligible list if subsequent events require such action.

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CIVIL SERVICE PERSONNEL MANUAL

(STATE SERVICE)

Please be advised that the following subparts have been repealed:

Subpart	Issue Date	Repeal Date
8-8.104	10/20/71	7/9/81
8-8.105	10/02/72	7/9/81

SUPERSEDED
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Subpart 8-8.104 Applications For Open Competitive Examinations

8-8.104a Subject:

This subpart will deal with the filing of applications for examinations open to more than one governmental subdivision.

8-8.104b Limitations:

When an open competitive examination is announced under two or more symbols designating residence requirements, an applicant is eligible only for the examination open to his specific residence.

Example:

Safety Engineer II (S556A) State-Open to State
Safety Engineer II (S556B) State-Open to United States

A New Jersey applicant shall file for S556A. Out-of-state residents shall file for S556B.

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Subpart 8-8.105 Applications For Examinations With Dual Requirements

8-8.105a Subject:

This subpart will deal with the filing of applications for examinations having 2 sets of requirements.

8-8.105b Limitations:

When an examination is announced under two or more symbols having different requirements (higher and lower), an applicant possessing the higher requirements is eligible only for the examination containing the higher requirements. Likewise, an applicant possessing the lower requirements is eligible only for the examination having these lower requirements.

Example:

Business Manager, S111-A
Requirement - Master's Degree and 2 years of experience

Business Manager, S111-B
Requirement - B.S. and 4 years of experience

An applicant possessing a Master's Degree is eligible only for S111-A.

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Subpart 8-8.106 Eligibility Of Persons Residing On Military Reservations In The State Of New Jersey

8-8.106a Subject:

This subpart establishes the residency conditions for determining the eligibility of persons residing on military reservations in the State of New Jersey for examinations and certifications.

8-8.106b Requirements:

Persons residing on military reservations in the State of New Jersey shall be considered residents of both the State of New Jersey and the county in which the reservation is located.

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Subpart 8-8.107 Appointment Of Noncitizens

8-8.107a Subject:

This subpart eliminates the citizenship requirement as a qualification for examination and appointment to positions in the competitive division of the classified service.*

8-8.107b Policy:

It is the policy of the Department of Civil Service to examine and approve appointments to the competitive division of the classified service without regard to the citizenship of the applicants or eligibles. All examinations shall be open to both citizens and noncitizens and appointments therefrom shall be without regard to citizenship.

8-8.107c Procedure:

All persons who have been examined, placed on an eligible list or appointed conditionally because of their noncitizenship shall be treated in the same fashion as citizens. All records including special markings for noncitizens shall have these markings removed. For example, where the records indicate that a permanently appointed noncitizen is "RA (Date) conditional--alien", the records should be amended to indicate simply "RA."

8-8.107d Exceptions:

The indiscriminate statutory ban on the eligibility of aliens for competitive examination and appointment in the classified Civil Service is constitutionally offensive unless a substantial or special circumstance inherent in a particular classification or position requires United States citizenship as a qualification or characteristic of such classification or position.

At the present time, the Department of Civil Service in conjunction with the Attorney General's Office can ascertain no substantial circumstance in any class title that demands citizenship as a qualification.

* See Subpart 10-2.101 for examination and appointment to noncompetitive and labor divisions.

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Subpart 8-8.109 Height And Weight Requirements

8-8.109a Subject:

This subpart stipulates Civil Service policy regarding height and weight requirements, encompassing all law enforcement and correction officer positions in state government.

8-8.109b Policy:

At the July 30, 1974 meeting of the Civil Service Commission, the Commission approved and adopted the policy that specific height and weight requirements be eliminated from all future announcements and examinations for Police Officer titles and/or any other titles for which height and weight are requirements. This includes all titles encompassed in law enforcement and correction in state government.

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PART 8-10 QUESTIONS NOT TO BE ASKED

Subpart 8-10.101 Discriminatory Inquiries On Pre-Employment Application Forms Used by Appointing Authorities

8-10.101a Subject: Informational

This subpart addresses the extent to which pre-employment applications may contain questions concerning subject areas which may be discriminatory. Discriminatory questions include questions based on sex, race, ancestry or national origin, political or religious affiliations, age, marital status or handicap. This regulation does not apply to application forms used by the Department of Civil Service for examination purposes, to Civil Service post-employment forms, or to questions required by the State or Federal governments for statistical purposes.

8-10.101b Limitations:

Discrimination is prohibited under Civil Service law and rules. Specific classes or categories of discrimination in employment are prohibited under Federal and State Civil Rights law and Executive Order No. 61. The Civil Service Commission, exercising its responsibility to enforce the provisions of Civil Service laws and rules, is issuing the following guidelines:

1. NAME

   To verify qualifications, an applicant may be asked if s/he ever worked or was educated under another name.

2. ADDRESS

   An applicant may be asked to supply his/her permanent address.

   The applicant may be asked to give the name and address of a person to contact to learn the applicant's address if s/he moves from present address.

   Do not ask for an applicant's past residence.

3. AGE OR BIRTHDATE

   Questions shall not be included in the pre-employment application unless the qualifications required by the Department of Civil Service or any applicable statute or rule include age.

   Permitted questions on applications must be accompanied by the statement "Do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin."

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8-10.101b (cont'd)

An applicant may be asked if:

(a) S/he is over the minimum legal age for working or, if:

(b) S/he has working papers and is under the lawful mandatory retirement age.

4. SEX AND RACE/ETHNIC GROUP

Questions concerning sex and race/ethnic groups may be used only for gathering data for statistical reporting purposes. They are to be accompanied by the statement that the information is used to comply with EEOC guidelines and the New Jersey State Affirmative Action Program. The portion of the form containing this information should be separable from the remainder of the application and removed before referring application for selection and interviewing purposes.

Questions concerning sex or national origin may be used if the position has been assigned a bona fide occupational qualification in accordance with the provisions of Subpart 6-3.103. Such questions must be accompanied by a statement that "The Department of Civil Service has determined that a bona fide occupational qualification is necessary for the Title of__, Civil Service Commission position #__; determination issued (date).

5. MARITAL STATUS

An applicant may not be asked his/her marital status. If this information is needed for tax, pension or insurance purposes, obtain the information after appointment.

6. NUMBER OF CHILDREN

An applicant may not be asked how many children/dependents s/he has. If it is necessary to know the number of dependents for tax, pension or insurance purposes, the information may be obtained after appointment.

7. PROVISIONS FOR CHILD CARE

Do not ask questions concerning child-care arrangements.

8. HEIGHT AND WEIGHT

Do not ask an applicant his/her height and weight.

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8-10.101b (cont'd)

9. EDUCATION

An applicant may be asked the highest level of education completed, vocational or professional education, and schools attended.

10. MILITARY RECORD

Pre-employment applications are not to contain questions concerning dates, conditions, or type of discharge. Necessary information for Veteran's Preference purposes will be obtained by Civil Service.

An applicant may be asked to include military service experience which is pertinent to the position applied for in the employment history section of the pre-employment application.

An applicant may be asked if s/he has been called to report for military duty.

11. ORGANIZATIONS

Questions concerning organizations to which an applicant belongs must pertain to the specific job requirements.

12. DRIVER'S LICENSE

An applicant may be asked if s/he posesses a valid driver's license, but the question must be accompanied by the statement, "Do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin."

Do not request an applicant's driver's license number.

13. LANGUAGE

An applicant may be asked what languages, other than English, s/he speaks, reads and/or writes, but the question must be accompanied by the statement "Do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin."

14. RELATIVES

The name and address of relatives may not be required on a pre-employment application. The applicant may be asked to give the name and address of a person to notify in case of an emergency.

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8.10.101b (cont'd)

15. CITIZENSHIP

Do not ask the applicant if s/he is a U.S. citizen, to submit a birth certificate, naturalization or baptismal record with the application.

In certain instances such as employment of teachers or law enforcement officers, the employer may set citizenship as a criteria and inquire if the applicant is a citizen.

An applicant may be asked if:

(a) S/he is a permanent resident alien, and/or;

(b) If s/he is in the United States on a visa which prohibits him/her from working here. These questions may be accompanied by the statement that if hired, the person may be required to submit proof of authorization to work in the U.S.

NOTE:

See also Subparts 8-8.107 and 10-2.101.

16. PHYSICAL DISABILITIES

An applicant may be asked the following question: "Are you able to perform essential job related functions safely?"

When voluntary action is being taken to overcome the effects of past discrimination, applicants may be invited to indicate whether and to what extent they are handicapped. The applicant must be apprised verbally or in writing (if written questionnaire used) that the information:

(a) Will be used in connection with remedial, voluntary, or affirmative action efforts;
(b) Will be kept confidential;
(c) Is requested on a voluntary basis, and refusal to furnish it will not subject applicant to adverse treatment.

An offer of employment may be conditioned on successful completion of a medical examination, provided:

(a) Records are separate and confidential.

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8.10.101b (cont'd)

(b) The results of such an examination are used only to determine applicant's ability to safely perform job-related functions and to determine reasonable accommodations necessary.

NOTE: Employers are obligated under law to make reasonable accommodations for the handicapped.

17. PHOTOGRAPHS

An applicant may not be asked to supply a photograph with a pre-employment application. After employment, a photograph, for identification purposes only may be required.

18. ARREST RECORDS

Questions may not be asked concerning an applicant's arrest record. The only exceptions to this regulation are law enforcement agencies. Law enforcement agencies may request all information concerning arrest records. Such information may preclude employment.

An applicant may be questioned about any arrest on criminal charges pending at the time of questioning.

19. CONVICTION RECORD

An applicant may be asked to provide information on any criminal convictions which have not been expunged by the court. Expunged records are not to be considered for pre-employment purpose except that information divulged on an expunged record may be examined for employment as a law enforcement officer.

Questions about convictions must be accompanied by a statement advising the applicant that a criminal conviction record may only be considered when the crime relates adversely the position for which s/he is applying and will not preclude the person from consideration for appointment.

An authorized certificate of rehabilitation must be reviewed and precludes denial of employment for job related reasons.

20. CREDIT

Questions may not be asked concerning credit rating, bankruptcy, car ownership, rental or home ownership or length of residence at an address unless bondability is a valid job requirement.

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8.10.101b (cont'd)

21. REFERENCES

Applicants may be asked to supply the names of persons willing to provide character or professional references.

22. AVAILABILITY FOR WORK ON SATURDAYS AND/OR SUNDAYS or HOLIDAYS

An applicant may be asked if s/he is available for work on Saturdays and/or Sundays, weekends or holidays. The applicant must be advised that reasonable acommodation will be made for religious needs.

23. NEUTER GENDER

A personal pronoun in a pre-employment application must use both the feminine and masculine pronouns (i.e. his/her).

24. PREFIX

Do not require a prefix to an applicant's name (i.e., Mr., Mrs., Miss or Ms..)

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PART 8-10 QUESTIONS NOT TO BE ASKED

Subpart 8-10.101 Discriminatory Inquiries On Pre-Employment Application Forms

8-10.101a Subject:

This subpart will deal with the extent to which pre-employment applications may question any applicant on the subject of citizenship, age, or sex.

8-10.101b Limitations:

Discrimination is prohibited under Civil Service law and rules. However, the Civil Service Commission is charged with the responsibility of determining merit and fitness; therefore, pre-employment application forms may or may not make inquiries concerning citizenship, age, sex, or marital status as follows:

1. With respect to citizenship, the Civil Service Commission has ruled that there is no reasonable justification for citizenship as a Civil Service requirement. Therefore, questions on citizenship shall not be included in a pre-employment application.

2. With respect to age, questions shall not be included in a pre-employment application unless the qualification required by the Department of Civil Service or any applicable statute include age, or unless the class title is part of a program of apprenticeship recognized by the Civil Service Commission.

Therefore, questions on age are permitted on applications, but must be accompanied by the statement "do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin."

3. With respect to questions on sex, gender need not be specified unless there is a bona fide occupational qualification which restricts appointments to one sex.

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8-10.101b (cont'd)

Therefore, questions on sex are permitted on pre-employment applications, but must be accompanied by the statement "do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin."

Questions on maiden names are not to be asked. If background checks are necessary in order to obtain information regarding prior employment or schooling the pre-employment application form can make inquiry to ascertain if the person had worked or gone to school under another last name.

The Department of Civil Service upon receiving information that particular pre-employment application forms are inconsistent with this subpart and N.J.A.C. 4:1-8.10, will advise the appointing authority to discontinue the use of such forms. Noncompliance will be noted by the Department and the matter will be referred to the Office of the Attorney General.

NOTE:

See also Subparts 8-8.107 and 10-2.101.

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PART 8-10 QUESTIONS NOT TO BE ASKED

Subpart 8-10.101 Discriminatory Inquiries on Pre-employment Application Forms

8-10.101a Subject:

This subpart will deal with the extent to which pre-employment applications may question any applicant on the subject of citizenship, age, or sex.

8-10.101b Limitations:

Discrimination is prohibited under Civil Service law and rules. However, it is not inconsistent with the responsibility of the Civil Service Commission to determine merit and fitness that pre-employment forms make inquiries concerning citizenship, age or sex under certain conditions:

1. With respect to citizenship, the Civil Service law requires that all appointments to state positions must be from among United States citizens. Therefore a pre-employment application which questions citizenship is permissible.

2. With respect to age, questions shall not be included in a pre-employment application unless the qualifications required by the Department of Civil Service include age, or unless the class title is part of a program of apprenticeship recognized by the Civil Service Commission.

3. With respect to questions on sex, gender need not be specified unless there is a demonstrated need to restrict appointment to one sex. For example, jobs having primary duties that would involve only heavy manual labor could be restricted to males.

   Therefore, questions on sex are permitted on applications, but must be accompanied by the statement "do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin."

4. With respect to questions on maiden names these must be limited to instances in which information pertaining to prior employment or social security is required.

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8-10.101c Compliance:

The Department of Civil Service upon receiving information that particular applications are inconsistent with this subpart and N.J.A.C. 4:1-8.10, will advise the appointing authority to discontinue the use of the application in such form. Noncompliance will be noted by the Department and the matter will be referred to the Office of the Attorney General.

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PART 8-11 TIME AND PLACE OF EXAMINATIONS

Subpart 8-11.101 Late Arrival of Applicants At An Examination Center

8-11.101a Subject:

This subpart will regulate the admittance of late arrivals to scheduled Civil Service Examinations.

8-11.101b Requirements:

N.J.A.C. 4:1-8.11(d) prohibits admittance to an examination except as Civil Service regulations permit. The following standards will therefore be observed:

Examinations to which no applicants will be admitted late:

Timed examinations (i.e. typing, steno, and transcribing examinations) will fall into this category. The Department of Civil Service will notify applicants that tests will be timed.

Examinations to which applicants may be admitted after the starting time:

1. In any examination, other than special timed examinations, an applicant will be admitted up to ½ hour after the starting time, but these applicants must finish the examination at the time specified for all applicants.

2. If the Center Supervisor determines that because of adverse conditions candidates should be admitted conditionally, they may be so admitted, pending review by the Assistant Director of Examinations. In such instances, a report by the Center Supervisor must be submitted to the Assistant Director of Examinations. The first working day following the examination the Assistant Director of Examinations will decide whether to:

   a. Accept the applicant's examination

   b. Ask for more information about the circumstances of late arrival, or

   c. Reject the applicant's examination on the grounds that the circumstances didn't warrant his admittance.

Applicants will not receive additional time to finish the examination when admitted late. Exceptions to this rule will be (1) performance tests, and (2) tests without specific time limits.

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PART 8-15 RIGHT OF REVIEW

Subpart 8-15.101 Appeals concerning Eligibility and Examination Matters

8-15.101a Subject:

This subpart delineates the examination appeal system.

8-15.101b Definition:

The examination appeal system encompasses all complaints on the following matters:

(1) rejection of an application;

(2) refusal to test an applicant;

(3) refusal to place the name of a person on the employment list;

(4) refusal to certify the name of an eligible;

(5) removal from the employment list of the name of an eligible person;

and all other complaints that are integrally related to the examination process.

8-15.101c Burden of Proof

The Burden of Proof in an examination appeal is on the appellant.

8-15.101d Required Information:

Appeals must include the examination title and symbol number. They must specify the adverse action being appealed and delineate specific objections. Appeals protesting examination questions must be specific regarding the questions being contested. (While candidates are not permitted to copy specific questions, they are permitted to copy down the question numbers).

8-15.101e First Level of Appeal of Examination Appeals

The first level of appeal is to the Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of notice of the action complained of.

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The Assistant Director, in charge of the appropriate unit will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Director, Division of Examinations.

8-15.101f Second Level of Appeal of Examination Appeals:

The second level of appeal is to the Director, Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of the notice of the decision of the Assistant Director. The appellant must present all issues and related proofs or arguments pertaining to the appeal to the Director, Division of Examinations.

The Director, Division of Examinations will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Civil Service Commission.

8-15.101g Third Level of Appeal of Examination Appeals:

Appellants have a right to appeal to the Civil Service Commission from the Director, Division of Examinations' decision within 20 days of receipt of that decision (N.J.A.C. 4:1-8.15). Appeals should be addressed to the Director, Division of Administrative Practices and Labor Relations, P.O. Box 1918, Trenton, New Jersey 08625. On appeal to the Civil Service Commission, the Commission will only consider the issues and related proofs or arguments presented to the Director of the Division of Examinations.

An appeal to the Civil Service Commission must include all information specified in 8-15.101d above. Upon receipt of an appeal the Director, Division of Administrative Practices and Labor Relations will compile all necessary information from the Department of Civil Service and/or the appointing authority.

When all the necessary information is compiled, the appeal will be presented to the Civil Service Commission for its final administrative determination.

8-15.101h Review of Written Record of Examination Appeals:

Appeals to the Civil Service Commission regarding examination matters will be treated as a review of the written record pursuant to N.J.A.C. 4:1-8.15. No hearing will be granted except in those limited instances where the Commission determines, following this review of the written record, that a significant dispute of material fact exists which can only be resolved through a hearing.

8-15.101i Service On Other Parties:

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If there is more than one party to an appeal each party must serve copies of all materials submitted on all other parties.

8-15.101j Appeals From Rejection for Psychological, Psychiatric or Medical Reasons:

Refer to Subpart 12-11.101 and Subpart 12-11.103 for appeals from rejection for psychological, psychiatric or medical reasons.

8-15.101k Appeals From Rejection For A Record Of Criminal Conviction:

An appointing authority may refuse to appoint an examination candidate due to a record of criminal convictions provided the appointing authority conforms to the requirements of Chapter 160, Laws of 1974. Such refusals to appoint are subject to review by the Civil Service Commission on appeal.

8-15.101l Appeals From A Decision Of The Civil Service Commission:

A decision of the Civil Service Commission is a final administrative determination. As such, any further appeal should be directed to the Appellate Division of the Superior Court.

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PART 8-15 RIGHT OF REVIEW

Subpart 8-15.101 Appeals concerning Eligibility and Examination Matters

8-15.101a Subject:

This subpart delineates the examination appeal system.

8-15.101b Definition:

The examination appeal system encompasses all complaints on the following matters:

(1) rejection of an application;

(2) refusal to test an applicant;

(3) refusal to place the name of a person on the employment list;

(4) refusal to certify the name of an eligible;

(5) removal from the employment list of the name of an eligible person;

and all other complaints that are integrally related to the examination process.

8-15.101c Burden of Proof

The Burden of Proof in an examination appeal is on the appellant.

8-15.101d Required Information:

Appeals must include the examination title and symbol number. They must specify the adverse action being appealed and delineate specific objections. Appeals protesting examination questions must be specific regarding the questions being contested. (While candidates are not permitted to copy specific questions, they are permitted to copy down the question numbers).

8-15.101e First Level of Appeal of Examination Appeals

The first level of appeal is to the Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of notice of the action complained of.

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The Assistant Director, in charge of the appropriate unit will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Director, Division of Examinations.

8-15.101f Second Level of Appeal of Examination Appeals:

The second level of appeal is to the Director, Division of Examinations, Department of Civil Service, P.O. Box 1918, Trenton, New Jersey 08625. This appeal must be taken within 20 days of the notice of the decision of the Assistant Director. The appellant must present all issues and related proofs or arguments pertaining to the appeal to the Director, Division of Examinations.

The Director, Division of Examinations will review the appeal and inform the appellant of his or her determination. This letter of decision will include findings of fact, conclusion, decision and information regarding right of appeal to the Civil Service Commission.

8-15.101g Third Level of Appeal of Examination Appeals:

Appellants have a right to appeal to the Civil Service Commission from the Director, Division of Examinations' decision within 20 days of receipt of that decision (N.J.A.C. 4:1-8.15). Appeals should be addressed to the Director, Division of Administrative Practices and Labor Relations, P.O. Box 1918, Trenton, New Jersey 08625. On appeal to the Civil Service Commission, the Commission will only consider the issues and related proofs or arguments presented to the Director of the Division of Examinations.

An appeal to the Civil Service Commission must include all information specified in 8-15.101d above. Upon receipt of an appeal the Director, Division of Administrative Practices and Labor Relations will compile all necessary information from the Department of Civil Service and/or the appointing authority.

When all the necessary information is compiled, the appeal will be presented to the Civil Service Commission for its final administrative determination.

8-15.101h Review of Written Record of Examination Appeals:

Appeals to the Civil Service Commission regarding examination matters will be treated as a review of the written record pursuant to N.J.A.C. 4:1-8.15. No hearing will be granted except in those limited instances where the Commission determines, following this review of the written record, that a significant dispute of material fact exists which can only be resolved through a hearing.

8-15.101i Service On Other Parties:

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If there is more than one party to an appeal each party must serve copies of all materials submitted on all other parties.

8-15.101j Appeals From Rejection for Psychological, Psychiatric or Medical Reasons:

Refer to Subpart 12-11.101 and Subpart 12-11.103 for appeals from rejection for psychological, psychiatric or medical reasons.

8-15.101k Appeals From Rejection For A Record Of Criminal Conviction:

An appointing authority may refuse to appoint an examination candidate due to a record of criminal convictions provided the appointing authority conforms to the requirements of Chapter 160, Laws of 1974. Such refusals to appoint are subject to review by the Civil Service Commission on appeal.

8-15.1011 Appeals From A Decision Of The Civil Service Commission:

A decision of the Civil Service Commission is a final administrative determination. As such, any further appeal should be directed to the Appellate Division of the Superior Court.

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PART 8-15 RIGHT OF REVIEW

Subpart 8-15.101 Appeals From Examination Matters

8-15.101a Subject:

This subpart delineates the exam appeal system.

8-15.101b Definition:

The exam appeal system encompasses all complaints on the following matters:

(1) rejection of an application;

(2) refusal to test an applicant;

(3) refusal to place the name of a person on the employment list;

(4) refusal to certify the name of an eligible;

(5) removal from the employment list of the name of an eligible person;

and all other complaints that are integrally related to the exam process.

8-15.101c Time Limit For Filing Appeals:

An appeal must be made within 20 calendar days of the adverse action, e.g., within 20 days of an applicant being informed his or her application has been rejected. In determining the timeliness of an appeal the Department of Civil Service will assume notice to be received on the third day following mailing and will start the 20 day period from the start of the fourth day following mailing. For example, if notice is sent on January 6, 1976 to an applicant that his or her application has been rejected, an appeal must be postmarked no later than January 29, 1976 to be considered timely.

In accordance with N.J.A.C. 4:1-9.2 protests against any part of a written exam must be filed no later than the seventh calendar day following the date on which the exam is held.

8-15.101d Burden of Proof:

Actions of the Department of Civil Service are considered valid by law absent any convincing proof to the contrary. The burden of proving such actions to be improper is on the appellant.

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8-15.101e Required Information:

Appeals must include the exam title and symbol number. They must specify the adverse action being appealed and delineate specific objections. Appeals protesting examination questions must be specific regarding the questions being contested. (While candidates are not permitted to copy specific questions, they are permitted to copy down the question numbers).

8-15.101f First Level of Appeal:

The first level of appeal is to the Director, Division of Examinations, Department of Civil Service, 215 East State Street, Trenton, New Jersey 08625.

The Director, Division of Examinations will review the appeal and inform the appellant of his or her determination. This letter of decision will including findings of fact, conclusion, decision and information regarding right of appeal to the Civil Service Commission.

8-15.101g Second Level of Appeal:

Appellants have a right to appeal to the Civil Service Commission from the Director, Division of Examination's decision within 20 days of receipt of that decision. Appeals should be addressed to the Director of Hearings and Regulations, 215 East State Street, Trenton, New Jersey 08625. The timeliness of an appeal will be determined as specified in 8-15.101c above.

An appeal to the Civil Service Commission must include all information specified in 8-15.101e above. Upon receipt of an appeal the Director of Hearings and Regulations will compile all necessary information from the Department of Civil Service and/or the appointing authority. When such information has been compiled, the appellant will be notified that he or she may review the file and submit any additional documentation and/or written argument related to their appeal within 20 days of receipt of such notice. Upon a reasonable request the Director of Hearings and Regulations will grant an extension of ten days beyond the 20 day period for review and supplementation of the file. Only in exceptional circumstances will an additional extension be granted. Requests for additional extensions must be made in writing and fully documented.

Upon the expiration of the time period for review and supplementation of the file, the appeal will be forwarded to the Chief Examiner and Secretary. The Chief Examiner and Secretary will present the appeal to the Civil Service Commission for their final administrative determination.

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8-15.101h Review of Written Record:

Appeals to the Civil Service Commission regarding examination matters will be treated as a review of the written record. No hearing will be granted except in those very limited instances where a clear dispute of material facts exists. Requests for a hearing must be supported by written argument and/or documentation. The Commission will consider such requests during their review of the written record. If the Commission denies such request, at that same meeting they will consider the written record. No additional opportunity will be given the appellant for review and supplementation of the file.

8-15.101i Service On Other Parties:

If there is more than one party to an appeal each party must serve copies of all materials submitted during the 20 day time period for review and supplementation of the file (or during the time period encompassed by any extensions) on all other parties.

8-15.101j Notice to Appointing Authorities:

When an individual appeals an examination matter to the Civil Service Commission, the Hearings and Regulations Division will put the appointing authority on notice of the appeal, if the title being appealed is used exclusively by one appointing authority. Where a title is used by more than one appointing authority such notice shall not be required.

8-15.101k Appeals From Rejection Or Psychological Or Psychiatric Reasons:

Refer to Subpart 12-11.101 for appeals from rejection for psychological or psychiatric reasons.

8-15.101l Appeals From Rejection For A Record Of Criminal Conviction:

An examination applicant may not be rejected for a record of criminal convictions. However, an appointing authority may refuse to appoint due to a record of criminal convictions providing the appointing authority conforms to the requirements of Chapter 160, Laws of 1974. Such refusals to appoint are subject to review by the Department of Civil Service and are subject to appeal by the eligible so rejected.

8-15.101m Appeals From A Decision Of The Civil Service Commission:

A decision of the Civil Service Commission is a final administrative determination. As such, any further appeal should be directed to the Appellate Division of the Superior Court.

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PART 8-19 Conduct of Examinations

Subpart 8-19.101 Examination Administration for Disabled Candidates

8-19.101a Subject:

This subpart will describe Civil Service policy for scheduling and administering examinations for disabled candidates.

8-19.101b Policy:

1. Upon notification that a candidate is either blind, has a serious visual impairment, or has another serious physical defect which makes him or her unable to take a Civil Service examination in the same manner as other candidates, the Department of Civil Service will make special arrangements as deemed appropriate.

2. Candidates who do have a disability must indicate this on their applications, in order for Civil Service to be alerted to the fact that special arrangements are needed.

3. In the case of a blind candidate or one with a severe visual impairment, Civil Service will provide a reader and allow the candidate 50% more time to complete a written examination. A separate, private testing room will be scheduled.

4. In the case of a candidate who is unable to mark his or her own answer sheet, a marker will be provided. Inasmuch as the particular candidate is able to read the examination booklet, no additional time will be allotted for completion of the examination. A separate, private testing room will be scheduled.

5. In the case of a candidate who has a physical handicap which limits or precludes his/her ability to climb stairs or walk long distances, a ground floor testing room will be scheduled. If necessary a special testing center will be scheduled. This is applicable for oral and written examinations.

6. Upon making appropriate arrangements for the disabled candidates, Civil Service will notify the candidates of the arrangements via a notice attached to the Notification of Examination Cards which are sent to all candidates.

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Subpart 8-19.102 Examination Administration for Candidates Scheduled for Multiple Examinations on One Night

8-19.102a Subject:

This subpart will detail policy and describe the Civil Service procedure for administering examinations for candidates scheduled for multiple examinations on one night.

8-19.102b Policy:

1. Civil Service will provide an opportunity for candidates taking multiple examinations in one given night to have ample time for completion of the examinations.

2. Civil Service examination centers open at 6:00 p.m. and close at 11:00 p.m. Candidates are instructed to report for examinations at 6:30 p.m. In the vast majority of cases two examinations may be completed in one night with no problems. For candidates scheduled for three or more examinations the following procedure will be followed:

8-19.102c Procedure:

1. Candidates scheduled for three or more examinations on a given night will be identified via a computer report.

2. If it is determined that the examinations are not identical or progressive (ones which involve many of the same test questions), or which will involve a total of four (4) or more hours; a letter will be sent to the candidates. The letter will advise that they have the option of appearing at the scheduled examination center at the regularly scheduled time of 6:30 or the option of appearing at the offices of the Department of Civil Service in Trenton at 3:00 p.m. on the day of the scheduled examination.

3. If candidates wish to appear at 3:00 p.m. they must notify Civil Service within five (5) days of receipt of the above mentioned letter in order for appropriate arrangements (e.g. monitor on duty, availability of testing materials) to be made.

8-19.102d Limitations:

1. Candidates must notify Civil Service of their intention to report during the daytime in order for them to be so scheduled.

2. The only location where candidates may be tested during the daytime is at the Division of Examinations, Trenton, New Jersey, regardless of where the candidates work or reside.

3. Daytime arrangements may only be made on the date of the scheduled examinations. This is necessary for reasons of security.

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Series 9

Examination Scoring

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PART 9-6 TIE SCORES

Subpart 9-6.101 Breaking Tie Scores Obtained in Civil Service Examinations

9-6.101a Purpose:

This subpart is in further explanation of N.J.A.C. 4:1-9.6 which determines priority in placement of names on any employment list when two or more eligibles have the same final rating.

9-6.101b Factors:

The factors to be considered first, in open competitive examination and, second in promotional examination are listed in the order that they will be evaluated.

Open Competitive

1. Written Score
2. Performance Score
3. Oral Score
4. Time Stamp

Promotional (for examinations conducted by the Department of Civil Service)

1. Written Score
2. Performance Score
3. Oral Score
4. Seniority Score - NOTE: For purposes of breaking ties the normal practice of limiting to 15 years the total period of permanent status for which seniority is credited will not be observed. Instead, seniority credit will be given as follows:

I. (a) Full credit of 1 point will be granted for each year of permanent status served in any class title in the same organization unit included in the scope of eligibility.

(b) In those instances where a candidate has a history of transfer from another organization unit, seniority credits will also be given for periods of permanent status accrued outside the organization unit, as follows:

(1) 3/4 credit for each year of permanent status accrued outside the organization unit to which the examination is opened but within the same department or agency

(2) 1/2 credit for each year of permanent status outside the organization unit to which the examination is open but within the same government service (state or local).

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9-6.101b (cont'd)

II. When a tie remains unbroken after comparing total seniority credits accrued as above, then seniority in the next lower class title (and if necessary, succeedingly lower class titles) will be compared. Credit will be allocated as in (I.) above: Full credit for all accrued permanent status in the organization unit to which the exam is opened, and proportionate credit for permanent status accrued outside that unit.

5. Performance Ratings (State Government Only) - average of last 2 ratings; for this purpose only: Outstanding=2, Satisfactory=1, and Unsatisfactory=0.

6. Segment Score - written, performance and oral examinations prior to the date they are given, will be evaluated in that order by the Division of Examinations to determine the relative importance of each segment of the examination if the exam consists of segments. The Division will assign a relative value of each segment. In order to break ties preference will be afforded the candidate with the most correct items in the category assigned the highest value and thereafter, if necessary, in consecutively lower weighted categories.

7. Extra-government Experience Score - candidates with identical scores will be required to submit detailed information on outside experience and education on a form provided by this Department. The Division of Examinations will give credit first, for all formal education listed and second, if necessary (when education is exactly comparable), on the basis of all previous experience listed.

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Series 10

Noncompetitive and Labor Appointments

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 10-2 APPOINTMENTS BASED ON EXAMINATION IN NONCOMPETITIVE AND LABOR DIVISIONS

Subpart 10-2.101 Appointment of Noncitizens

10-2.101a Subject:

This subpart eliminates the citizenship requirement for appointment to positions in the noncompetitive and labor division of the classified service.

10-2.101b Policy:

It is the policy of the Department of Civil Service to make appointments to the noncompetitive and labor division of the classified service without regard to the citizenship of the applicants or eligibles. All examinations shall be open to both citizens and noncitizens and appointments therefrom shall be without regard to citizenship.

10-2.101c Procedure:

All persons who have been examined, placed on an eligible list or appointed conditionally because of their noncitizenship shall be treated in the same fashion as citizens. All records including special makings for noncitizens shall have these markings removed. For example, where the records reflect "conditional" appointments because of noncitizens status, the record cards should be amended to show permanent appointment without condition starting with the date of permanent appointment.

10-2.101d Exceptions:

The indiscriminate statutory ban on the eligibility of aliens for competitive examination and appointment in the classified Civil Service is constitutionally offensive unless a substantial or special circumstance inherent in a particular classification or position requires United States citizenship as a qualification or characteristic of such classification or position.

At the present time, the Department of Civil Service in conjunction with the Attorney General's Office can ascertain no substantial circumstance in any class title that demand citizenship as a qualification.

NOTE:

See also Subparts 8-8.107 (Appointment of Noncitizens) and 8-10.101 (Discriminatory Inquiries on Pre-Employment Application Forms)

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PART 10-3 APPOINTMENTS IN NONCOMPETITIVE AND LABOR DIVISIONS WITHOUT EXAMINATION

Subpart 10-3.101 Verification Of Veterans Status By Appointing Authority

10-3.101a Subject:

This subpart will deal with the verification of veterans status of appointees in noncompetitive and labor positions.

10-3.101b Procedure:

When an appointment is made to a noncompetitive or labor position, it shall be the responsibility of the appointing authority to verify the veterans status of the appointee, as specified in N.J.A.C. 4:1-2.1; "Veteran"; "Disabled Veteran", and indicate the veterans status on the implementing CS-21.

10-3.101c Compliance:

As any appointments are subject to veterans preference, this procedure will be subject to post-audit by the Department of Civil Service.

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PART 10-5 RESIDENCE REQUIREMENTS FOR NONCOMPETITIVE AND LABOR POSITIONS

Subpart 10-5.101 Appointment Of Nonresidents To Noncompetitive And Labor Positions

10-5.101a Subject:

This subpart permits appointment of individuals who are nonresidents of the State to certain class titles.

10-5.101b Standards:

When it is not possible to secure the necessary number of eligibles in the manner provided in N.J.A.C. 4:1-10.2, the Civil Service Commission, after consulting with state appointing authorities, shall designate class titles to which permanent appointment of nonresidents may be made in the noncompetitive and labor divisions.

Currently, the Commission has determined that permanent appointment of nonresidents shall be made to the following class titles:

Institutional Attendant
Food Service Worker
Building Service Worker
Senior Food Service Worker
Building Maintenance Worker

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PART 10-5 RESIDENCE REQUIREMENTS FOR NONCOMPETITIVE AND LABOR POSITIONS

Subpart 10-5.101 Appointment of Nonresidents to Noncompetitive and Labor Positions

10-5.101a Subject:

This subpart permits appointment of U.S. citizens who are nonresidents of the State to certain class titles.

10-5.101b Standards:

When it is not possible to secure the necessary number of eligibles in the manner provided in N.J.A.C. 4:1-10.2, the Civil Service Commission, after consulting with state appointing authorities, shall designate class titles to which permanent appointment of nonresident U.S. citizens may be made in the noncompetitive and labor divisions.

Currently, the Commission has determined that permanent appointment of nonresidents shall be made to the following class titles in the Department of Institutions and Agencies:

Institutional Attendant
Food Service Worker
Building Service Worker
Senior Food Service Worker
Building Maintenance Worker

This policy shall be effective beginning July 1, 1970.

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Series 11

Eligible Lists

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PART 11-4 DURATION OF ELIGIBLE LISTS

Subpart 11-4.101 Duration Of Employment Lists Resulting From Promotional Procedures

11-4.101a Subject:

This subpart specifies the Civil Service Commission regulations regarding the period for promulgation of promotional employment lists in State service.

11-4.101b Requirements:

1. All promotional employment lists for State service promulgated subsequent to October 7, 1975 shall have a duration of three years from the date of promulgation.

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PART 11-4 DURATION OF ELIGIBLE LISTS

Subpart 11-4.101 Duration Of Employment Lists Resulting From Promotional Procedures

11-4.101a Subject:

This subpart specifies the Civil Service Commission regulations regarding the periods for promulgation of promotional employment lists in State service.

11-4.101b Requirements:

1. All promotional employment lists produced by the Department of Civil Service under the program of decentralized promotions (7/1/71 - 6/12/72) and promulgated on or before October 1, 1972, for a duration of one year are extended to a duration of two years from the date of promulgation. This policy does not apply to lists produced by the operating agencies during this period under decentralization procedures.

2. All promotional employment lists for State service promulgated subsequent to October 1, 1972, shall have a duration of two years from the date of promulgation.

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Subpart 11-4.102 Duration Of Employment Lists Resulting From Open Competitive Procedures

11-4.102a Subject:

This subpart specifies the Civil Service Commission regulations regarding the periods for promulgation of open competitive employment lists in State service.

11-4.102b Regulations:

1. All open competitive employment lists announced under the standard procedure will have a duration of three (3) years from the date of promulgation. This policy will apply to all open competitive lists promulgated on or after October 15, 1971.

2. All open competitive employment lists announced under the Continuous Recruitment Program will have a duration of one (1) year from the date of promulgation.

3. All open competitive employment lists announced under the Auditor-Intern, College Classification, or High School clerical programs will have a duration of six (6) months from the date of promulgation.

4. All existing open competitive eligible lists which were initially promulgated for a two year period will be extended for an additional year if:

a. three or more individuals who have not been previously certified remain on the list at the end of the two year period; or

b. three or more individuals have been certified but have been retained on the list despite non-appointment because they have expressed an interest in employment and are available for certification; or

c. there is more than one list for the same title and same jurisdiction, and the extension and consolidation of these lists would provide at least three eligibles who meet the criteria in a. or b. above.
Note: Each of the lists consolidated must be extended separately before its expiration date.

This policy is applicable to all unexpired lists of eligibles originally established for two years that meet the above criteria.

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PART 11-6 EXTENSION OF EMPLOYMENT LISTS

Subpart 11-6.101 Regulations For Extensions Of Lists

11-6.101a Subject:

This subpart specifies the Civil Service Commission regulations regarding the extension of employment lists.

11-6.101b Regulations:

The Civil Service Commission has authorized the extension of eligible lists to the maximum allowed by law on the recommendation of the Chief Examiner and Secretary with the approval of the President of the Commission. Such extensions shall take place before the expiration of the list and a record of the extension and the reasons therefor shall be entered in the minutes of the Commission.

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Series 12

Certification and Appointment

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PART 12-4 NUMBER OF NAMES TO BE CERTIFIED

Subpart 12-4.101 Certification of Names of Eligibles Appearing on More Than One Eligible List

12-4.101a Subject:

This subpart describes the procedure for certifying the name of an eligible appearing on two lists being used for a single certification.

12-4.101b Procedure:

The name of an eligible should be included on a certification as often as it appears on other eligible lists and in the order that it appears. Therefore, if the name of an eligible appears on two lists being used for a single certification, the eligible should be certified twice to afford him all rights associated with each eligible list upon which he is placed.

12-4.101c Limitations:

When a name appears more than once on the same certification, it shall count as one eligible for purposes of having three eligibles to make a complete certification.

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PART 12-6 CERTIFICATION FROM LIST FOR ANOTHER CLASS

Subpart 12-6.101 Clarification of Procedure for Making Lists Appropriate

12-6.101a Subject:

This subpart will prescribe when eligible lists shall be made appropriate for other class titles.

12-6.101b Procedure:

The Department of Civil Service will certify eligible lists from open competitive examinations which it considers "appropriate" against positions filled by provisional appointees, or against vacancies at the request of appointing authorities. In promotional examination situations, the Department of Civil Service will make promotional lists appropriate and the appointing authority will certify these eligible lists. Lists will be certified which were originally promulgated for another class at the same or higher level in the same or related series pursuant to N.J.A.C. 4:1-12.6 when:

1. No eligible list exists for the exact class title of the position.

2. On an existing list, no eligibles are available for certification as a result of refusal by eligibles to accept certification to the position, or

3. A complete certification (3 names) has been requested by the appointing authority and will result from consolidation of the eligible list for the particular class title and another eligible list made appropriate for the position.

12-6.101c Limitations:

This procedure will be used in the best interests of public service to provide appointing authorities with already tested and available qualified eligibles on appropriate lists.

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PART 12-7 CERTIFICATION WITHOUT REGARD TO SEX

Subpart 12-7.101 Request From Appointing Authorities Regarding Selective Certification Incorporating Qualifications of Sex Or National Origin

12-7.101a Subject:

This subpart describes the policy and procedure regarding requests for selective certification based on the sex or national origin of eligibles.

12-7.101b Policy:

It is the policy of the Civil Service Commission to announce tests and to certify from eligible lists without regard to the political or religious opinions or affiliations, sex, race, ancestry, national origin, age, marital status, handicap or criminal record of the applicants or eligibles unless the criminal record relates adversely to the employment sought. Certifications resulting from examinations shall be issued without regard to sex or national origin unless it has been determined that sex or national origin is a bona fide occupational qualification for the job.

12-7.101c Procedure:

Appointing authorities may request and submit documentary evidence that the duties of the particular position must be limited to one sex or national origin for effective job performance. The request and documentation will be evaluated by the Director of the Division of Classification and Compensation and the Director of the Division of Equal Employment Opportunity/Affirmative Action. A recommendation will be made by the Director of the Division of Classification and Compensation and the Director of the Division of Equal Employment Opportunity/Affirmative Action to the Chief Examiner and Secretary who will make a determination. (See Subpart 6-3.103 Determination of Bona Fide Occupational Qualifications.) The appointing authority and the Director of Examinations will be advised of this determination. Copies of the determination will be forwarded to the Civil Service Commission for informational purposes.

In anticipation of future vacancies, the appointing authority may supply the Director of Classification and Compensation with a list containing the position title, the position number and supportive documentation of Bona Fide Occupational Qualification (BFOQ). In the event there are two or more vacancies for identical titles that have identical functions, the same documentation may suffice for all, but each position must be identified.

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12-7.101c (cont'd)

For positions which have already been granted BFOQs, a copy of the letter granting such action, along with the position number, must be forwarded to the Director of the Division of Examinations. Based on this determination, the Director of Examinations will take appropriate certification actions.

12-7.101d Appeal:

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 calendar days of notice of the Chief Examiner and Secretary's determination.

The burden of proof that the certification must be limited to one sex or national origin for effective performance lies with the appointing authority.

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PART 12-7 CERTIFICATION WITHOUT REGARD TO SEX

Subpart 12-7.101 Requests From Appointing Authorities Regarding Selective Certification Based On The Sex Or National Origin Of Eligibles

12-7.101a Subject:

This subpart deals with the Civil Service procedures regarding requests for selective certification based on the sex or national origin of eligibles.

12-7.101b Policy:

It is the policy of the Department of Civil Service to announce tests and certify from eligible lists without regard to the political or religious opinions or affiliations, sex, race, ancestry or national origin of the applicants or eligibles. Unless a bona fide occupational qualification on the basis of sex or national origin exists as determination by the Chief Examiner and Secretary, all examinations shall be open to members of both sexes and all national origins and certification therefrom shall be without regard to sex or national origin.

12-7.101c Procedure:

Appointing authorities may request and submit documentary evidence that the person performing the duties of the particular position must be limited to one sex or national origin for the safe and efficient operation of the governmental enterprise. This justification will be evaluated by the Director of the Division of Classification and Compensation with technical assistance from the Career Development staff. A recommendation will be made by the Director of the Division of Classification and Compensation to the Chief Examiner and Secretary who will make a determination. (See Subpart 6-3.103 Determination of Bona Fide Occupational Qualifications.) The appointing authority and the Director of Examinations will be advised of this determination. Copies of the determination will be forwarded to the Civil Service Commission for recording purposes.

In anticipation of future vacancies, the appointing authority may supply the Director of Classification and Compensation with a list containing the position title, the position number and supportive documentation of Bona Fide Occupational Qualification (BFOQ). In the event there are two or more vacancies for identical titles that have identical functions, the same documentation may suffice for all, but each position must be identified.

For positions which have already been granted BFOQs, it is required that a copy of the letter from the Director of Classification and Compensation,

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12-7.101c (cont'd)

granting such action, along with the position number be forwarded to the Director of the Division of Examinations. This is necessary to establish precise files which will afford complete protection under Equal Employment Opportunity Commission Guidelines.

Based on this determination, the Director of Examinations will take appropriate certification actions.

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PART 12-7 CERTIFICATION WITHOUT REGARD TO SEX

Subpart 12-7.101 Requests From Appointing Authorities Regarding Selective Certification Based On The Sex Or National Origin Of Eligibles

12-7.101a Subject:

This subpart deals with the Civil Service procedures regarding requests for selective certification based on the sex or national origin of eligibles.

12-7.101b Policy:

It is the policy of the Department of Civil Service to announce tests and certify from eligible lists without regard to the political or religious opinions or affiliations, sex, race, ancestry or national origin of the applicants or eligibles. Unless a bona fide occupational qualification on the basis of sex or national origin exists as reviewed by the Director of the Division of Classification and Compensation, all examinations shall be open to members of both sexes and all national origins and certification therefrom shall be without regard to sex or national origin.

12-7.101c Procedure:

Appointing authorities may request and submit documentary evidence that the person performing the duties of the particular position must be limited to one sex or national origin for the safe and efficient operation of the governmental enterprise. This justification will be evaluated by the classification staff of the Department of Civil Service with technical assistance from the Career Development staff. A recommendation will be made by the Director of the Division of Classification and Compensation to the Chief Examiner and Secretary who will make a determination which will be presented to the Civil Service Commission for approval of such requests. The appointing authority and the Director of Examinations will be advised of this determination.

In anticipation of future vacancies, the appointing authority may supply the Director of Classification and Compensation with a list containing the position title, the position number and supportive documentation of Bonafide Occupational Qualification (BFOQ). In the event there are two or more vacancies for identical titles that have identical functions, the same documentation may suffice for all, but each position must be identified.

For positions which have already been granted BFOQs, it is required that a copy of the letter from the Director of Classification and

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SUPERSEDED

12-7.101c (cont'd)

Compensation, granting such action, along with the position number be forwarded to the Director of the Division of Examinations. This is necessary to establish precise files which will afford complete protection under Equal Employment Opportunity Commission Guidelines.

Based on this determination, the Director of Examinations will take appropriate certification actions.

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PART 12-7 CERTIFICATION WITHOUT REGARD TO SEX

Subpart 12-7.101 Requests From Appointing Authorities Regarding Selective Certification Based On The Sex Of Eligibles

12-7.101a Subject:

This subpart deals with the Civil Service procedures regarding requests for selective certifications based on the sex of eligibles.

12-7.101b Policy:

It is the policy of the Department of Civil Service to announce tests and certify from eligible lists without regard to the sex of the applicants or eligibles. Unless a bona fide occupational qualification on the basis of sex exists as determined by the Director of the Division of Classification and Compensation, all examinations shall be open to members of both sexes and certifications therefrom shall be without regard to sex.

12-7.101c Procedure:

Appointing authorities may request and submit documentary evidence that the gender of the person performing the duties of the particular position must be limited to one sex for the safe and efficient operation of the governmental enterprise. This justification will be evaluated by the classification staff of the Department of Civil Service with technical assistance from the Career Development staff. A recommendation will be made to the Director of the Division of Classification and Compensation, who will make a determination regarding granting such exception. The appointing authority and the Director of Examinations will be advised of this determination.

Based on this determination, the Director of Examinations will take appropriate certification actions.

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PART 12-8 LIMITATIONS OF NUMBER OF TIMES ELIGIBLE IS CERTIFIED

Subpart 12-8.101 Conditions To Be Met For Removal Of An Eligible From A Certification

12-8.101a Subject:

This subpart will define the conditions under which the name of an eligible will be removed from a certification after several certifications to the same appointing authority.

12-8.101b Conditions:

(1) A non-veteran eligible shall not be certified from the same open competitive list to the same appointing authority more than three times, unless the appointing authority requests that such eligible be again certified in which case only that eligible and any veteran eligibles higher on the list shall be certified.

(2) A non-veteran eligible shall be certified, in order, from a promotional list to an appointing authority as long as the non-veteran eligible remains on the promotional employment list.

(3) A veteran eligible shall be certified, in order, to an appointing authority as long as the eligible veteran remains on the employment list.

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PART 12-9 ELIGIBLES ABSENT IN MILITARY SERVICE

Subpart 12-9.101 Regulations Regarding Rights Of Employees Absent On Military Leave During Their Trainee Period Or Working Test Period

12-9.101a Subject:

This subpart deals with the Civil Service regulations regarding the rights of employees who have their working test period or trainee period interrupted by military leave, effective June 25, 1974.

12-9.101b Purpose:

The purpose of these regulations is to assure employees returning from military leave the same rights, benefits and privileges that would have accrued had they actually served in their title during the period of military leave.

12-9.101c Regulations:

1. For an RA employee who was absent on military leave during the trainee period:

a. Upon return from military leave, the employee shall receive a salary at the six (6) months rate provided the total time in the trainee title on the job and on leave equals six months or more.

b. Upon successful completion of the total 12 months of trainee service on the job including the required working test period, the employee will be advanced to the journeyman title at the salary rate he/she would be receiving had he/she not been on military leave.

c. The CS-21 returning the employee from military leave shall carry the statement "returned from Military Leave: in item #36. The CS-21 appointment to the journeyman level must be accompanied by a detailed breakdown showing the salary levels and effective dates the employee would have received had he/she not been absent on military leave. This must be shown through the actual date of the employee's appointment to the journeyman title.

d. The employee's official record shall indicate seniority in all pertinent titles retroactive to dates on which the employee would have gained such seniority had he/she not gone on military leave.

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12-9.101c (cont'd)

2. For an employee who was absent on military leave during the working test period:

a. Upon return from military leave, the employee shall be required to complete the regular working test period for the title. When the employee has successfully completed the working test period, his/her salary shall be adjusted to the rate he/she would be receiving had he/she not been on military leave.

b. The CS-21 returning the employee from military leave shall carry the statement "Returned from Military Leave" in item #36. The CS-21 effecting a change in salary rate at the end of the working test period should contain the same statement in item #36 and must be accompanied by a detailed breakdown showing the salary levels and effective dates that the employee would have received if not on military leave. This must be shown through the actual date of the employee's actual completion of the required working test period.

c. The employee's official record shall indicate seniority in title from the date of regular appointment.

3. In both situations 1. and 2. above, the employee shall also have an opportunity to take or make-up any promotional examinations for which he/she would have been eligible if he/she had not been absent on military leave. The appointing authority shall include in an attachment to the CS-21, the titles and examinations symbols for those promotional examinations that the employee would have been eligible as shown on the promotion application summary sheets.

12-9.101d Limitations:

The CS-21 and related attachments submitted under these regulations will be subject to review and approval by the Department of Civil Service. The final administrative determination regarding the proper actions in any individual case will be made by the Chief Examiner and Secretary or the Civil Service Commission as appropriate.

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Subpart 12-11.101 Removal Of Names From Eligible Lists

12-11.101a Subject:

This subpart will describe the procedures to be followed in removing the names of eligibles from eligible lists.

12-11.101b Procedures:

When a tentative disposition of a certification is submitted by an appointing authority, the Director, Division of Examinations, shall review the reasons for which the appointing authority has rejected any eligibles so certified.

1. The Director, Division of Examinations, will advise an eligible that his or her name may be removed from a particular eligible list if an appointing authority proves that the eligible was not appointed because he or she:

(a) was not interested in appointment,
(b) was not available for appointment,
(c) failed to report for an interview,
(d) failed to reply in time to the appointing authority following certification,
(e) was no longer an employee of the organizational unit to which the examination was open (applies to promotional examinations only),
(f) lacks the capacity to perform the duties of the class title as shown by clearly documented medical or psychological evidence,
(g) has a poor work record, has been dismissed from a permanent position in the public service, has resigned not in good standing or has resigned in lieu of removal from the public service,
(h) has within four (4) months of the application been addicted to the habitual use of drugs or intoxicating liquors,
(i) has falsified any material fact on an application or examination.

2. In cases of rejection of a certified name by an appointing authority for reasons (f) through (i) above, the appointing authority shall be required to submit a detailed written explanation of its request to the Director, Division of Examinations with a copy to the eligible.

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12-11.101b (cont'd)

3. Eligibles will be given an opportunity to object to their rejection by an appointing authority and will be asked to detail their rebuttal in writing and submit it to the Division of Examinations within 10 days of notification, with copies to the appointing authority.

4. Eligibles whose names have been rejected on the basis of psychological and/or psychiatric reports submitted by the appointing authority shall be given an opportunity to submit a report from a doctor of their choice. If an eligible elects to do this, the case shall be scheduled for review by the New Jersey Civil Service Medical Review Board which will submit a report with recommendations to the Civil Service Commission for its action. The Medical Review Board will consider all psychological and/or psychiatric reports submitted in addition to the police background report. Appearance before the Medical Review Board is strongly recommended but not mandatory.

5. Eligibles whose names have been rejected on the basis of medical reports submitted by the appointing authority shall be given an opportunity to submit a report from a doctor of their choice. If an eligible elects to proceed in this manner, the case shall be scheduled for review by the New Jersey Civil Service Board of Medical Examiners. Where necessary, the review shall include a physical examination by a physician who is a member of the Board of Medical Examiners, and any medical or laboratory tests considered necessary by the Board physician. All laboratory and medical reports submitted prior to the review shall be considered by the Board. A written report by the Board containing recommendations will be submitted to the Civil Service Commission for its action within a reasonable period of time following conclusion of the review by the Board of Medical Examiners.

12-11.101c Removal From More Than One List:

Removal for causes (a) through (f) above shall be from the list from which the certification resulted. If an eligible so removed is on any other list he shall remain.

Causes (g) through (j) shall constitute sufficient reasons to remove a name from other eligible lists. However, such removals shall be made on a case by case basis by the Director of Examinations.

12-11.101d Limitations And Conditions:

1. In all cases the burden shall be on the appointing authority to show cause why an eligible's name should be removed from an eligible list.

2. Copies of all information submitted to the Department of Civil Service concerning the removal of a name from an eligible list or an appeal therefrom should be filed with the opposing party.

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12-11.101e Appeals From Removals Or Refusals To Remove A Name From An Eligible List:

An eligible whose name has been removed from an eligible list may appeal to the Civil Service Commission for a review of that action within 20 days of notification of the removal.

An appointing authority may appeal to the Civil Service Commission within 20 days of notification for a review of a refusal to remove the name of an eligible from a list.

Notice of the removal or the refusal to remove a name from an eligible list must include notification of the right to appeal for a review by the Civil Service Commission.

When a name is removed upon request of an appointing authority, a copy of the notification of removal and appeal rights shall be forwarded to the appointing authority.

All material that the appellant (either the eligible or the appointing authority) wishes the Commission to consider in its review should be submitted in writing with the appeal.

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Subpart 12-11.101 Removal Of Names From Eligible Lists

12-11.101a Subject:

This subpart will describe the procedures to be followed in removing the names of eligibles from eligible lists.

12-11.101b Procedures:

When a tentative disposition of a certification is submitted by an appointing authority, the Director, Division of Examinations shall review the reasons for which the appointing authority has rejected any eligibles so certified.

1. The Director, Division of Examinations will advise an eligible that his or her name may be removed from a particular eligible list if an appointing authority claims that the eligible was not appointed because he or she:

(a) was not interested in appointment,
(b) was not available for appointment,
(c) failed to report for an interview,
(d) failed to reply in time to the appointing authority following certification,
(e) was no longer an employee of the organizational unit to which the examination was open (applies to promotional examination only),
(f) has a notorious record of convictions,
(g) has been convicted of an indictable crime without readily apparent evidence of rehabilitation,
(h) lacks the capacity to perform the duties of the class title as shown by clearly documented medical or psychological evidence,
(i) has a poor work record, has been dismissed from a permanent position in the public service, has resigned not in good standing or has resigned in lieu of removal from the public service,
(j) is addicted to the excessive use of drugs, narcotics or intoxicating beverages,
(k) has falsified any material on an application or examination.

2. In cases of rejection of a certified name by an appointing authority for reasons (f) through (k) above, the appointing authority shall be required to submit a detailed written explanation of its request to the Director, Division of Examinations with a copy to the eligible.

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12-11.10lb (cont'd)

3. Eligibles will be given an opportunity to object to their rejection by an appointing authority and will be asked to detail their rebuttal in writing and submit it to the Division of Examinations within 10 days of notification, with copies to the appointing authority.

4. Eligibles whose names have been rejected on the basis of psychological and/or psychiatric reports submitted by the appointing authority shall be given an opportunity to submit a report from a doctor of their choice. If an eligible elects to do this, the case shall be scheduled for review by the New Jersey Civil Service Medical Review Board which will submit a report with recommendations to the Civil Service Commission for its action. The Medical Review Board will consider all psychological and/or psychiatric reports submitted in addition to any police background report. Appearances before the Medical Review Board will be possible but not mandatory.

12-11.10lc Removal From More Than One List:

Removals for causes (a) through (e) above shall be from the list from which the certification resulted. If an eligible so removed is on any other list he shall remain.

Causes (f) through (k) shall constitute sufficient reasons to remove a name from other eligible lists. However, such removals shall be made on a case by case basis by the Director, Division of Examinations.

12-11.10ld Limitations And Conditions:

1. In all cases the burden shall be on the appointing authority to show cause why an eligible's name should be removed from an eligible list.

2. Copies of all information submitted to the Department of Civil Service concerning the removal of a name from an eligible list or an appeal therefrom should be filed with the opposing party.

12-11.10le Appeal From Removals Or Refusals To Remove A Name From An Eligible List:

An eligible whose name has been removed from an eligible list may appeal to the Civil Service Commission for a review of that action within 20 days of notification of the removal.

An appointing authority may appeal to the Civil Service Commission within 20 days of notification for a review of a refusal to remove the name of an eligible from a list.

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12-11.101e (cont'd)

Notices of the removal or the refusal to remove a name from an eligible list must include notification of the right to appeal for a review by the Civil Service Commission.

When a name is removed upon request of an appointing authority, a copy of the notification of removal and appeal rights shall be forwarded to the appointing authority.

All material that the appellant (either the eligible or the appointing authority) wishes the Commission to consider in its review should be submitted in writing with the appeal.

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Subpart 12-11.102 New Jersey Civil Service Medical Review Board

12-11.102a Subject:

This subpart will detail the procedures for handling appeals from rejections for psychological and/or psychiatric reasons.

12-11.102b Reports Submitted To The Department of Civil Service:

All psychological and/or psychiatric reports submitted by an appointing authority to the Department of Civil Service rejecting a candidate as mentally unfit must include the following information:

(1) they must be signed and dated,
(2) they must clearly state the amount of time a candidate was personally interviewed and what type of interview was conducted,
(3) they must include a diagnosis or detailed statement showing a behavioral pattern clearly indicating an inability to effectively perform the duties of the position, or other specific reasons for rejection on a psychological/psychiatric basis,
(4) they must state which tests (e.g., M.M.P.I., Rorschach, T.A.T.) have been administered and they must be accompanied by all raw data, protocols, computer print-outs and profiles from these psychological tests,
(5) they must be accompanied by all background information gathered by the appointing authority including, if in existence, the police background investigation report.

12-11.102c Procedures:

Along with the disposition of a certification the appointing authority shall send significant excerpts from the psychological and/or psychiatric report or the complete report with all appropriate data to the Department of Civil Service. A copy of the material which is sent to the Department of Civil Service must also be served on the rejected candidate by the appointing authority. The sole exception shall be if the examining psychologist or psychiatrist clearly states that disclosure to the candidate would be injurious to his/her health. In this case the appointing authority must submit the complete report to the Department of Civil Service. And, upon the written request of the candidate, a copy of the complete report must still be released to the candidate's doctor or attorney by the appointing authority.

NOTE: The appointing authority shall not inform the candidate of a rejection until certification has been disposed of.

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12-11.102c (cont'd)

Upon receipt of either the excerpts or the complete psychological and/or psychiatric report, the Department of Civil Service shall inform the rejected candidate that such material has been filed and an opportunity shall be provided for rebuttal (see also Subpart 12-11.101). The candidate shall be advised that if he/she does not respond, he/she will be removed from this list and that it would be to his or her advantage to submit a report from a doctor of the candidate's choice; however, an appeal may be instituted without a refuting report.

If the candidate does not respond, his or her name shall be removed from the eligible list. The candidate may, however, still appeal to the Civil Service Commission within 20 days of the removal. See Subpart 12-11.101 for details.

If the candidate appeals and the appointing authority had filed only excerpts of the complete report the appointing authority must file a copy of the complete psychological and/or psychiatric report with all raw data, protocols, computer print-outs and profiles as well as all background information with the Department of Civil Service. The appointing authority shall file such copies within 10 days of receipt of notification of candidate's appeal. If the appointing authority had already filed the complete report and supporting data, no further submission is necessary.

NOTE: If the appointing authority fails to file the required materials within ten days of receipt of notification of appeal no action will be taken on the request for removal and the appointments of those eligibles affecting the rights of the rejected eligible will be disapproved. For example, if the rejected eligible is a veteran, all appointments of eligibles below the rejected veteran eligible will be disapproved.

All materials which have been submitted shall be presented to the New Jersey Civil Service Medical Review Board. This Board is composed of a psychiatrist, a psychologist and a representative of the Department of Civil Service. Both parties shall be given an opportunity to present information in person before the Medical Review Board, although appearances are not required.

The Medical Review Board shall submit a report and recommendation to the Civil Service Commission for final determination. Both parties shall be given an opportunity to file exceptions to the report and recommendation of the Medical Review Board prior to action by the Commission.

12-11.102d Burden Of Proof:

In accordance with N.J.A.C. 4:1-8.14(b)3 the burden shall be on the appointing authority to show that a candidate is mentally unfit to effectively perform the duties of the position.

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SUPERSEDED

Subpart 12-11.102 New Jersey Civil Service Medical Review Board

12-11.102a Subject:

This subpart will detail the procedures for handling appeals from rejections for psychological and/or psychiatric reasons.

12-11.102b Reports Submitted To The Department Of Civil Service:

All psychological and/or psychiatric reports submitted by an appointing authority to the Department of Civil Service rejecting a candidate as mentally unfit must include the following information:

(1) they must be signed and dated,
(2) they must clearly state the amount of time a candidate was personally interviewed and what type of interview was conducted,
(3) they must include a diagnosis or detailed statement showing a behavioral pattern clearly indicating an inability to effectively perform the duties of the position, or other specific reasons for rejection on a psychological/psychiatric basis,
(4) they must state which tests (e.g. M.M.P.I., Rorschach, T.A.T.) have been administered and they must be accompanied by all raw data, protocols, computer print-outs and profiles from these psychological tests. Removal shall not be effected by the Department of Civil Service unless such material is provided by the appointing authority,
(5) they must be accompanied by all background information gathered by the appointing authority including, if in existence, the police background investigation report.

12-11.102c Procedures:

Along with the disposition of a certification the appointing authority shall file a copy of the complete report with all appropriate data with the Department of Civil Service. Another copy of this material must be served on the rejected candidate by the appointing authority. The sole exception shall be if the examining psychologist or psychiatrist clearly states that disclosure to the candidate would be injurious to his or her health. In this case the reports and data must still be released to the candidate's doctor or attorney upon written request of the candidate.

Note: The appointing authority shall not inform the candidate of a rejection until certification has been disposed of.

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12-11.102c (cont'd)

Upon receipt of a complete report with all appropriate data, the Department of Civil Service shall inform the rejected candidate that such a report has been filed and that an opportunity shall be provided for rebuttal. The candidate shall be advised that it would be to his or her advantage to submit a report from a doctor of the candidate's choice; however, an appeal may be instituted without a refuting report.

If the candidate does not respond, his or her name shall be removed from the eligible list. The candidate may, however, still appeal to the Civil Service Commission within 20 days of the removal. See Subpart 12-11.101 for details.

If the candidate appeals all material which has been submitted shall be presented to the New Jersey Civil Service Medical Review Board. This Board is composed of a psychiatrist, a psychologist and a representative of the Department of Civil Service. Both parties shall be given an opportunity to present information in person before the Medical Review Board, although appearances are not required.

The Medical Review Board shall submit a report and recommendation to the Civil Service Commission for final determination. Both parties shall be given an opportunity to file exceptions to the report and recommendation of the Medical Review Board previous to action by the Commission.

12-11.102d Burden Of Proof:

In accordance with N.J.A.C. 4:1-8.14(b)3 the burden shall be on the appointing authority to show that a candidate is mentally unfit to effectively perform the duties of the position.

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Subpart 12-11.103 New Jersey Civil Service Board of Medical Examiners - Removals from the List

12-11.103a Subject:

This subpart will detail the procedures for handling appeals from rejections for physical reasons. For reference to Sick Leave Injury procedures, refer to Subpart 17-9.103.

12-11.103b Reports Submitted To The Department of Civil Service:

All medical reports submitted by an appointing authority to the Department of Civil Service rejecting a candidate as physically unfit must include the following information:

(1) they must be signed and dated,
(2) they must clearly state the type of examination conducted,
(3) they must include a diagnosis or detailed statement showing a physical illness or medical problem clearly indicating an inability to effectively perform the duties of the position or other specific reasons for rejection on a medical basis,
(4) they must state which laboratory or other tests (e.g., EKG, EEG, X-Rays) have been administered and they must be accompanied by all raw data from these laboratory or other medical tests,

12-11.103c Procedures:

Along with the disposition of a certification the appointing authority shall send the complete medical laboratory reports with all appropriate data to the Department of Civil Service. A copy of the material which is sent to the Department of Civil Service must also be served on the rejected candidate by the appointing authority. The sole exception shall be if the examining physician clearly states that disclosure to the candidate would be injurious to his/her health. In this case the appointing authority must submit the complete report to the Department of Civil Service. Upon the written request of the candidate, a copy of the complete report must still be released to the candidate's doctor or attorney by the appointing authority.

NOTE: The appointing authority shall not inform the candidate of a rejection until certification has been disposed of.

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12-11.103c (cont'd)

Upon receipt of the complete medical and/or laboratory reports, the Department of Civil Service shall inform the rejected candidate that such material has been filed and an opportunity shall be provided for rebuttal (see also Subpart 12-11.101). The candidate shall be advised that if he/she does not respond, he/she will be removed from this list and that it would be to his or her advantage to submit a report from a doctor of the candidate's choice; however, an appeal may be instituted without a refuting report.

If the candidate does not respond, his or her name shall be removed from the eligible list. The candidate may, however, still appeal to the Civil Service Commission within 20 days of the removal. See Subpart 12-11.101 for details.

Excerpts of medical reports will not be accepted as sufficient evidence of cause for removal from an eligibility list. If an appointing authority has failed to file these reports at the time of appeal, a copy of the complete medical report with all laboratory reports and related history must be sent to the Division of Hearings and Regulations, Department of Civil Service, within 10 days of receipt of notification of the candidate's appeal.

NOTE: IF THE APPOINTING AUTHORITY FAILS TO FILE THE REQUIRED MATERIALS WITHIN TEN DAYS OF RECEIPT OF NOTIFICATION OF APPEAL NO ACTION WILL BE TAKEN ON THE REQUEST FOR REMOVAL AND THE APPOINTMENTS OF THOSE ELIGIBLES AFFECTING THE RIGHTS OF THE REJECTED ELIGIBLE WILL BE DISAPPROVED. FOR EXAMPLE, IF THE REJECTED ELIGIBLE IS A VETERAN, ALL APPOINTMENTS OF ELIGIBLES BELOW THE REJECTED VETERAN ELIGIBLE WILL BE DISAPPROVED.

All materials which have been submitted shall be presented to the New Jersey Civil Service Board of Medical Examiners prior to the review. This Board is composed of a physician who acts as chairperson of the Board, and a representative of the Department of Civil Service. Upon receipt of materials by the chairperson, a physician shall be selected from an Advisory Board consisting of a number of physicians, each with a different area of expertise, to review the case, examine the appellant and conduct any necessary additional tests. This physician shall be present at the review, where he/she will act as a member of the Board, and present his/her own findings to the Board. Both the appellant and the appointing authority shall be given an opportunity to present information in person before the Board of Medical Examiners, although appearances are not required.

The Board of Medical Examiners shall submit a report and recommendation to the Civil Service Commission for final determination. Both parties shall be given an opportunity to file exceptions to the report and recommendation of the Board of Medical Examiners' prior to action by the Commission.

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12-11.103d Burden Of Proof:

The burden shall be on the appointing authority to show that a candidate is physically unfit to effectively perform the duties of the position.

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PART 12-12 NOTICE OF REMOVAL

Subpart 12-12.101 Appeals From Removal From An Eligible List

SEE Subpart 8-15.101 which delineates the exam appeal system.

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PART 12-15 APPOINTMENT OF ELIGIBLE CERTIFIED

Subpart 12-15.101 Oath Of Allegiance

12-15.101a Subject:

This subpart describes the requirements related to the statutory oath of allegiance for public employees.

12-15.101b Requirements:

All State employees in classified positions are no longer required to take an oath of allegiance before entering upon employment. This new policy arises from the amendment of N.J.S.A. 41:1-3 by Chapter 217, Laws of 1971, which eliminated the requirement that persons who hold a position or employment with the State must subscribe an oath of allegiance as set forth in the above statute.

Persons elected or appointed to any public office in this State are subject to statutory requirements regarding oaths of office and/or oaths of allegiance. Specific questions regarding oaths for public office holders should be directed to the Office of Secretary of State.

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Series 13

Working Test Period

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PART 13-8 RESTORATION TO EMPLOYMENT LIST OR FORMER POSITION

Subpart 13-8.101 Restoration To An Employment List:

13-8.101a Subject:

This subpart explains the conditions under which an employee is returned to an employment list after employment is terminated either during or at the end of a working test period. See Subpart 14-1.101 for procedure for the return of employees to their permanent title if they fail their working test period.

13-8.101b Conditions:

Employees who, either during or at the end of a working test period:

1. are removed because of unsatisfactory service,
2. resigned in lieu of removal for unsatisfactory service, or
3. resigned for other reasons, in good standing

may be restored to an employment list. Such restoration to the employment list will occur subject to the following conditions:

1. Employees who have separated for reasons other than 1 or 2 above shall upon request be automatically restored to the employment list.

2. Employees who have been removed or have resigned in lieu of removal, either during or at the end of their working test period, may request to have their names restored to the employment list from the effective date of termination. After recommendation by the appointing authority, the Chief Examiner and Secretary shall determine whether the employee is suitable for employment in another position. Restoration will be made on a case by case basis.

13-8.101c Distribution Of Information

Upon removal or resignation of an employee, either during or at the end of his/her working test period, the employee will be given a copy of this subpart.

NOTE:

Employees who have been removed either during or at the end of their working test period and wish to contest such removal may appeal to the Civil Service Commission and

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13-8.101c (cont'd)

shall be granted a hearing pursuant to N.J.A.C. 4:1-13.7.

If an employee files an appeal to the Civil Service Commission for reinstatement and requests that the Chief Examiner and Secretary restore his/her name to the employment list, the request shall be held in abeyance until final disposition of the hearing. The Director, Division of Administrative Practices and Labor Relations shall notify the Chief Examiner and Secretary of such appeal.

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PART 13-8 RESTORATION TO EMPLOYMENT LIST OR FORMER POSITION

Subpart 13-8.101 Restoration To An Employment List:

13-8.101a Subject:

This subpart will explain the conditions under which an employee will be returned to an employment list after employment is terminated either during or at the end of a working test period.

13-8.101b Conditions:

Employees who, either during or at the end of a working test period:

1. are removed because of unsatisfactory service,
2. resigned in lieu of removal for unsatisfactory service,
3. resigned for other reasons, in good standing,

may be restored to the employment list. Such restoration to the employment list will occur subject to the following conditions:

1. Employees who have separated for reasons other than 1 or 2 above shall be automatically restored to the employment list.

2. Employees who have been removed or have resigned in lieu of removal either during or at the end of their working test period may request restoration to the employment list from the effective date of termination. After recommendation by the appointing authority the Chief Examiner and Secretary shall determine whether the employee is suitable for employment in another position. Restoration will be made on a case by case basis.

13-8.101c Distribution Of Information:

Upon the removal or resignation of an employee either during or at the end of their working test period, such employee will be given a copy of this subpart.

NOTE:

Employees who have been removed either during or at the end of their working test period and wish to contest such removal may appeal

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...the Civil Service Commission and shall pursuant to N.J.A.C. 4:1-13.7 be granted a hearing.

If employee files such an appeal to the Civil Service Commission for reinstatement and also requests that the Chief Examiner and Secretary restore his or her name to the employment list, the request shall be held in abeyance until final disposition of the hearing pursuant to the aforementioned rules before the Civil Service Commission.

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Series 14

Provisional and Temporary Appointment

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PART 14-1 PROVISIONAL APPOINTMENTS

Subpart 14-1.101 Return of Probationary and Provisionally Appointed Employees To Their Permanent Titles

14-1.101a Subject:

This subpart describes the procedure for returning displaced employees, probationary or provisional, to their permanent titles.

14-1.101b Policy:

When an employee with a permanent status in a lower title fails the working test period in a higher title, is displaced by a certification or has his/her provisional appointment terminated by the appointing authority, s/he will be returned to a position in the lower permanent title in the same organizational unit. The organizational unit is the department or legally constituted authority, office or commission, as appropriate.

14-1.101c Procedure for Level 1 and Level 2:

The appointing authority and affected employee shall resolve the situation, if possible, through the Level 1 procedures before proceding to Level 2.

1. Level 1 - Ordinary procedure for returning displaced employees

   The operating agency shall:

   (a) Reassign the displaced employee to a vacant position in his/her permanent title; or

   (b) Terminate a provisional employee with no permanent status serving in the displaced employee's permanent title and assign the displaced employee to the vacated position; or

   (c) Return an employee serving provisionally pending open competitive or promotional examination who has permanent status in a title lower than that of the displaced employee to his/her permanent title and assign the displaced employee to the vacated position.

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14-1.101c (cont'd)

Example: X is serving as a probationer or provisionally in a Supervising Research Analyst title and has permanent status in the lower title of Principal Research Analyst.

Y is serving provisionally as Principal Research Analyst and has permanent status in the lower title of Senior Research Analyst.

Z is serving provisionally as a Senior Research Analyst. Z has no permanent status.

1. X is displaced.

2. Z is terminated since s/he has no permanent status.

3. Y is returned to his/her permanent status title as Senior Research Analyst, as vacated by 2., leaving a position as Principal Research Analyst free.

4. X, the originally displaced employee, is then assigned to the vacant position as Principal Research Analyst.

2. Level 2 - Optional procedures for returning displaced employees.

The operating agency may offer to the employee other positions for which s/he qualifies, in addition to Level 1 positions. This may be in the same or different title or series.

The displaced employee may voluntarily accept appointment to a position in the same or another title for which s/he qualifies in the same or another organizational unit. The status and salary of an employee who exercises this option shall be determined in accordance with CSPM subparts and policy.

14-1.101d Enforcement of Level 1 and Level 2 Procedures:

1. If the operating agency offers other options, in addition to the level 1 procedures, the employee may accept the level 1 or level 2 choices.

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14-1.101d (cont'd)

2. If the operating agency offers level 1 procedures and no level 2 options the employee must accept the level 1 procedures.

14-1.101e Level 3 - Layoff Procedures:

If the appointing authority and employee cannot utilize any of the above options, the employee must be apprised of his/her layoff, demotional and reemployment rights pursuant to N.J.A.C. 4:1-16.5 and layoff will be instituted. Layoff, (reduction-in-force) procedures are to be followed as described in CSPM 16-5.101.

If it is necessary to follow reduction-in-force procedures and a certification is outstanding, the operating agency shall request, in writing, that the Chief Examiner and Secretary extend the disposition of the certification for 45 days or longer to allow for the required forty-five day notice of layoff.

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Series 15

Assignments and Transfers

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 15-1 PERMANENT TRANSFER

Subpart 15-1.101 Transfers in the Classified Service

15-1.101a Subject:

This subpart will describe the procedure for effecting a permanent transfer based on Department of Civil Service regulations and the requirements stipulated in N.J.A.C. 4:1-15.1 through .7.

15-1.101b Definitions:

1. "Assignment" or "Reassignment" means the change of an employee from a position in one class to another position in the same class in the same organization unit at the discretion of the appointing authority.

2. "Lateral title change" means the movement of a permanent employee from a position in one class to a position in an equivalent class in the same organization unit.

3. "Organization unit" for purposes of this procedure means any part of the State government recognized by the Department of Civil Service as a unit for purposes of administration.

4. "Permanent transfer" means the movement of a permanent employee from a position in one class to a position in the same class and at the same rate of compensation in another organization unit.

15-1.101c Procedure:

1. Any employee interested in a transfer will contact his personnel officer or the individual who handles the personnel responsibilities in that department.

2. If there is no opportunity for reassignment or lateral title change within his present department, the employee will be given a CS-224 which the employee will complete and forward to the Division of Employee Services, Department of Civil Service.

3. The Division of Employee Services will keep a file of these forms by class titles. The individual employee's forms will be kept on file by the Division of Employee Services, Department of Civil Service, for six months from day of filing. An individual employee may renew his registration at the end of six months or any time thereafter, by filing a new form with the Division of Employee Services.

4. Employees may contact the Division of Employee Services, Department of Civil Service, directly, if they wish, but it is recommended that the employee first contact the personnel officer of his own department.

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15-1.101c (cont'd)

5. The Department of Civil Service will compile a listing of individuals by title and code number, who are interested in transfers. This listing will be forwarded to the personnel officer of each department on a monthly basis.

6. After reviewing the listing of individuals by title and code number, the departmental personnel officers or their representatives will obtain the names of the individuals and contact the employees directly if they wish to interview them.

7. The personnel officers will report to the Division of Employee Services, if and when a transfer is completed.

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PART 15-2 LATERAL TITLE CHANGE

Subpart 15-2.101 Criteria For Retention Of Regular Appointment Status With Title Change

15-2.101a Subject:

This subpart provides criteria whereby an employee will retain regular appointment status when his/her title is changed either laterally or demotionally without a qualifying test.

15-2.101b Policy:

An employee with permanent status in a class title, who is being appointed to another class title with the same or lower evaluated job content as the title from which he/she is coming, and which includes a skill or skills not encompassed in the employee's present title, may retain RA status without a qualifying test, if proof is submitted that the employee has had RA status in a title which includes such a skill or skills or previously has passed a New Jersey Civil Service examination which includes testing for these skills at the level of the position to which he/she is being appointed.

Example:

An employee with RA status as a Senior Clerk Transcriber (A09) can be appointed to a position in the title, Senior Clerk Stenographer (A09) and retain RA status without a qualifying test in stenography if proof is submitted that the employee has had RA status in a title which involved the skill of stenography or if proof is submitted that he/she has passed a New Jersey Civil Service examination which included testing for this skill at the level of the position to which he/she is being appointed, Senior Clerk Stenographer.

NOTE: A currently valid Clerical Proficiency Certificate for stenography, typing or transcription issued by the Department of Civil Service will be acceptable for retention of permanent status when an employee who has qualified in the clerical skills is appointed to an entrance level title with the same or lower evaluated job content and such title requires stenography, typing or transcription skills.

Example:

An employee with RA status in the title, Audit Account Clerk (A05) can be appointed to a

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15-2.101b (cont'd)

position in the title, Clerk Typist (A05) and retain RA status if the employee has a currently valid Clerical Proficiency Certificate for typing issued by the Department of Civil Service.

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Series 16

Separations and Demotions

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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CIVIL SERVICE PERSONNEL MANUAL

(STATE SERVICE)

Please be advised that the following subpart has been rescinded:

Subpart	Issue Date	Rescission Date
16-1.101	7/18/77	8/11/78

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SUPERSEDED

PART 16-1 INFORMATION SUBPART

Subpart 16-1.101 Unemployment Compensation For State, County, And Municipal Employees (Special Unemployment Assistance Program (Title II))

16-1.101a Subject:

Under the "Emergency Jobs and Unemployment Assistance Act of 1974" Title II establishes a temporary Federal program of special unemployment assistance for individuals who become unemployed during this period of aggravated unemployment and who would not otherwise be eligible for unemployment allowance under any other law or program. This program is to be administered, for this state, by the New Jersey Department of Labor and Industry and is subject to State unemployment compensation law.

Unemployment Assistance, for qualified individuals, will be benefits of up to $90 per week for a maximum of 26 weeks.

16-1.101b Procedure:

(1) In order to receive benefits a public employee must:

a. File a claim for Special Unemployment Assistance at a local Unemployment Insurance Claims Office,

b. Be totally or partially unemployed,

c. Be able and available for work and seeking work and not subject to disqualifications under the Law,

d. Have received earnings of at least $30 in each of 20 weeks or have earned a minimum of $2200 or more during the 52 weeks immediately preceding the date of filing a claim,

e. Register for employment with the New Jersey State Employment Service.

(2) If a public employee becomes unemployed he/she should immediately report to the nearest Unemployment Insurance Claims Office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

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16-1.101c Distribution of Information:

A copy of this subpart must be forwarded to every employee separated from public service along with the employees copy of the CS-22 Report of Separation Form.

16-1.101d State Unemployment Law Applicable:

The terms and conditions of State unemployment compensation law apply to all claims for assistance under the Special Unemployment Assistance Program.

16-1.101e Termination Date Of Program:

Notwithstanding any other provisions of Title II, no payment of assistance shall be made to any individual for any week of unemployment ending after June 30, 1978; and no individual shall be entitled to any compensation with respect to any initial claim for assitance or waiting period credit made after December 31, 1977.

NOTE: This subpart is solely for the purpose of providing the above information. The Department of Civil Service has no jurisdiction over administration of the program.

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Subpart 16-1.101 Unemployment Compensation For State, County, And Municipal Employees (Special Unemployment Assistance Program (Title II))

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16-1.101d State Unemployment Law Applicable:

The terms and conditions of State unemployment compensation law apply to all claims for assistance under the Special Unemployment Assistance Program.

16-1.101e Termination Date Of Program:

Notwithstanding any other provisions of Title II, no payment of assistance shall be made to any individual for any week of unemployment ending after March 1, 1977; and no individual shall be entitled to any compensation with respect to any initial claim for assistance or waiting period credit made after December 31, 1976.

NOTE: This subpart is solely for the purpose of providing the above information. The Department of Civil Service has no jurisdiction over administration of the program.

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PART 16-1 INFORMATION SUBPART

Subpart 16-1.101 Unemployment Compensation For State, County, And Municipal Employees (Special Unemployment Assistance Program (Title II))

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Unemployment Assistance, for qualified individuals, will be benefits of up to $90 per week for a maximum of 26 weeks.

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(1) In order to receive benefits a public employee must:

a. File a claim for Special Unemployment Assistance at a local Unemployment Insurance Claims Office,

b. Be totally or partially unemployed,

c. Be able and available for work and seeking work and not subject to disqualifications under the Law,

d. Have received earnings of at least $30 in each of 20 weeks or have earned a minimum of $2200 or more during the 52 weeks immediately preceding the date of filing a claim,

e. Register for employment with the New Jersey State Employment Service.

(2) If a public employee becomes unemployed he/she should immediately report to the nearest Unemployment Insurance Claims Office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

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NOTE: This subpart is solely for the purpose of providing the above information. The Department of Civil Service has no jurisdiction over administration of the program.

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CIVIL SERVICE PERSONNEL MANUAL

(STATE SERVICE)

Please be advised that the following subpart has been rescinded:

Subpart	Issue Date	Recission Date
16-2.101	10/6/70	4/6/76

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PART 16-2 PREREQUISITE TO LAYOFF

Subpart 16-2.101 Obligations of Appointing Authorities to Employees Who Are to be Laid Off

16-2.101a Subject:

This subpart will describe the obligations of appointing authorities planning to give notice of layoffs to employees.

16-2.101b Preliminary Determinations:

An appointing authority which is contemplating layoff of employees for economy reasons or because of elimination of functions should make every effort to determine what employment opportunities are available to its employees. This review of employment possibilities should take place prior to notice of layoffs to the employee.

Layoffs should not be made until the department or agency has exhausted every possibility for transfer, reassignment or demotion of its employees. The employees involved should be offered any other employment in the department or agency for which they may be qualified based on their accumulated background and qualifications. The Department of Civil Service will provide assistance to any department or agency requiring information during any employment reviews made prior to layoff, and in any event the Department of Civil Service will review all final actions taken.

If a department or agency is unsuccessful in relocating their employees, layoff procedures will be followed. The Civil Service Department will thereafter make formal determinations of demotional and reemployment rights.

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PART 16-4 NOTICE IN LAYOFF OR DEMOTIONS

Subpart 16-4.101 Notice of Layoff to Employees Who Are Serving Their Working Test Period

16-4.101a Subject:

This subpart stipulates normal layoff notice for employees who have not completed their working test period.

16-4.101b Notice:

Appointing authorities laying off regularly appointed employees during a working test period must also give the same 45 day notice of layoff provided permanent employees under N.J.A.C. 4:1-16.4.

However, if an employee fails a working test period which ends prior to a projected layoff he may be removed at the end of the working test period, although the 45 day period has not ended. Moreover, an appointing authority may still remove employees during the working test period for those valid causes enumerated under N.J.A.C. 4:1-16.9, subject to the normal appeal procedures to the Civil Service Commission.

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PART 16-5 LATERAL DISPLACEMENT, DEMOTIONAL AND REEMPLOYMENT RIGHTS

Subpart 16-5.101 Determination of Lateral Displacement, Demotional and Reemployment Rights by the Department of Civil Service

16-5.101a Subject:

This subpart will describe the procedure that will be followed by the Department of Civil Service upon receipt of a 45 day notice of layoff from an appointing authority and reflects the practice in effect since May 1, 1974. It will apply to all permanent employees in the competitive, non-competitive, and labor divisions of the classified service.

16-5.101b Definitions:

1. class level - a group of class titles with the same or similar duties, responsibilities, qualifications, and the same rank, salary range and evaluated job content that converts to that salary range.

2. lateral displacement rights - the right of a permanent employee to displace another employee in the same organizational unit holding a title on the same class level who has either less seniority, an unsatisfactory performance rating, or does not have permanent status on that class level. For layoff and demotion purposes, seniority is defined as the amount of time which an employee has served continuously in a permanent capacity in a title or titles on the same class level or a title or titles on higher class levels that are related, as defined in .101d1, to the class title from which he/she is laid off or demoted, regardless of organizational unit where served. In accordance with N.J.A.C. 4:1-16.3, an employee whose most recent performance rating is unsatisfactory shall be the first laid off and therefore loses lateral seniority displacement rights. His/her lateral rights will be limited to vacant positions or against provisional employees.

3. demotional rights - the right of a permanent employee to displace another employee in the same organizational unit who holds a title on a lower class level, which is among the class titles determined as layoff demotional rights for the title from which the employee is being displaced (.101d3). This is the only displacement which may be made regardless of the seniority held by the employee in the lower class level.

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16-5.101b (cont'd)

(a) demotional rights may extend beyond those titles authorized above to include any class title previously held on a permanent basis but in such cases displacement may be made only on the basis of greater permanent continuous service in the State Government.

(b) the demotional rights of an unsatisfactory employee shall not be impaired.

4. special reemployment rights - the rights of a permanent employee to be certified to a vacancy that is to be filled by an appointing authority or against another employee who is serving temporarily or provisionally pending open competitive examination in a title on the same or lower class level in any of the organizational units of the State and those pending promotional examination in the same organizational unit. The name of the employee laid off or demoted will be placed on a special reemployment list for the same or lower class level titles appropriate for certification, with the provision that the certification and appointment to any position having a class title below the class level of the one from which the employee was laid off or demoted in lieu of layoff will in no way affect retention on lists for higher class level titles nor will appointment to a title on the same class level affect retention on the list for the specific title from which the employee was laid off or demoted in lieu of layoff.

(a) If the reduction in force results in the employee being displaced to a position on the same class level in another location, (region, institution, district, etc.) the employee shall have special reemployment rights to that location from which he/she was displaced.

(b) Section (a) above does not apply to an employee who has been demoted and displaced to a position within a lower class level in the same or another location, or been laid off; in such cases, the employee shall have special reemployment rights to all locations.

(c) An employee's refusal to exercise lateral displacement rights at this time by not accepting a reasonable offer of a position on the same class level and chooses to separate is considered to be a resignation in good standing. Regular reemployment rights only will prevail.

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16-5.101b (cont'd)

(d) Employees who elect to retire shall not be eligible for Special Reemployment Rights.

5. employee's organizational unit - for layoff and demotion purposes, the organizational unit is considered to be the lawfully established Department or autonomous authority.

6. blanket 45 day notice - a 45 day notice of layoff or demotion in lieu of layoff which is posted and given general distribution in the organzational unit of layoff to notify all employees of a reduction in force and the possible application of seniority and demotional rights by those employees directly affected by the layoff. The general notice must be personally served as well as posted.

(a) All 45 day notices, whether blanket or personal or other written notifications, to permanent employees affected by a layoff situation shall specify the employee's appeal rights regarding such actions. In cases where a blanket 45 day notice of layoff is issued, the 20 day appeal period to the Commission and/or the Chief Examiner and Secretary shall toll from the date the employee received individual written final notification of layoff or demotion in lieu of layoff.

7. permanent status - permanent status means the attainment of tenure and rights resulting from regular appointment and successful completion of the working test period. Those having permanent status in a lower title will be considered to be serving in the lower title. Those with no status in a lower title will have their name returned to the open competitive list from which they were appointed, if it still exists. Those employees serving provisionally pending open competitive examinations or those on approved leave of absence from a classified title serving in an unclassified title will have no layoff rights unless they have previous permanent service.

16-5.101c Order of Layoff:

1. Emergency appointments; appointments to temporary (extra) positions; provisional appointments to permanent positions including provisional appointment pending promotional examination.

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16-5.101c (cont'd)

2. All probationers who are serving their working test period including probationers serving their working test period following promotional examination.

3. Permanent employees whose most recent performance rating is unsatisfactory.

4. All other permanent employees whose most recent performance rating is satisfactory or better. However, seniority on the class level will be used to determine the order of layoff.

16-5.101d Procedure for Positions in the Competitive Division:

Upon receipt of a 45 day layoff notice, the Director of Classification and Compensation, shall act for the Chief Examiner and Secretary in determining the lateral displacement seniority, special reemployment and demotional rights for permanent employees in classified positions. The layoff rights of all permanent employees on the class level shall be reviewed to determine if the 45 day notice was in order; if not, the notice will be returned to the appointing authority for correction.

The Director of Classification and Compensation shall determine:

1. Lateral Displacement Rights - those class titles in the same organizational unit which are on the same class level as the class titles affected by abolition or layoffs to which seniority rights apply.

a. The criteria for making this determination are:

(1) General: the general consideration is that the title have the same or similar duties, responsibilities, qualifications, the same rank, salary range and evaluated job content that converts to that salary range, and that a permanent incumbent of the affected title could perform the duties of the selected titles by virtue of having qualified for the State affected title.

(2) Specific Considerations:

(a) The functions are similar to the affected title.

(b) The salary job content evaluation is the same regardless of workweek hours.

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16-5.101d (cont'd)

(c) The educational requirements are the same and the mandatory educational requirements do not exceed those of the affected title.

(d) The experience requirements are the same and do not exceed those of the affected title.

(e) There are no special skills, licenses or certifications required that are not mandatory for the affected title.

2. Seniority -

The criteria for establishing the length of service in those class titles are:

a. The amount of time which an employee has served continuously in a permanent capacity in a title or titles on the same class level or a title or titles on higher class levels that are related to the class title in accordance with the criteria contained herein from which he/she is laid off or demoted, regardless of organizational unit where served.

b. If there has been a title change with no qualifying examination, employee receives credit for that period at same or higher class level prior to the title change.

c. An employee while serving provisionally or in his working test period in a higher title shall be considered to be continuing in lower permanent title and accruing seniority in that lower title.

d. Seniority of person returning to permanent status at the class level via Regular Reemployment List begins as of the date of the permanent appointment from the Regular Reemployment List; however, prior service shall be considered when breaking ties.(see g below.)

e. Seniority of persons returning to permanent status on the same class level via Special Reemployment List begins as of date of original permanent appointment to that class level but is subject to deduction of the time while laid off or demoted.

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16-5.101d (cont'd)

f. The following periods shall be deducted from an employee's class level seniority:

1. Leaves without pay, except those leaves without pay enumerated below:

(a) sick leave (including maternity)
(b) Military Leave
(c) educational leave

2. Suspensions

g. In cases where two employees with satisfactory or better performance ratings have the same seniority, the tie shall be broken by considering the following order:

1. veteran's status-in such cases the disabled veteran shall be retained in preference to the veteran and the employee with veteran's status in preference to the non-veteran;

2. performance ratings-the employee rated outstanding shall be retained in preference to the employee rated satisfactory for the twelve month period immediately preceeding the date of the layoff only if both were evaluated by the same Rater;

3. permanent service prior to a break in service in a title on the same or higher class level (see N.J.A.C. 4:1-16.13);

4. the total length of continuous permanent service with the State;

5. total length of non-continuous permanent service with the State;

6. standing on employment list;

7. time as provisional in that title.

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16-5.101d (cont'd)

h. Banking seniority - an employee who has been laid off or is demoted in lieu of layoff is considered to have banked any seniority he may have in the title from which he was laid off. Should he be reemployed from the Special Reemployment List in that title he will be regain the seniority he has "blanked" or accrued.

3. Demotional Rights -

a. Those class titles in the same organizational unit below the class level from which employees are being laid off as a result of abolition of positions or through displacement in a layoff situation.

The criteria for making this determination are:

(1) General: the general consideration is that the titles have similar duties, responsibilities, qualifications, (equal or to a lesser degree) and that a permanent incumbent of the affected title could perform the duties of the selected titles by virtue of having qualified for the affected title.

(2) Specific Considerations:

(a) The functions are similar to the affected title.

(b) The salary job content evaluation results in a lower salary range or single rate than that of the affected title.

(c) The educational requirements are the same and the mandatory educational requirements do not exceed those of the affected title.

(d) The experience requirements do not exceed those of the affected title.

(e) There are no specific skills, licenses or certifications required that are not mandatory for the affected title.

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16-5.101d (cont'd)

b. Absolute seniority - this is the seniority one obtains as a result of having been demoted in lieu of layoff. The employee's seniority in the title to which he/she has been demoted is considered greater than that of all employees currently serving in that title. If more than one employee has absolute seniority, seniority between or among them must be determined based on the seniority they held in the title from which they were demoted.

4. Special Reemployment Rights -

Those class titles in the same or any of the organizational units of the State to which Special Reemployment Rights apply and for which Special Reemployment Lists are established.

The criteria for making this determination are substantially the same as those for determining Lateral Displacement and Demotional Rights except that, in addition:

(a) Where the functions, duties and responsibilities of a title have a basic similarity, no minimum education requirements and have the same or less job related experience requirements than the affected title, it is included.

(b) For affected professional class titles, professional Trainees titles which require the same bacalaureate degree as the affected titles but no experience, are included.

For the above determinations, lists of titles are recommended by the Classification Staff, approved and issued by the Director of Classification and Compensation and furnished the Department to which the layoff occurs and to the Civil Service Department Personnel Administrative Services Section. Special Reemployment Lists for competitive classes are furnished to the Division of Examinations, Department of Civil Service.

The Director of Classification and Compensation shall act for the Chief Examiner and Secretary in notifying the appointing authority and involved employees of the determinations regarding lateral displacement, seniority demotional and special reemployment rights of the employees. Such determination shall be made prior to expiration of the 45 day period whenever possible.

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16-5.10le Procedure For Positions In The Non-Competitive And Labor Divisions:

The same procedure outlined above will be followed in effecting layoffs for employees holding permanent status in titles allocated to the Non-Competitive and Labor Divisions of the classified service. In addition:

1. An employee having permanent status in a competitive title shall have bumping and demotion rights against non-competitive or labor titles only if the employee has previously held on a permanent basis that particular title in the non-competitive or labor division and has greater permanent continuous service in the State Government than the permanent employee being displaced.

2. An employee having permanent status in a higher non-competitive or labor title can displace another employee in a lower title in the non-competitive or labor division provided that the employee being displaced has less seniority than the employee in the higher title. Seniority shall include all permanent continuous service in State Government.

3. At the discretion of the appointing authority, displaced competitive employees may be placed in vacant non-competitive or labor positions after notifying the Department of Civil Service of such intent.

4. Absolute seniority will not apply to title assocated to the non-competitive and labor divisions.

16-5.10lf Special Conditions:

A permanent employee affected by a layoff shall be permitted to exercise his/her lateral displacement rights to displace any employee in the organization unit in a title on the same class level with less seniority. If there are no permanent employees with less seniority on the same class level or if the employee declines to exercise lateral displacement rights, he or she shall be permitted to exercise demotional rights against any employee in a class title (s) to which such rights apply. In either case the special reemployment rights of the employee remain the same and may be exercised at the employee's discretion.

Employees serving in a working test period who are displaced will be returned to the employment list, if active, either open competitive or promotional as the case may be.

Absolute seniority will not apply to employees appointed from the Special Reemployment List.

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16-5.101f (cont'd)

Appointments from the Special Reemployment List take precedence over the transfer of a permanent or temporary employee from one organization unit to another.

16-5.101g Limitation on Reassignment and Transfer:

No reassignments or intradepartmental transfers from assignments made as a result of reduction in force procedure will be permitted for a period of one year from the effective date of the reduction in force unless specifically requested by the department and approved by the Chief Examiner and Secretary as an administrative necessity. However, in accordance with N.J.A.C. 4:1-15.3, temporary intradepartmental transfers will be permitted to satisfy temporary redistribution of workload requirements. Assignees continuing to serve in these positions beyond the six month period will be subject to certification from the Special Reemployment List.

16-5.101h Appeals:

All permanent employees and those in their working test period have the right to appeal within 20 calendar days of receipt of final notice of lateral displacement, demotion of layoff. The employee appealing must specify the grounds on which the appeal is based -- the burden of proof is on the appellant. Appeals must be based on one or both of the following grounds:

1. Issue A - Good Faith

   a. This appeal will be subject to a hearing by the Civil Service Commission. The sole issue at such a hearing will be whether the appointing authority acted in "good faith" when it imposed a reduction in force.

   b. Such appeals should be addressed to the:

      Civil Service Commission
      Hearings and Regulations Section
      Hearings and Appeals Unit
      215 East State Street
      Trenton, New Jersey 08625

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16-5.101h (cont'd)

2. Issue B - Improper application of lateral displacement, seniority, demotional and/or special reemployment rights

a. This appeal will be subject to a review of the written record by the Chief Examiner and Secretary. The Chief Examiner and Secretary will consider only whether the Department of Civil Service properly applied its standards when determining the lateral displacement, seniority, demotional and/or special reemployment rights.

b. The person appealing must present written argument and/or documentation to substantiate the claim of administrative error and justify the relief sought.

c. Such appeals should be addressed to the:

Department of Civil Service
Rules and Regulations Unit
Hearings and Regulations Section
215 East State Street
Trenton, New Jersey 08625

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PART 16-5 DEMOTIONAL AND REEMPLOYMENT RIGHTS

Subpart 16-5.101 Determination Of Demotional And Reemployment Rights By The Department Of Civil Service

16-5.101a Subject:

This subpart will describe the procedure that will be followed by the Department of Civil Service upon receipt of a 45 day notice of layoff from an appointing authority, effective May 1, 1974.

16-5.101b Definitions:

1. class level - a group of class titles with the same or similar duties, responsibilities, qualifications, and the same rank, range and evaluated job content.

2. seniority right - the right of a permanent employee to displace another employee in the same organizational unit holding a title on the same class level who has either less seniority, an unsatisfactory performance rating, or does not have permanent status on that class level. For layoff and demotion purposes, seniority is defined as the amount of time which an employee has served continuously in a permanent capacity in a title or titles on the same or higher class level from which he/she is being laid off or demoted, regardless of organizational unit where served.

3. special reemployment right - the right of a permanent employee to be certified against another employee who is serving temporarily, or provisionally pending open competitive examination in a title on the same, comparable or lower class level in any of the organizational units of the State and those pending promotional examination in the same organizational unit. If there are no incumbents against whom special reemployment rights can be exercised, the name of the employee so laid off or demoted will be placed on a special reemployment list for the same, comparable or lower class level titles for appropriate certification, with the provision that certification and appointment to any position having a class title below the class level of the one from which the employee was laid off or demoted in lieu of layoff will in no way affect retention on lists for higher class level titles nor will appointment to a title on the same class level affect retention on the list for the specific title from which the employee was laid off or demoted in lieu of layoff.

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16-5.101b (cont'd)

4. demotional right - the right of a permanent employee to displace another employee in the same organizational unit who holds a title on a lower class level, regardless of the seniority held by the employee in the lower class level; however, demotional rights of professional employees shall not extend to non-professional titles nor shall the rights of para-professional employees extend to clerical titles except if the employee previously held such title on a permanent basis.

5. employee's organizational unit - for layoff and demotion purposes, the organizational unit is considered to be the lawfully established Department or autonomous agency.

6. blanket 45 day notice - a 45 day notice of layoff or demotion in lieu of layoff which is posted and/or given general distribution in the organizational unit of layoff to notify all employees of a reduction in force and the possible application of seniority or demotional rights by those employees directly affected by the layoff.

16-5.101c Procedure: Positions In The Competitive Division:

Upon receipt of a 45 day layoff notice, the Director of Classification and Compensation, shall act for the Chief Examiner and Secretary in determining the seniority, special reemployment and demotional rights of the employees.

1. The Director of Classification and Compensation shall make a determination regarding:

(a) What class titles in the same organizational unit are on the same class level as the class titles affected by abolition of positions or layoffs to which seniority rights apply.

(1) The seniority rights of all permanent employees on the class level shall be reviewed to determine if the 45 day notice was in order; if not, the notice will be returned to the appointing authority for correction.

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16-5.101c (cont'd)

(2) Performance ratings will be used as directed in N.J.A.C. 4:1-16.3 for the establishment of the order of layoff or demotion when all employees involved were evaluated by the same Rater. In cases of different raters, seniority on the class level will be used to determine the order. In cases where two employees with satisfactory or better performance ratings have the same seniority, the tie shall be broken by considering: (1) veteran's status - in such cases, the disabled veteran shall be retained in preference to the veteran and the employee with veteran's status in preference to the non-veteran; (2) performance ratings - the employee rated outstanding shall be retained in preference to the employee rated satisfactory for the twelve months period immediately preceding the date of the layoff only if both were evaluated by the same Rater; (3) permanent service prior to a break in service in a title on the same or higher class level (see N.J.A.C. 4:1-16.13); or (4) the total length of continuous permanent service with the State.

(b) What class titles in the same organizational unit below the class level from which employees are being laid off will fall within the class levels to which demotional rights apply. These rights shall include demotional rights to any class title previously held on a permanent basis by an employee.

(c) When necessary, what class titles in any of the organizational units of the State will fall within the area to which special reemployment rights apply.

2. The Director of Classification and Compensation shall act for the Chief Examiner and Secretary in notifying the appointing authority and involved employees of the determinations regarding seniority, special reemployment, and demotional rights of the employees. Such determination shall be made prior to expiration of the 45 day period.

3. All administrative appeals concerning the determination of an individual's seniority, special reemployment or demotional rights shall be forwarded within 10 calendar days of receipt of notification by the employee to:

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16-5.101c (cont'd)

Chief Examiner and Secretary
Department of Civil Service
Arnold Constable Building
Trenton, New Jersey 08625

4. All probationers and permanent employees who are laid off or demoted in lieu of layoff shall have the right of appeal to the Civil Service Commission regarding such layoff or demotion provided such appeal is received by the Commission within 20 calendar days after the date of receipt of notice of such layoff or demotion in lieu of layoff. The sole issue in such Commission hearings shall be whether the reduction in force was a "good faith" action by the appointing authority.

16-5.101d Procedure: Positions In The Non-Competitive And Labor Divisions:

1. The same procedure outlined above will be followed in effecting layoffs for employees holding permanent status in titles allocated to the Non-Competitive or Labor Divisions of the classified service.

2. An employee having permanent status in a competitive title shall have bumping rights against non-competitive or labor titles if he/she has more seniority than those being displaced. Seniority shall include all relevant permanent continuous service in State Government.

3. An employee having permanent status in a higher non-competitive or labor title can displace another employee in a lower title provided that the employee being displaced has less seniority than the employee in the higher title. Seniority shall include all relevant permanent continuous service in State government.

4. At the discretion of the appointing authority, displaced competitive employees may be placed in vacant non-competitive or labor positions after notifying the Department of Civil Service of such intent.

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16-5.10le Application:

1. A permanent employee affected by a layoff shall be permitted to exercise his/her seniority right to displace any employee in the organizational unit in a title on the same class level with less seniority. If the employee declines to exercise the seniority right, he or she shall be permitted to exercise demotional rights against any employee in a class title to which such rights apply. In either case, the special reemployment rights of the employee remain the same and may be exercised at the employee's discretion.

2. All 45 day notices, blanket 45 day notices, or other written notifications to permanent employees affected by a layoff situation shall stipulate the employee's appeal rights regarding such actions. In cases where a blanket 45 day notice of layoff is issued, the 20 day appeal period to the Commission shall toll from the date the employee received individual written notification of layoff or demotion in lieu of layoff.

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Subpart 16-5.102 Displaced Manpower Placement

16-5.102a Purpose:

The purpose of this program is to afford permanent State employees who have been laid off and are still without State employment, an opportunity to return to State employment based on their qualifications.

This subpart will describe the procedure that will be followed by the Department of Civil Service in administering the Displaced Manpower (Job Bank). It will apply to all classified position vacancies whether budgeted, authorized or temporary and to all permanent employees and employees who have begun but not completed their working test period, who have been laid off from competitive, non-competitive and labor division positions and are without state employment. It differs from and is in addition to the Special Reemployment Lists in that the displaced manpower eligibles will not be referred to positions to which he/she has rights according to the titles on those lists; he/she will be referred to positions in other class titles for which he/she is qualified.

16-5.102b Procedure:

1. Prior to a committment of employment, the prescribed personnel requisition form must be submitted by the appointing authority to the Certification Section, Division of Examinations, for all classified position vacancies whether budgeted, authorized or temporary. This requisition form will be used to clear all statutory Civil Service eligible lists that take precedence over the Displaced Manpower (Job Bank) lists.

2. Priority of eligible lists.

Should an employee be laid off, as a result of a Reduction in Force, the order of priorities is as follows:

A. To the same department within which a layoff occurred.

1. Special Reemployment List
2. Promotion List
3. Regular Reemployment List
4. Open-Competitive List
5. Approved Appropriate Open-Competitive List
6. Displaced Manpower (Job Bank) List
7. Affirmative Action Job Bank List

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16-5.102b (cont'd)

B. To another department

1. Promotion List
2. Special Reemployment List
3. Regular Reemployment List
4. Open-Competitive List
5. Approved Appropriate Open-Competitive List
6. Displaced Manpower (Job Bank) List
7. Affirmative Action Job Bank List

3. It will be mandatory for appointing authorities to consider eligibles from the Displaced Manpower (Job Bank) List before hiring an individual with no status. An interview or an attempt to interview the Job Bank eligibles must be made.

4. Appointing authorities shall certify on CS-21 forms that they have requisitioned referrals and all interested, qualified employees who have been laid off have been considered for the position. The status of appointees selected from the Displaaced Manpower List shall be designated on the CS-21 form as "PA pending qualifying examination." The Division of Examinations will then schedule and conduct the appropriate qualifying examination to enable the employee to obtain permanent status.

5. The Division of Classification and Compensation will establish a complete roster of permanent employees and employees who began but did not complete their working test period who were laid off and without State employment. The roster will be divided into two categories: permanent employees and employees who began but did not complete their working test period.

6. After a layoff has occurred, the roster of those permanent employees who have been laid off will be reviewed. Prior to the layoff interview a detailed description of the Displaced Manpower (Job Bank) program will be given to all affected employees. Accompanying that description will be the assertion that all affected employees will be required to declare their interest or disinterest in the program at the time of the layoff interview.

7. All interested employees will be given a resume form at the layoff interview for completion and return no later than two weeks subsequent to the layoff effective date. The resume will be completed to establish the employee's education and experience qualifications, occupational and geographic areas of interest or disinterest and minimum salary level that the laid-off employee will consider for future employment possibilities.

8. A resume file will then be established and will form the basis for subsequent referrals to vacant positions.

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16-5.102c Conditions:

1. The Displaced Manpower eligibility list will be compiled on the basis of seniority and placements will be made according to seniority regardless of the number of names on the list. Seniority for purposes of the Displaced Manpower Programs is defined and determined in the same manner as it is for layoffs.

Note: Only employees who have expressed an interest in being included, will have their names placed on the Displaced Manpower List.

2. Displaced Manpower rights will be limited to titles at the same or lower salary range level as the class title from which the employee was laid off.

3. All appointments will be made on a provisional basis pending qualifying examination.

4. Displaced Manpower Lists will be referred against all classified position vacancies, when requisitioned.

5. Should an appointing authority plan to appoint a CETA employee who has not attained permanent status, to a classified position (whether budgeted, authorized, or temporary), full clearance will be required.

6. The Displaced Manpower List is available for and its use is encouraged for Special Services and Seasonal appointments especially within departments where layoffs occurred.

7. An employee laid off from a non-competitive position may be appointed from the Displaced Manpower List to a competitive position. The status of such an employee will be PA pending open-competitive examination.

8. The Displaced Manpower List will not be referred against a temporary position that exists for six months or less. Should the position not terminate within six months, it shall be considered as though it were a permanent position and the Department of Civil Service shall act to fill the position from the Displaced Manpower List.

9. A name will be removed from the Displaced Manpower List against a specific title whenever the eligible fails to respond to an official notification of availability of a vacant position.

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10. Displaced Manpower Lists, as are Special Reemployment Lists, are processed on a State-wide basis and not restricted to a particular department.

11. All permanent employees and all employees who have began but not completed their working test period who are laid off and without State employment and who express interest, will automatically be placed on all Displaced Manpower Lists for titles for which there are not requirements and for those titles that possess the same, equivalent to or lesser requirements than the title from which the eligible was laid off.

12. If clearance requests as described herein are not received from the appointing authority, the unauthorized employment will be disapproved when the CS-21 form is submitted.

13. If an employee receives an appointment, his/her name will automatically be removed from the Displaced Manpower (Job Bank).

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PART 16-7 SUSPENSION, FINE AND DEMOTION FOR DISCIPLINARY PURPOSES

Subpart 16-7.101 Notice of Reasons for Suspension When There is No Entitlement to Hearing Under N.J.A.C. 4:1-5.15

16-7.101a Purpose:

This subpart will emphasize the requirement of notice set forth in N.J.A.C. 4:1-16.7(a)2 when a suspension does not entitle the disciplined employee to a departmental hearing under N.J.A.C. 4:1-5.15.

16-7.101b Requirements:

When a suspension is for fewer days than would entitle an employee to a departmental hearing or a hearing before the Civil Service Commission, the employee who is to be penalized must nevertheless be given a written statement of the reasons for this action by the appointing authority.

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PART 16-13 REQUEST FOR REEMPLOYMENT

Subpart 16-13.101 Reemployment From Reemployment List Not Permitted When Employee Seeks To Return After Retirement

16-13.101a Subject:

This subpart will govern treatment of retired employees who apply for reemployment through placement on a regular reemployment list within two years pursuant to N.J.A.C. 4:1-16.13.

16-13.101b Prohibition:

N.J.A.C. 4:1-16.13 cannot be interpreted to permit placement on a regular reemployment list or permit subsequent certification if the employee has retired for any reason, including disability retirement. Placement on a regular reemployment list is only possible for former emplcyees who have resigned in good standing.

16-13.101c Exception:

The term "retirement" shall not include vesting of pension (also known as "deferred retirement") permitted under pension law.

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PART 16-14 RESIGNATION RESULTING FROM UNAUTHORIZED ABSENCE

Subpart 16-14.101 Notification and Report of Resignation Resulting From Unauthorized Absence

16-14.101a Subject:

This subpart will describe the procedure for notification and report of resignation resulting from unauthorized absence.

16-14.101b Procedure:

When a permanent employee is resigned not in good standing for being absent from duty for five consecutive business days without notice and approval, such employee shall be notified by the appointing authority on form CS31-A of his involuntary resignation and the precise reasons therefor. The employee will be simultaneously notified of his entitlement to a departmental hearing if he so desires in accordance with N.J.A.C. 4:1-5.15.

It shall be the responsibility of the employee to notify the appointing authority, within 10 days of the receipt of the CS31-A, of his desire for a departmental hearing. Failure to respond within the alloted time will result in forfeiture of the entitlement to a departmental hearing.

Following the departmental hearing or the 10 day period for response, the employee will be sent a CS31-B indicating the final action in his case. The employee will have 20 days from receipt of the CS31-B to appeal the actions of the appointing authority to the Civil Service Commission.

Both the CS31-A and CS31-B shall be sent to the employee by certified mail return receipt requested. Copies of these forms shall be forwarded to the Administrative Services Section, Division of Personnel Management, Department of Civil Service.

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PART 16-15 FORMS

Subpart 16-15.101 Report of Separation or Transfer

16-15.101a Subject:

This subpart will describe the preparation and use of the Report of Separation or Transfer (CS-22).

16-15.101b Purpose:

This form shall be notification of the termination of a person's employment with a State appointing authority. It shall constitute authority for vacating a particular position.

16-15.101c Preparation:

This form is to be prepared in the agency personnel office for any of the following:

(1). Resignation
(2). Retirement
(3). Death
(4). Abolition or Layoff
(5). Termination of Temporary Appointment
(6). Expiration of Term
(7). Cancellation of Appointment
(8). Release at the end of working test period
(9). Resignation not in good standing (NGS) under N.J.A.C. 4:1-16.12 or 4:1-16.14
(10). Removal

Entries shall be made in all spaces on this form as indicated in the instructions appearing at the top of the form.

The appointing authority shall give Copy No. 6 to the employee or send such copy to the employee at his last known address. In case of separation, the copy should include a statement that an appeal may be taken within 20 days of its receipt, except that in instances of removal appeal must be taken within 20 days of date of removal. In all separations for which there may be a right to a Civil Service hearing, it is mandatory that Copy No. 6 be served on the employee personally or sent to him registered mail or certified mail, return receipt requested. Those separations for which there may be the right to a hearing are:

(4). Abolition or Layoff;
(8). Release at the end of working test period;
(9). Resignation NGS, N.J.A.C. 4:1-16.12 or 4:1-16.14; and
(10). Removal.

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16-15.101c (cont'd)

In all the above separations, the CS-22 will be retained by the Department of Civil Service until the time for appeal has expired. The Department of Civil Service will return only those CS-22's which fall within the above mentioned four categories. No other CS-22's will be returned unless the form is incorrectly filled out or insufficient on its fact.

16-15.101d Supplemental Information:

Your attention is called to the need for a 45 day notice to the employee in the abolition of one's position or layoff.

Although this form is to be used to inform the Department of Civil Service of a transfer, it does not take the place of a CS-21 from the new agency to which the employee has transferred.

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PART 16-16 RETIREMENT

Subpart 16-16.101 Retirement Planning

16-16.101a Subject:

This subpart will deal with the efforts of the Department of Civil Service and the department and agency personnel units to assist employees in the State Service to plan positively and effectively for their retirement.

16-16.101b Purpose:

The primary objective of this effort is to assist employees in making constructive plans for retirement and to prepare a smooth transition into retirement.

16-16.101c Procedure:

1. The Department of Civil Service will train individuals from each department in conducting a series of meetings for employees who are within one year of retirement. The person assigned the responsibility of conducting the Retirement Planning Sessions and working with employees who are contemplating retirement may be selected from the department staff; however, this individual will report to the personnel officer regarding all retirement planning activities.

2. Each training session for department representatives will cover a specific aspect of retirement. The sessions will enable the representatives of each department to acquire a thorough understanding of the problems, conditions, and factors which affect individual retirement situations.

3. After completion of these training sessions, the department representatives will conduct similar sessions for retiring employees in their department.

4. Brochures, pamphlets and other materials related to retirement as well as continuous advisory service will be furnished to the departments by the Department of Civil Service on a debit and credit basis. New approaches for retirement preparation and any changes in Social Security regulations or pertinent statutes will be communicated to the departments by memos, additional training sessions or other means. The services of professional personnel, such as psychologists, lawyers, or physicians, from the various State departments will be provided for participation in the retirement planning training sessions.

5. The Retirement Planning Program and related activities in each department will be periodically audited by the Department of Civil Service. Constructive suggestions for improvement will be forwarded to the personnel officer.

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Subpart 16-15.102 Procedure At Time Of Death Of A State Employee

16-15.102a Subject:

This subpart will describe the procedure to be utilized when a Department is informed of the death of a state employee.

16-15.102b Definitions:

1. "Letter of Condolence" means a letter signed by the department head which will express sympathy to the next of kin of a deceased state employee.

2. "Representative of the Departmental Personnel Office" means the Personnel Officer, the Assistant Personnel Officer or the individual responsible for personnel matters in a department or his specifically designated representative. The designated representative should be a professional employee.

16-15.102c Procedure:

1. A department head upon being informed of the death of a departmental employee will send to the next of kin a letter of condolence.

2. A representative of the personnel office shall personally visit the next of kin to provide any necessary assistance and advice concerning matters related to the employment and employment benefits of the deceased.

3. The representative of the personnel office will make the call within seven days of having been notified.

4. Before calling on the next of kin the representative of the personnel office will prepare for the call by checking the following items concerning the deceased employee:

a. Accrued vacation at time of death.
b. Salary during last year at time of death.
c. Credit Union membership of deceased if any.
d. Union benefits if any for the deceased.
e. Social Security Benefits.

5. The representative of the personnel office will endeavor to provide advisory information to the next of kin on all employment-related benefits. If the representative cannot supply the information, he will refer the kin to those state offices which can provide the information. It should be noted that information regarding the amount in the pension system and the amount of insurance can be obtained from the Division of Pensions only by the beneficiary who was designated as such by the employee.

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16-15.102c (cont'd)

6. The representative of the personnel office will file a memorandum of what information and advice was given to the next of kin. This memorandum will be held in the Personnel Office and kept in the files for one year after the death of the employee.

7. Copies of any correspondence with the next of kin will also be kept on file for one year.

8. Retired employees will not be a part of this program.

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PART 16-16 RETIREMENT

Subpart 16-16.101 Retirement Planning

16-16.101a Subject:

This subpart will deal with the efforts of the Department of Civil Service and the department and agency personnel units to assist employees in the State Service to plan positively and effectively for their retirement.

16-16.101b Purpose:

The primary objective of this effort is to assist employees in making constructive plans for retirement and to prepare a smooth transition into retirement.

16-16.101c Procedure:

1. The Department of Civil Service will train a Retirement Planning Coordinator from each department in conducting a series of meetings for employees who are within one year of retirement. The person assigned the responsibility of conducting the Retirement Planning Sessions and working with employees who are contemplating retirement may be selected from the department staff; however, this individual will report to the personnel officer regarding all retirement planning activities.

2. Each training session for Department Coordinators will cover a specific aspect of retirement. The sessions will enable the Coordinators of each department to acquire a thorough understanding of the problems, conditions, and factors which affect individual retirement situations.

3. After completion of these training sessions, the Department Coordinators will conduct similar sessions for retiring employees in their departments.

4. The Division of Pensions will provide to the Employee Services Unit in the Department of Civil Service an annual listing by payroll number and name of all State employees who are members of the Public Employees Retirement System who are 54 years of age or older.

5. The Employee Services Unit in the Department of Civil Service will reproduce copies of the listing and distribute copies to each Retirement Coordinator in each department, institution or agency.

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16.16.101c (cont'd)

6. Each Coordinator will review the list for accuracy and then notify each employee listed thereon of eligibility to participate in Retirement Planning Sessions and the availability of the sessions. Based on the responses from the employees, the Coordinator will schedule rooms and speakers for four one-half day sessions. The sessions will cover the following aspects concerning retirement:

Session 1 - Social Security
Session 2 - Public Employees Retirement System and the New Jersey State Health Benefits Program in Retirement
Session 3 - Adjustment Factors in Retirement
Session 4 - Summary Session and Health Factors in Retirement

7. Each Coordinator will also order from the Employee Services Unit in the Department of Civil Service a Retirement Planning kit for each participant which will be used as an adjunct to the sessions.

8. In those cases where there are less than 12 employees available or interested in attending sessions, the Coordinator will notify the Chief, Employee Services, Department of Civil Service, who will arrange for the interested employees to attend sessions in another department, institution, or agency.

9. In all departments, the Coordinator will review the situation at least annually to determine the need for Retirement Planning Sessions.

10. The Employee Services Unit of the Department of Civil Service will provide film strips on retirement planning and a DuKane projector for showing the film strips.

11. The Chief, Employee Services Unit, Department of Civil Service, will meet with the departmental coordinators at least annually to review any changes, additions, or deletions in Social Security regulations, pension regulations, or any other new or available materials concerning retirement planning.

12. The Employee Services Unit, Department of Civil Service, will audit the Retirement Planning sessions conducted in all departments to insure quality of presentation, proper utilization of Retirement Planning materials, and to give supportive help and assistance to each Coordinator.

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16-16.101c (cont'd)

13. Brochures, pamphlets and other materials related to retirement as well as continuous advisory service will be furnished to the departments by the Department of Civil Service on a debit and credit basis. New approaches for retirement preparation and any changes in Social Security regulations or pertinent statutes will be communicated to the departments by memos, additional training sessions or other means. The services of professional personnel, such as psychologists, lawyers, or physicians, from the various State departments will be provided for participation in the Retirement Planning Training Sessions.

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Series 17

Leaves of Absence

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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Part 17-1 GENERAL

Subpart 17-1.101 Granting of Pregnancy-Disability Leave and Child Care Leave

17-1.101a Subject:

This subpart prescribes the Civil Service regulations concerning the use of sick leave, with or without pay, for pregnancy-disability purposes; and personal leave without pay for child care purposes. Pregnancy-disability leave with or without pay shall be granted in the same manner and under the same terms and conditions as sick leave. Child care leave, which is only granted as a leave without pay, shall be granted under the same terms and conditions as other personal leave.

17-1.101b Pregnancy-Disability Leave With Pay

1. Upon request, paid sick leave shall be granted by the appointing authority for pregnancy-disability purposes. The appointing authority may request acceptable medical evidence that the employee is unable to perform her work due to disability because of pregnancy. The utilization of accrued sick leave shall be limited only by the length of her disability due to pregnancy.

2. The granting of an individual's request for pregnancy-disability leave with pay shall not be handled differently than any other employee's request for paid sick leave. However, the granting of such is mandatory once acceptable medical evidence of disability due to pregnancy has been presented.

17-1.101c Pregnancy-Disability Leave Without Pay

1. Upon request, pregnancy-disability leave without pay shall be granted by the appointing authority upon the receipt of acceptable medical evidence that the employee is unable to perform her work due to disability because of pregnancy. The amount of pregnancy-disability leave without pay that an individual may take shall be governed by the length of her disability due to pregnancy except that it shall be no more than one year in duration.

2. The granting of an individual's request for pregnancy-disability without pay shall not be treated differently than any other employee's request for sick leave without pay. However, the granting of such leave is mandatory once acceptable medical evidence of disability due to pregnancy has been presented.

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17-1.101d Child Care Leave Without Pay

Child care leave without pay may be granted by the appointing authority under the same terms and conditions applicable to all other personal leaves without pay.

17-1.101e Use of Accrued Leave Time

An employee may use accrued leave time (e.g., sick, vacation, administrative) for pregnancy-disability purposes, however, 1) the employee shall not be required to exhaust accrued leave before taking a leave without pay for pregnancy-disability 2) the employee must exhaust all her accrued sick leave prior to being eligible for New Jersey Temporary Disability Insurance.

17-1.101f Temporary Employees, Provisional Employees and Employees Who Have Not Completed Their Working Test Period

As provided by N.J.A.C. 4:1-17.2(b), leave without pay for a temporary employee, provisional employee or employee who has not completed the working test period is restricted to a maximum of 60 days. If the position is terminated prior to this time, the leave may not continue beyond the termination of the position. A temporary employee, provisional employee or employee who has not completed the working test period may not receive entitlements while on leave which s/he could not receive while in active employment. Any leave without pay for a temporary or provisional employee may be terminated by the appointing authority at any time.

Information about New Jersey Temporary Disability Insurance may be obtained from the Department Personnel Officer or the Disability Insurance Service, P.O. Box 825, Trenton, New Jersey 08625.

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PART 17-3 MILITARY LEAVE

Subpart 17-3.101 Leave To Attend National Guard Or Reserve Drills

17-3.101a Subject:

This subpart shall detail the mandatory treatment of employees who are required to attend drills of the National Guard or any of the branches of the Reserves. It shall also recommend standard treatment where not required by law. This policy is effective September 6, 1973.

17-3.101b Definitions:

1. A drill, as used in this subpart, is defined as inactive duty training on a regular periodic basis.

2. A reservist, for the purpose of this subpart, is a member of a reserve component of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard.

17-3.101c Stipulations:

1. Members of the National Guard

Employees who are members of the National Guard must be given time off with full pay to attend required drills. Such time off shall be in addition to vacation, sick and administrative leave.

An appointing authority may, however, reschedule an employee's hours and days of work in order to enable an employee to attend drills and still fulfill all employment responsibilities without the need for additional time off.

2. Reservists

Employees who are members of a reserve component of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard need not be given time off to attend drills; however, pursuant to State law these employees are entitled to full reinstatement in the event of discharge or suspension because of a Reserve obligation. An appointing authority is obligated only to pay the Reservist-employee for days and hours actually worked.

An appointing authority may reschedule an employee's hours and days of work in order to enable an employee to attend drills and still fulfill all the employment responsibilities.

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17-3.101c (cont'd)

Although it is not obligatory, the Department of Civil Service recommends that appointing authorities treat members of the Reserve and the National Guard similarly regarding time off or rescheduling for drills.

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Subpart 17-3.102 Compensation For Certain Leaves Of Absence For Military Duty

17-3.102a Subject:

This subpart will set forth the conditions under which employees in the classified service are to be granted certain leaves of absence for military duty and whether the employee must be compensated for such leaves, effective September 6, 1973.

17-3.102b Definitions:

1. Active Duty - full-time duty in the active military service, other than active duty for training.

2. Active Duty For Training - full-time duty in the active military service for training purposes. This may be indicated on military orders as "ADT" (Active Duty For Training), "FTTD" (Full Time Training Duty), or "AT" (Annual Training).

3. Annual Training - a period of full-time training duty (FTTD) required to be performed each calendar year under Federal statutes. This duty is usually performed at summer encampments and may include field exercises and manuevers. This is indicated on military orders as "AT".

4. Field Training - only that training which consists of participation in unit training in field operations. This may be indicated on military orders as "AT" (Annual Training); however, as noted above "AT" sometimes refers to other than field training.

5. Full-Time Training Duty - full-time training or duty, with or without pay, including but not limited to "AT" (Annual Training), attendance at service schools, attendance at military conferences or other similar duty. This is indicated on military orders as "AT" or "FTTD".

6. Other Duty Ordered By The Governor - any type of duty other than the above ordered by the Governor. This duty is not limited to training in the field or even to training duty nor is it limited to the performance of duties as part of the unit.

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17-3.102c Compensation:

Compensation for leaves granted for the above purposes should be as indicated under 17-3.102d for permanent, provisional, and temporary employees. This compensation is not to be offset by military wages earned while absent.

An employee shall not be compensated for the initial period of service which is required to be performed upon entrance into the National Guard or United States Reserve.

17-3.102d Conditions For Payment; Duration Of Leave, And Amount Of Pay:

UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS, OR COAST GUARD RESERVE

Type of Employee	Type of Duty	Military Designation	Duration of Leave	Pay
Permanent	Field Training	"AT"	No limitation	Full
Temporary or Provisional With One Year or More of Service	Field Training	"AT"	30 days per year	Full

NATIONAL GUARD

Type of Employee	Type of Duty	Military Designation	Duration of Leave	Pay
Permanent	Active Duty	ACTIVE DUTY	90 days per year	Full
	Active Duty For Training	"ADT"; "FTTD"; "AT"	90 days per year	Full
	Other Duty Ordered by Governor	Various; May Include Any of the Above	No limitation	Full
Temporary or Provisional With One Year or More of Service	Field Training	"AT"	30 days per year	Full

NOTE:

The military designations shown above are only a guide for making determinations regarding military leaves. The key factor to be considered is whether the employee is being ordered to the type of duty specified and defined in the regulation.

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17-3.102e Leaves For Military Duty:

Leaves granted under the provisions of 17-3.102d, or extensions of such leave, shall be recorded as military leave. Employees who are required to perform involuntary military duty with the National Guard or a reserve component of any of the Armed Forces of the United States shall be entitled to a leave of absence without pay for periods of absence which do not come under the provisions of 17-3.102d. However, at the discretion of the employee, vacation leave, administrative leave, or other accrued compensable leave may be used for such absences.

17-3.102f Limitations:

Although this subpart applies to employees in the classified service, the statutes on which these policies are based are applicable to all State, County, Municipal and School District employees.

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Subpart 17-3.103 Veteran's Reemployment Rights

17-3.103a Subject:

This subpart is issued to advise appointing authorities of the reemployment rights of persons honorably discharged from the armed forces as established by Federal Public Law 93-508, Chapter 43. This law became effective December 3, 1974.

17-3.103b Application:

Provisions which are set forth herein shall apply to any person in the employ of the State or any political subdivision thereof.

Nothing in Chapter 43 of Federal Public Law 93-508 shall excuse noncompliance with any statute or ordinance establishing greater or additional rights or protections than the rights or protections established pursuant to Chapter 43.

17-3.103c Reemployment Rights of Inducted Persons; Benefits Protected:

1. Any person inducted into the armed forces for training and service and who leaves a position (other than a temporary position) in order to perform such training and service, and

a. Receives a certificate of satisfactory completion of military service, and

b. Makes application for reemployment within 90 days after being relieved from training and service or from hospitalization continuing after discharge for a period of not more than one year

shall if qualified to perform the duties of such position be restored to such position, or to a position of like seniority, status and pay.

2. If, due to disability sustained during military service, the person is no longer qualified to perform the duties of such position, but is qualified to perform the duties of any other position, the person must be offered the other position if the person so requests and provided like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances in such person's case.

3. The only exception to the above requirement is, if the employer's circumstances have so changed as to make it impossible or unreasonable to reemploy the person as specified.

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17-3.103c (cont'd)

4. Any person reemployed in accordance with number 1, this section, shall be considered as having been on furlough or leave of absence during period of training and service.

5. Persons so reemployed shall be restored without loss of seniority and shall be entitled to participate in insurance or other benefits offered pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted.

6. Persons so reemployed shall not be discharged from such position without cause within one year after reemployment.

7. Congress has declared any person reemployed should be re-employed in such manner as to give such person status in employment as the person would have enjoyed if the person had continued in such employment continuously from the time of entering the armed forces until the time of reemployment.

8. Such persons shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a reserve component.

17-3.103d Rights of Persons Who Enlist Or Are Called To Active Duty:

1. Any person who enlists in the armed forces (other than a reserve component) shall be entitled to all reemployment rights and benefits specified in section 17-3.103c upon release from service under honorable conditions if:

a. Total armed forces service performed between June 24, 1948 and August 1, 1961 does not exceed 4 years, and

b. Total of any service, additional or otherwise, performed after August 1, 1961 does not exceed 5 years, and

c. Service in excess of 4 years after August 1, 1961 is at the request and for the convenience of the Federal government

d. Plus, in each case, any period of additional service imposed pursuant to law.

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17-3.103d (cont'd)

2. Any person who enters upon active duty (other than for purposes of determining physical fitness and other than for training), whether or not voluntarily, in response to an order or call to active duty shall be entitled to all reemployment rights and benefits specified in section 17-3.103c upon release from active duty under honorable conditions if:

a. Total active duty performed between June 24, 1948 and August 1, 1961 did not exceed 4 years, and

b. Total of any such active duty, additional or otherwise, performed after August 1, 1961 does not exceed 4 years,

c. Plus, in each case, any additional period in which the person was unable to obtain orders relieving them from active duty.

17-3.103e Rights of Members of a Reserve Component:

1. Any member of a Reserve component of the armed forces who voluntarily or involuntarily enters active duty (other than for purposes of determining physical fitness and other than for training) or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units to active duty shall have service limitations governing eligibility for reemployment rights under number 2 of section 17-3.103d extended by such member's period of active duty. Extensions are not to exceed the period which the President is authorized to order.

2. With reference to a member who voluntarily enters duty, provisions of this section shall apply only when the member's voluntary active duty or whose voluntary extension is at the request and for the convenience of the Federal Government.

3. Any member of a reserve component of the armed forces who is ordered to an initial period of active duty for training of not less than 3 consecutive months shall, upon application for reemployment within 31 days after:

a. Release from active duty after satisfactory service, or

b. Discharge from hospitalization incident to such active duty or one year after member's scheduled release from training, whichever is earlier,

shall be entitled to all reemployment rights and benefits specified in 17-3.103c except that :

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17-3.103e (cont'd)

a. Any person employed shall not be discharged from such position without cause within 6 months after reemployment, and

b. No reemployment rights granted shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim.

17-3.103f Reemployment Rights of Persons Performing Active Duty For Training Or Inactive Duty Training:

1. Any employee not covered by the preceding sections who holds a position in State government or any political subdivision thereof shall, upon request, be granted a leave of absence by the employer for the period required to perform active duty for training or inactive duty training in the armed forces.

2. Upon release from period of active duty for training or inactive duty training, or upon discharge from hospitalization incident to that training, such employee shall be permitted to return to such employee's position with seniority, status, pay, and vacation as the employee would have had if he/she had not been absent for such purposes.

3. Such employee shall report to work at the beginning of the next regularly scheduled working period after expiration of the last calendar day necessary to travel from place of training to place of employment following release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control.

4. Failure to report for work at regularly scheduled working period shall make the employee subject to conduct rules of the employer pertaining to explanations and discipline regarding absence from scheduled work.

5. If employee is hospitalized, incident to active duty for training or inactive duty training, the employee shall be required to report for work at the beginning of the next regularly scheduled work period after expiration of necessary travel time from place of hospitalization discharge to the place of employment, or within reasonable time thereafter if return delayed due to factors beyond the employee's control, or within one year after release from active duty for training or inactive duty training, whichever is earlier.

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17-3.103f (cont'd)

6. If an employee covered by this section is not qualified to perform duties of position by reason of disability sustained during duty, but is qualified to perform duties of any other position, such employee shall be offered employment and, if person so requests, be employed in such position as will provide like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in the employee's case.

17-3.103g Rights of Persons Being Inducted Into, Entering, Or Determining Physical Fitness to Enter the Armed Forces:

1. Any employee not covered by the preceding section who hold a position in State government or any political subdivision thereof shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering, or determining, by a preinduction or other examination, physical fitness to enter the armed forces.

2. Upon such employee's rejection, upon completion of pre-induction or other examination, or upon discharge from hospitalization incident to such rejection or examination, such employee shall be permitted to return to their position in accordance with the provisions of section 17-3.103f.

17-3.103h Prior Rights For Reemployment:

In any case where two or more persons are entitled to be restored to or employed in a position under the provisions of Chapter 43 and who left the same position in order to enter the armed forces, the person who left first shall have prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be reemployed.

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PART 17-4 CONVENTION LEAVE WITH PAY

Subpart 17-4.101 Leave of Absence to Attend State or National Conventions

17-4.101a Subject:

This subpart enumerates certain State or national conventions which may be attended by duly authorized persons. The list of organizations to which this subpart applies may be legislatively modified or supplemented. Employees may be granted leaves of absence to attend conventions of organizations not appearing on this list upon proof of modification or supplementation of the list.

17-4.101b Procedure:

1. Every duly authorized employee, upon request, shall be granted a leave of absence with pay for a period not to exceed five days in any calendar year, for the purpose of traveling to and from and attending any State or national convention of any one or more of the organizations that appear on the following list, as written, or modified or supplemented legislatively.

American Gold Star Mothers
American Legion
American Legion Auxiliary
American Veterans World War II
Army and Air National Guard Association of New Jersey
Army and Navy Legion of Valor
Blind Veterans Association of New Jersey
Catholic War Veterans of the United States
Disabled American Veterans Auxiliary
Disabled American Veterans of the World Wars
Grand Army of the Republic
Indian War Veterans
Italian American War Veterans of the United States, Incorporated
Jewish War Veterans of the United States
Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U.S.A.
Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated
Ladies Auxiliary of New Jersey State Department, Catholic War Veterans
Ladies Auxiliaries of Veterans of Foreign Wars
Ladies Auxiliary, Veterans of World War I of the United State of America
Marine Corps League of the United States
National Guard Association of the United States
Navy League
New Jersey Civil Service Association

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New Jersey Firemen's Association
New Jersey State Employees' Association
New Jersey State Exempt Firemen's Association
Polish Legion of American Veterans
Polish Legion of American Veterans, Ladies Auxiliary
Reserve Officers Association of the United States
369th Veterans Association, Incorporated
Twenty-Ninth Division Association
United Spanish-American War Veterans
United States Coast Guard Auxiliary
Veterans of Foreign Wars
Veterans of World War I of the United States of America
War Veteran Public Employees Association
Women's Overseas Service League

(a) Written notice from the appropriate organization, indicating that the employee is a duly authorized delegate shall be submitted to the appointing authority prior to the convention.

(b) A certificate of attendance shall be submitted to the appointing authority after the convention indicating the delegate's attendance.

2. Every employee of the State who is a duly authorized representative of the following organizations shall be allowed a leave of absence with pay for a period to include travel time to and from the convention and the duration of the convention. (N.J.S.A. 11:26C-4)

Firemen's Mutual Benevolent Association, Inc.
Fraternal Order of Police
New Jersey Association of Chiefs of Police
New Jersey State Patrolmen's Benevolent Association, Inc.
Uniformed Firemen's Association

3. Persons designated by the governor shall be granted leaves of absence to attend the following convention. Expenses are not to exceed five dollars a day including traveling time to and from the convention and the duration of the convention. (N.J.S.A. 30:4-178)

American Correctional Association (American Prison Association)

4. Departments of Education and Higher Education

(a) Any full-time teaching staff member, any secretary or office clerk of any board of education of any local, regional or county vocational school district who applies to his/her board of education shall be granted a leave of absence with pay to attend the convention of the

New Jersey Education Association.

Such leave shall not exceed two days within any one calender year. The employee must file, with his/her board of education, a certificate of attendance signed by the executive secretary of the association in order to receive paid leave. (N.J.S.A. 18A:31-2)

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(b) The Chancellor of Higher Education, with approval of the board of higher education, may make rules concerning leaves of absence and payment during such leaves for teachers employed in the state colleges. (N.J.S.A. 18A:64-16.)

(c) Pursuant to N.J.S.A. 18A:7B-1, the State Facilities Act of 1979, funds received by the Department of Corrections, Office of Education or the Department of Human Services, Office of Education, shall be used for salaries of teachers and paraprofessionals, among others, who are assigned to educational programs in State facilities. The programs of these Offices of Education include adult, post-secondary and college programs offered by the Department of Education or the Department of Higher Education.

It is the policy of the State to consider the staffs of these Offices of Education as having the same rights regarding leaves of absence to attend the convention of the New Jersey Education Association or to those conventions allowed by the Chancellor of Higher Education as other employees of boards of education as stated above.

17-4.101c Annual Report:

Not later than the last working day in January, all State Personnel Offices will submit a Convention Leave Report for the previous calendar year to the Department of Civil Service, Division of Classification and Compensation, providing the following information:

1. Total number of employees (per organization convention) who have attended State and national conventions as authorized representatives on an organization listed in 17-4.101b;

2. Total number of employees (per organization convention) who have attended conventions other than those listed in the 17-4.101b;

3. Total number of working days granted for each organization's convention;

4. The name of each convention organization.

If no convention leave was granted a negative report stating no leaves granted must be submitted.

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PART 17-4 CONVENTION LEAVE WITH PAY

Subpart 17-4.101 Leave of Absence to Attend State or National Conventions

17-4.101 Subject:

This subpart describes the regulations of the Department of Civil Service governing the granting and use of leaves of absence to attend State and national conventions pursuant to N.J.S.A. 38:23-2.

17-4.101b Procedure:

1. Every employee, upon request, shall be granted a leave of absence with pay for an aggregate period not to exceed five days in any calendar year, for the purpose of traveling to and from and attending, as a duly authorized representative, any State or national convention of any one or more of the following organizations:

American Gold Star Mothers
American Legion
American Legion Auxiliary
American Veterans World War II
Army and Air National Guard Association of New Jersey
Army and Navy Legion of Valor
Blind Veterans Association of New Jersey
Catholic War Veterans of the United States
Council of State Employees
Disabled American Veterans Auxiliary
Disabled American Veterans of the World Wars
Grand Army of the Republic
Indian War Veterans
(the) Italian American War Veterans of the United States, Incorporated
Jewish War Veterans of the United States
Ladies Auxiliary, American Legion
Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U.S.A.
(the) Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated
Ladies Auxiliary of New Jersey State Department, Catholic War Veterans
Ladies Auxiliary, Polish Legion of American Veterans
Ladies Auxiliaries of Veterans of Foreign Wars
Ladies Auxiliary, Veterans of World War I of the U.S.A.
Marine Corps League of the United States
(The) National Guard Association of the United States
Navy League
New Jersey Civil Service Association
(the) New Jersey Firemen's Association
(the) New Jersey State Exempt Firemen's Association
Polish Legion of American Veterans
Polish Legion of American Veterans, Ladies Auxiliary
Reserve Officers Association of the United States

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17-4.101b (Cont'd)

(The) 369th Veterans Association, Incorporated
(The) Twenty-Ninth Division Association
United Spanish-American War Veterans
(The) United States Coast Guard Auxiliary
Veterans of Foreign Wars
Veterans of World War I of the United States of America
War Veteran Public Employees Association
Women's Overseas Service League

2. Written notice from the appropriate organization, indicating that the employee is a duly authorized delegate shall be submitted to the appointing authority prior to the convention.

A certificate of attendance shall be submitted to the appointing authority after the convention indicating the delegate's attendance.

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CIVIL SERVICE PERSONNEL MANUAL

(STATE SERVICE)

Please be advised that the following subpart has been rescinded:

Subpart	Issue Date	Rescission Date
17-8.101	8/25/71	12/2/80

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RESCINDED.

PART 17-8 EMERGENCY AND SPECIAL LEAVE (STATE SERVICE)

Subpart 17-8.101 Sick Leave, Vacation Leave, and Leave Without Pay for Maternity Purposes for Employees Having Permanent Status

17-8.101a Subject:

This subpart will describe the extent to which various leave time may be used for maternity reasons.

17-8.101b Standards:

Leave With Pay

1. (a) Permanent employees who have completed their working test period may be granted earned and accumulated sick leave during the time prior to the expected date of confinement (date of delivery) and for one month after the actual date of confinement, on presentation of a doctor's certificate and on approval of the departmental authorities. Additional time beyond the one month period may be granted upon presentation of a doctor's certificate setting forth the necessity therefor.

   (b) Permanent employees who are without accrued vacation or sick leave may be granted leave of absence without pay not to exceed 6 months, subject to the same preconditions and limitations listed in 1(a) above.

2. Earned and accumulated vacation for the time worked during the current calendar year and for the previous calendar year may be approved.

3. Compensatory time resulting from overtime services as recorded and approved by the appointing authority may be used for maternity leave.

4. N.J.A.C. 4:1-17.11(c) will also apply:

   "A permanent employee who returns from military service is entitled to full vacation allowance for the calendar year of return and for the year preceding, provided the latter can be taken during the year of return."

Leave Without Pay

1. On the expiration of earned and accumulated sick leave and vacation leave this department will consider for approval, if requested by the appointing authority, a leave of absence without pay for a period not to exceed six months. If additional leave is required, an extension of leave of absence without pay not to exceed six months will be considered for approval on the request of the appointing authority together with the reasons therefor. No further leave beyond the one year will be approved.

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17-8.10lb (cont'd)

2. Upon expiration of the first leave of absence without pay under Leave With Pay 1(b) above, an appointing authority may request an additional leave without pay not to exceed 6 months, accompanied by the reasons therefor. No further leave beyond one year will be approved.

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RESCINDED.

17-8.101b (cont'd)

2. Upon expiration of the first leave of absence without pay under Leave With Pay 1(b) above, an appointing authority may request an additional leave without pay not to exceed 6 months, accompanied by the reasons therefor. No further leave beyond one year will be approved.

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Special Note: This rescinds the previous subpart issued July 11, 1972, regarding Administrative Leave.

Subpart 17-8.102 Administrative Leave

17-8.102a Subject:

This subpart includes the regulations of the Department of Civil Service governing the granting and use of administrative leave pursuant to C.74, Laws of 1972.

17-8.102b Procedure:

1. Effective July 1, 1972, all employees in the classified service with not less than six months service shall be granted an allowance of 1 1/2 days administrative leave for the remainder of the current calendar year and on January 1, 1973 shall be granted the yearly allowance of 3 days administrative leave.

2. For the current calendar year (1972), all employees in classified service with less than six months service and those hired after July 1, 1972 shall be granted 1/2 day of administrative leave for each calendar month of service after July 1, 1972 to a maximum of 1 1/2 days.

3. All employees in classified service hired on or after January 1, 1973, shall be granted 1/2 day of administrative leave after each full calendar month of employment to a maximum of (3) three days during the remainder of that calendar year and 3 days administrative leave in each calendar year thereafter.

4. Administrative leave shall not be cumulative and any such leave credit remaining unused by an employee at the end of the calendar year or upon separation shall be cancelled. Unlike other leave, when an employee separates, there shall be no reduction or repayment of funds for days already used in the calendar year of separation.

5. Administrative leave may be scheduled in units of 1/2 days or multiples thereof.

6. Requests for administrative leave of absence must be approved in advance by the appointing authority. Priority in granting such requests shall be:

(1). emergencies
(2). observation of religious or other days of celebration, but not public holidays
(3). personal business
(4). other personal affairs

However, requests for religious observances shall be granted on the days and hours required insofar as the absence will not interfere with the proper conduct of state business.

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17-8.102b (cont'd)

7. Administrative leave may be taken in conjunction with other types of paid leave.

17-8.102c Administrative Leave for Employees Employed on a Part-Time Basis

1. Definition:

"Part-time employee" means any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

2. Regulation:

Temporary, provisional, and permanent part-time employees who meet the definition as set forth in #1 and accordingly are in the classified service shall be granted administrative leave credit on a proportionate basis.

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Special Note: This rescinds the previous subpart issued July 11, 1972, regarding Administrative Leave.

Subpart 17-8.102 Administrative Leave

17-8.102a Subject:

This subpart includes the regulations of the Department of Civil Service governing the granting and use of administrative leave pursuant to C.74, Laws of 1972.

17-8.102b Procedure:

1. Effective July 1, 1972, all employees in the classified service with not less than six months service shall be granted an allowance of 1 1/2 days administrative leave for the remainder of the current calendar year and on January 1, 1973 shall be granted the yearly allowance of 3 days administrative leave.

2. For the current calendar year (1972), all employees in classified service with less than six months service and those hired after July 1, 1972 shall be granted 1/2 day of administrative leave for each calendar month of service after July 1, 1972 to a maximum of 1 1/2 days.

3. All employees in classified service hired on or after January 1, 1973, shall be granted 1/2 day of administrative leave after each full calendar month of employment to a maximum of (3) three days during the remainder of that calendar year and 3 days administrative leave in each calendar year thereafter.

4. Administrative leave shall not be cumulative and any such leave credit remaining unused by an employee at the end of the calendar year or upon separation shall be cancelled. Unlike other leave, when an employee separates, there shall be no reduction or repayment of funds for days already used in the calendar year of separation.

5. Administrative leave may be scheduled in units of 1/2 days or multiples thereof.

6. Requests for administrative leave of absence must be approved in advance by the appointing authority. Priority in granting such requests shall be:

(1). emergencies
(2). observation of religious or other days of celebration, but not public holidays
(3). personal business
(4). other personal affairs

However, requests for religious observances shall be granted on the days and hours required insofar as the absence will not interfere with the proper conduct of state business.

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17-8.102b (cont'd)

7. Administrative leave may be taken in conjunction with other types of paid leave.

17-8.102c Limitations:

This subpart will take precedence over any agreements or policies to the contrary.

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Subpart 17-8.103 Special Leave - Jury Duty

17-8.103a Subject:

This subpart stipulates the regulations of the Department of Civil Service governing the granting of special leave for jury duty in accordance with N.J.A.C. 4:1-17.8 and pursuant to the provisions of N.J.S.A. 2A:69-6 (Chapter 403, Laws of 1971).

17-8.103b Procedure:

1. An employee shall be granted special leave without loss of pay for the time he or she is required to perform jury duty during scheduled working hours.

2. An employee whose appearance is required during a shift period which is immediately contiguous to his or her scheduled shift, and wholly within the day of such duty, shall be excused from such shift without loss of pay.

3. If an employee's shift hours extend from one day to the next, and the required appearance is during a shift period not immediately contiguous to his or her scheduled shift, the employee shall have the option of choosing to be excused from the scheduled work shift prior to or after the required appearance provided the shift from which he or she is excused is partly within the day of such duty.

4. Performance of jury duty should encompass all necessary travel time in addition to actual time spent in court.

5. Special leave shall not be granted or credited for more than eight hours in any day.

6. The employee shall obtain a written report from the governmental authority for which he or she is serving jury duty, as to attendance at jury duty.

7. It shall be the responsibility of each Department or Agency to establish a procedure whereby an individual will notify the Department of any impending jury duty.

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PART 17-9 DISABILITY LEAVE -- SICK LEAVE INJURY

Subpart 17-9.101 Employment Disability Report (Form CS40)

17-9.101a Subject:

This subpart will describe the preparation and use of the Employment Disability Report (CS40).

17-9.101b Purpose:

This form shall be a request by the Agency for the Department of Civil Service to approve a leave of absence with pay (SLI sick leave injury) for an employee due to a disability either through injury or illness as a result of, or arising from employment.

17-9.101c Procedures:

This form shall be prepared by the appointing authority and submitted in accordance with the instructions printed on the form.

If no SLI is immediately involved, it will NOT be necessary to forward the form to Civil Service. However, if the injury or illness is subsequently the cause of time lost, the form should be forwarded and Item 17 must be checked "supplemental report" and a note made in that space: "Original not submitted - no time lost."

A supplemental form should be submitted whenever additional approval time is necessary including the return of the employee in every case where the return of the employee is subsequent to the "through date" approved by Civil Service. Whenever a supplemental report is made, the terminal date of the previous approval shall be indicated in Item #18.

As stated on the form, SLI is limited to the period required for possible recovery from specific disability, or the period of one year from the date of accident, whichever period ends first.

17-9.101d Limitations:

(1) SLI is a privilege provided all full time employees and permanent part time employees who are disabled by injury or illness as a direct result, or arising out of, or in the course of one's employment. The determination of the causal relationship of the accident or illness to employment is essentially the responsibility of the appointing authority. Reporting the accident or injury to one's superior with a minimum of delay is the responsibility of the employee and undue delay in such reporting may cause disapproval of SLI.

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17-9.101d (cont'd)

(2) If the employee has unused, accrued sick leave and/or earned vacation sufficient to cover the anticipated leave period, the appointing authority may withhold submission of an original-time cost CS40 form until the employee has returned to work, except that no forms shall be withheld more than thirty days from the date of commencement of time lost. Unless the employee has returned when the form is submitted, the form should be marked "indefinite" in Item #16.

(3) If the employee has (a) been obviously injured on the job, (b) exhausted all accrued sick leave and/or earned vacation, and (c) filed an accident report, he may be paid for a period of SLI not to exceed one pay period prior to return of an approved CS40. This situation is conditional upon: (a) the appointing authority being satisfied that the injury is job incurred, and (b) the subsequent submission of a CS40. If the SLI, in such a case, should be denied for any reason, a subsequent adjustment will be made in the employee's pay.

17-9.101e Sick Leave Injury for Employees Employed on a Part-Time Basis:

1. Definition:

A part-time employee is any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

2. Regulation:

Temporary, provisional, and permanent part-time employees who meet the definition as set forth in #1 and accordingly are in the classified service shall be granted SLI credit on a proportionate basis, but such benefits will in no way prolong or alter provisional or temporary status at the time of legitimate termination.

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PART 17-9 DISABILITY LEAVE -- SICK LEAVE INJURY

Subpart 17-9.101 Employment Disability Report (Form CS40)

17-9.101a Subject:

This subpart will describe the preparation and use of the Employment Disability Report (CS40).

17-9.101b Purpose:

This form shall be a request by the Agency for the Department of Civil Service to approve a leave of absence with pay (SLI sick leave injury) for an employee due to a disability either through injury or illness as a result of, or arising from employment.

17-9.101c Procedures:

This form shall be prepared by the appointing authority and submitted in accordance with the instructions printed on the form.

If no SLI is immediately involved, it will NOT be necessary to forward the form to Civil Service. However, if the injury or illness is subsequently the cause of time lost, the form should be forwarded and Item 17 must be checked "supplemental report" and a note made in that space: "Original not submitted - no time lost."

A supplemental form should be submitted whenever additional approval time is necessary including the return of the employee in every case where the return of the employee is subsequent to the "through date" approved by Civil Service. Whenever a supplemental report is made, the terminal date of the previous approval shall be indicated in Item #18.

As stated on the form, SLI is limited to the period required for possible recovery from specific disability, or the period of one year from the date of accident, whichever period ends first.

17-9.101d Limitations:

(1) SLI is a privilege provided all full time employees and permanent part time employees who are disabled by injury or illness as a direct result, or arising out of, or in the course of one's employment. The determination of the causal relationship of the accident or illness to employment is essentially the responsibility of the appointing authority. Reporting the accident or injury to one's superior with a minimum of delay is the responsibility of the employee and undue delay in such reporting may cause disapproval of SLI.

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17-9.101d (cont'd)

(2) If the employee has unused, accrued sick leave and/or earned vacation sufficient to cover the anticipated leave period, the appointing authority may withhold submission of an original-time lost CS40 form until the employee has returned to work, except that no forms shall be withheld more than thirty days from the date of commencement of time lost. Unless the employee has returned when the form is submitted, the form should be marked "indefinite" in Item #16.

(3) If the employee has (a) been obviously injured on the job, (b) exhausted all accrued sick leave and/or earned vacation, and (c) filed an accident report, he may be paid for a period of SLI not to exceed one pay period prior to return of an approved CS40. This situation is conditioned upon: (a) the appointing authority being satisfied that the injury is job incurred, and (b) the subsequent submission of a CS40. If the SLI, in such a case, should be denied for any reason, a subsequent adjustment will be made in the employee's pay.

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Subpart 17-9.102 Information -- Workman's Compensation

17-9.102a Subject:

The Division of Workman's Compensation has promulgated new rules to eliminate delays which have existed in Workman's Compensation formal proceedings. The rules will require strict observance of time limitations for filing answers to claim petitions and other documents with the Court. Non-compliance with time limits set by the Court will result in monetary penalties against either party in the proceeding. Full compliance to these rules became effective June 1, 1975. In order to comply with the new rules, to properly defend agencies in these matters, and to avoid penalty costs to the agencies the Attorney General's office has outlined what information is needed, and when, by their office. That outline is presented in this subpart.

17-9.102b Information Required:

The following must be prepared and submitted to the Attorney General's office by the agencies key personnel:

1. All Personal Injury Reports (L&I-1) filled out as completely as possible and as soon as possible. Injury reports should be submitted whether or not medical information relative to the injury is available at the time of injury.

2. Indicate on the Personal Injury Report the injured employee's gross annual, bi-weekly or weekly salary.

3. A record of the injured employee's lost time as a result of his/her injury within 5 days of the Attorney General's request for same. The Attorney General's office will write to the agency requesting this information when a formal claim petition has been filed by the employee and has been served upon the Attorney General's office.

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Subpart 17-9.102 Information -- Workman's Compensation

17-9.102a Subject:

The Division of Workman's Compensation has promulgated new rules to eliminate delays which have existed in Workman's Compensation formal proceedings. The rules will require strict observance of time limitations for filing answers to claim petitions and other documents with the Court. Non-compliance with time limits set by the Court will result in monetary penalties against either party in the proceeding. Full compliance to these rules became effective June 1, 1975. In order to comply with the new rules, to properly defend agencies in these matters, and to avoid penalty costs to the agencies the Attorney General's office has outlined what information is needed, and when, by their office. That outline is presented in this subpart.

17-9.102b Information Required:

The following must be prepared and submitted to the Attorney General's office by the agencies key personnel:

1. All Personal Injury Reports (L&I-1) filled out as completely as possible and as soon as possible. Injury reports should be submitted whether or not medical information relative to the injury is available at the time of injury.

2. Indicate on the Personal Injury Report the injured employee's gross annual, bi-weekly or weekly salary.

3. A record of the injured employee's lost time as a result of his/her injury within 5 days of the Attorney General's request for same. The Attorney General's office will write to the agency requesting this information when a formal claim petition has been filed by the employee and has been served upon the Attorney General's office.

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17-9.103 Sick Leave Injury Benefits: Procedures at Departmental Leave

17-9.103a Subject:

This subpart sets forth the procedures to be followed by individuals in filing requests for sick leave injury benefits and by appointing authorities in reviewing and passing upon those requests.

17-9.103b Procedures:

1. The employee shall report any injury or illness which s/he claims is the result of or arising from the employment to his/her supervisor at the time the injury/illness occurs or is discovered, or as soon thereafter as possible.

2. Where the employee wishes to receive sick leave injury benefits, s/he shall file a report with the appointing authority on the injury or illness which contains a statement of when, where and how the illness or injury occurred, as well as statements of any witnesses to the incident and copies of existing medical reports on the injury/illness, within 5 days of the injury/illness or as soon thereafter as is possible.

3. The appointing authority shall promptly review the request for sick leave injury benefits and, when it determines that the injury/illness is compensable, forward its recommendation for sick leave injury benefits to the Department of Civil Service for its review. Where the appointing authority determines the injury/illness is not compensable, the appointing authority shall so advise the appellant in writing, listing the reasons for its determination. The appointing authority must complete its review of the request for sick leave injury benefits within 20 days of receipt of that request. Where additional medical reports are necessary, the appointing authority may require that the employee be examined by a physician of its own choice. Where appropriate circumstances exist, extensions of time for reviewing the SLI request may be permitted.

4. When the appointing authority determines not to recommend sick leave injury benefits for the employee, or where the Department of Civil Service notifies the appointing authority that it has denied its request for benefits, the appointing authority shall so advise the employee. The appointing authority shall further advise the employee that this determination may be appealed within twenty days of receipt of notification of denial to:

Civil Service Commission
c/o Division of Administrative
Practices and Labor Relations
215 East State Street
Trenton, New Jersey 08625

5. In arriving at its determination to recommend or deny sick leave injury benefits, the appointing authority shall be governed by the standards established by C.S.P.M. 17-9.104.

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Subpart 17-9.104 Sick Leave Injury Benefits: Standards

17-9.104a Subject:

This Subpart sets forth the standards to be applied in determining whether sick leave injury benefits (SLI) should be granted to an employee. In particular, these standards strictly limit the definition of work relatedness for purposes of determining sick leave injury benefits.

17-9.104b Standards:

1. Causation: The employee's disability must be an injury or illness resulting from, or arising from, the employment.

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

(b.) Pre-existing physical illnesses, diseases or defects aggravated by the employment shall not be compensable where such aggravated injury was a condition of the job that was foreseeable by the employees.

(c.) Psychological or Psychiatric illness shall not be compensable, except where such illness may be traced to a specific work-related accident or occurrence which traumatized the employee, thereby creating the illness, and the claim is supported by medical documentation.

(d.) Illnesses such as heart disorder, not clearly caused by the employment or the work environment are not compensable.

2. Physical Area: Any accident resulting in injury for which the employee seeks compensation must occur on the work premises.

(a.) Work premises shall be defined as the physical area of operation of the employer, e.g. hospital and hospital grounds, building and parking facilities provided by the State for the benefit of its employees, etc.

(b.) The employee shall be compensated for any injury which occurs off the normal work premises while he or she is clearly acting within the scope of the employment.

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3. Time: For an injury to be compensable, it must occur during the employee's normal working hours or during approved overtime hours.

4. Burden of proof: In all cases, the burden of proof is on the employee.

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17-9.105 Sick Leave Injury Benefits: Appeal Procedures

17-9.105a Subject:

This subpart will detail the procedures to be followed where denial of sick leave injury benefits is appealed by the employee, or where either the employee or the appointing authority appeals the disapproval by the Department of Civil Service of the employer's recommendation that sick leave injury benefits be granted.

17-9.105b Appeal rights

An employee may appeal the denial of sick leave injury benefits by his/her appointing authority to the Civil Service Commission within 20 days of notification of the denial. Either the appointing authority or the employee may appeal the disapproval of sick leave injury benefits by the Department of Civil Service to the Civil Service Commission through the Division of Administrative Practices and Labor Relations within 20 days of final notification of denial. Appeals should be sent to:

Department of Civil Service
Division of Administrative Practices
and Labor Relations
215 East State Street
Trenton, New Jersey 08625

17-9.105c Procedures:

1. Letters of appeal must contain detailed background information on the incident causing the injury or illness, including the relationship of the injury or illness to the employee's job, the nature and extent of the injury of illness, supporting documentation including doctors' certificates and other medical records, time off from work as a result of the injury or illness, the specific relief sought, statements of witness to the injury and a copy of the formal notice of denial or disapproval.

2. All parties shall be notified by letter that the matter is being treated as a sick leave injury appeal, and that the opportunity to inspect and supplement the file is available for a period of 20 days following receipt of that letter.

3. The appointing authority shall be required to submit all information used to arrive at its recommendation within 20 days of notification that an appeal is being processed, including the following:

(a) All Personal Injury Reports.

(b) A record of the injured employee's lost time.

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(c) An explanation of the incident, in detail.

(d) An explanation of why the appointing authority determined the incident was not related to work.

(e) Any doctor's certificates which were submitted.

(f) Any statements from doctors on job relatedness.

4. Upon receipt of the preceding information, the Chief Examiner and Secretary will either:

(a) Forward the appeal to the Civil Service Commission for a review of the written record to determine the job relatedness and compensability of the injury, or

(b) Where a dispute of material fact is present, forward the appeal to the Civil Service Commission recommending a hearing, or

(c) Where it is necessary to determine the probable extent of the injury and its cause, schedule a review before the Civil Service Medical Examiners Board.

1) The appellant will be notified of the review date. Any necessary additional physical examinations will be conducted by a member of the Board prior to the time of the review. In cases where the Civil Service Medical Examiners Board determines that additional medical examinations or laboratory tests are required, the member of the Board examining the appellant may authorize such tests. The cost of such tests shall be absorbed by the Department of Civil Service.

2) The Report and Recommendation of the Civil Service Medical Examiners Board will be submitted within 10 days after the review.

3) Copies of the report and recommendation will be forwarded to the appellant and the appointing authority.

4) Exceptions may be filed within 10 days of receipt of the Report and Recommendation.

5) The Report and Recommendation and any exceptions filed will be submitted to the Civil Service Commission for review and final administrative determination.

17-9.105d Burden of Proof

The burden shall be on the appellant to show by a prepondernace of the evidence that denial of sick leave injury benefits for the injury or illness in question was improper.

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PART 17-10 LEAVE BENEFITS OF PART-TIME EMPLOYEES

Subpart 17-10.101 Vacation Leave for Employees Employed on a Part-Time Basis

17-10.101a Subject:

This subpart will describe the extent to which part-time employees will be permitted to accrue vacation leave.

17-10.101b Definition:

"Part-time employee" means an employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

17-10.101c Regulation:

Temporary, provisional, and permanent part-time employees who meet the definition as set forth in 101b and accordingly are in the classified service shall be granted vacation leave credit on a proportionate basis. (See attached chart for computation guide.)

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VACATION CREDITS

Prorated

Percentage of Full-Time Hours	8 Hours/Day Position (Hours/Month)	12 Days/Year (1-5 Years) (Hours/Year)	15 Days/Year (5-12 Years) (Hours/Year)	20 Days/Year (12-20 Years) (Hours/Year)	25 Days/Year (20 Years +) (Hours/Year)
20	1.60	19	24	32	40
25	2.00	24	30	40	50
30	2.40	29	36	48	60
40	3.20	38.5	48	64	80
50	4.00	48	60	80	100
60	4.80	57.5	72	96	120
70	5.60	67	84	112	140
75	6.00	72	90	120	150
80	6.40	77	96	128	160
90	7.20	86.5	108	144	180

EXAMPLE: If a part-time employee works 40% of the normal 8 hour per day position (40 hours per week), that person should be credited with vacation credit at the rate of 3.2 hours per month. For the first 5 years this would be a total of 38.5 hours vacation credit per year.

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VACATION CREDITS

Prorated

Percentage of full-time Hours	7 Hours/Day Position	12 Days/Year (1-5 Years)	15 Days/Year (5-12 Years)	20 Days/Year (12-20 Years)	25 Days/Year (20 Years +)
	(Hours/Month)	(Hours/Year)	(Hours/Year)	(Hours/Year)	(Hours/Year)
20	1.40	17	21	28	35
25	1.75	21	26	35	44
30	2.10	25	31.5	42	52.5
40	2.80	33.5	42	56	70
50	3.50	42	52.5	70	87.5
60	4.20	50.5	63	84	105
70	4.90	59	73.5	98	122.5
75	5.25	63	79	105	131
80	5.60	67	84	112	140
90	6.30	75.5	94.5	126	157.5

EXAMPLE: If a part-time employee works 40% of the normal 7 hour per day position (35 hours per week), that person should be credited with vacation credit at the rate of 2.8 hours per month. For the first 5 years this would be a total of 33.5 hours vacation credit per year.

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PART 17-16 AMOUNT OF SICK LEAVE (STATE SERVICE)

Subpart 17-16.101 Sick Leave for Employees Who Might Not Return to Work From an Illness

17-16.101a Subject:

This subpart will govern the use of accrued sick leave by employees having an illness that makes their return to work appear unlikely.

17-16.101b Limitations:

There is no limitation on the proper use of sick days by employees who have accrued them under the provisions of Civil Service Law and Rules, except that when an employee resigns or is retired his use of sick leave must terminate at that time.

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Subpart 17-16.102 Sick Leave for Employees Employed on a Part-Time Basis

17-16.102a Subject:

This subpart will describe the extent to which part-time employees will be permitted to accrue sick leave.

17-16.102b Definition:

"Part-time employee" means any employee who, by arrangement regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

17-16.102c Regulation:

Temporary, provisional, and permanent part-time employees who meet the definition as set forth in 102b and accordingly are in the classified service shall be granted sick leave credit on a proportionate basis. (See attached chart for computation guide.)

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SICK TIME CREDITS

Prorated for 1 day per month and 1¼ days per month

Percentage of Full-Time Position	8 Hours/Day Position	12 Days/Year (1st Year)	15 Days/Year	7 Hours/Day Position	12 Days/Year (1st Year)	15 Days/Year
	(Hours/Month)	(Hours/Year)	(Hours/Year)	(Hours/Month)	(Hours/Year)	(Hours/Year)
20	1.60	19	24	1.40	17	21
25	2.00	24	30	1.75	21	26
30	2.40	29	36	2.10	25	31.5
40	3.20	38.5	48	2.80	33.5	42
50	4.00	48	60	3.50	42	52.5
60	4.80	57.5	72	4.20	50.5	63
70	5.60	67	84	4.90	59	73.5
75	6.00	72	90	5.25	63	79
80	6.40	77	96	5.60	67	84
90	7.20	86.5	108	6.30	75.5	94.5

EXAMPLE: If a part-time employee works 40% of the normal 8 hour per day position (40 hours per week), that person should be credited with sick leave at the rate of 3.2 hours per month. For every month of the first calendar year of employment this would be a total of 38.5 hours sick leave credit. For every year thereafter, a total of 48 hours per year should be credited.

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Subpart 17-16.102 Sick Leave for Permanent Employees Employed on a Part-Time Basis

17-16.102a Subject:

This subpart will describe the extent to which part-time permanent employees will be permitted to accrue sick leave.

17-16.102b Accrual of Leave:

All permanent employees employed on a part-time basis shall accrue sick leave credit on a proportionate basis.

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PART 17-21 ACCUMULATION OF CREDITS

Subpart 17-21.101 Liability For Leave Credits Taken In Excess Of Statutory Guidelines

17-21.101a Subject:

This subpart is issued to advise of circumstances when an employee is liable for leave credits taken in excess of statutory guidelines. This subpart was initiated by the Office of Fiscal Affairs audits. The Department of Civil Service is responding to the results of those audits with this subpart, clarifying the extent to which reimbursement is required.

17-21.101b Liability:

There are basically two circumstances under which an employee could be liable for leave credits. The first is when an employee leaves the classified State Service before the end of the year and has taken the full year's allowance of sick and vacation leave credits. The other circumstance is when an employee has used the full year's allowance of sick and vacation leave awarded and then goes on leave without pay.

17-21.101c Application:

While both sick leave and vacation leave are not earned on a month-by-month basis, leave is granted based on a full year's service. When a classified employee does not work the full year but has taken the full year's service credits, sick and vacation leave must be pro-rated on a month-by-month basis to determine the amount of leave to which the employee is statutorily entitled.

When an employee leaves State Service that employee is liable for and must reimburse the appointing authority for the difference between the prorated leave award and the yearly leave award. If the employee does not reimburse, the appointing authority may recover through normal legal process.

In instances where an employee has used all the current year's sick and vacation leave award and then goes on leave without pay (in accordance with N.J.A.C. 4:1-17.21 leave credits shall not accrue while an employee is on any leave without pay, except military service) the employee is liable for the difference between the prorated leave award and the yearly award.

EXAMPLES:

1. An employee leaves the State Service in August of the second calendar year of service. This employee had used all vacation and sick leave credits awarded for the year -- 12 vacation days and 15 sick days.

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17-21.101c (cont'd)

Since this employee did not complete the calendar year, leave credits must be prorated. To determine liability the appointing authority would subtract 10 days' sick leave (1 1/4 days per month) and 8 days vacation leave (1 day per month) from the yearly award. The employee is liable for and must reimburse the appointing authority for the difference -- 5 days' sick leave and 4 days' vacation leave.

2. An employee is granted a leave without pay for 2 months. This employee has been awarded 15 days sick leave and 12 days vacation leave (1-5 years of service) at the beginning of the calendar year. To determine liability the appointing authority would deduct 12 1/2 days' sick leave (1 1/4 days per month) and 10 days' vacation leave (1 day per month) from the yearly award. The employee is liable for the difference -- 2 1/2 days' sick leave and 2 days' vacation leave. The employee must reimburse the appointing authority for this time.

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Series 18

Hours of Work

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PART 18-1 HOURS OF WORK

Subpart 18-1.101 Inclement Weather Emergency Policy

18-1.101a Policy:

The Governor or his designee shall determine if emergency procedures due to inclement weather shall be implemented. This determination applies to all departments, agencies and institutions. Emergency procedures may be early release of employees, closings and late openings.

18-1.101b Notification of Decision:

Designated representatives of the Governor or President of the Civil Service Commission shall notify all department heads of a determination to implement emergency procedures.

18-1.101c Agency Responsibility:

Each State department, agency or institution shall be responsible for developing internal emergency procedures. Internal emergency procedures must include:

1. the maintenance of essential services;

2. notification of field offices;

3. notification of clientele through radio, television or other media. (i.e., notifying the public that Motor Vehicle Stations will be closing or that State Colleges will be closing.)

4. the designation of a coordinator to:

   a) receive inclement weather early closing determinations

   b) communicate instructions to a descending chain of command in order to insure that all department employees are notified of the early release

   c) forward to the Governor's Press Office information concerning regionalized openings/closings, etc...

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In order to equitably administer these procedures, each department, agency or institution should insure that those employees who, due to the need for maintaining essential services, are not released early or must report to work during an inclement weather emergency will be given priority for early release or not to report for work during the next emergency.

Employees will be notified through inserts in their payroll checks of appropriate telephone numbers to call and the radio stations which will broadcast information about State emergency procedures.

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PART 18-1 HOURS OF WORK

Subpart 18-1.101 Snow Emergency Policy

18-1.101a Policy:

It has been determined the decision concerning the existence of a snow emergency requiring the early release of employees shall be made by the Chief Examiner and Secretary as advised by a formal committee. That committee is composed of the Governor, the President of the Civil Service Commission, and the State Treasurer, or their designees. The Chief Examiner and Secretary has been assigned the responsibility of determining the extent of the weather conditions through consultation with the New Jersey Department of Transportation and deciding if an early release of employees is in order. Resulting determinations shall apply to all departments, agencies and institutions of this State.

18-1.101b Notification of Decision:

The Chief Examiner and Secretary will notify Cabinet officials, through State agency personnel officers, of any decision to release employees early on days when a snow emergency exists.

18-1.101c Individual Agency Responsibility:

Each State department or agency shall be responsible for developing internal policy regarding early release. Internal policies must define:

1. essential services which must be maintained during a weather emergency;

2. a procedure for notifying field offices;

3. a system of notifying clientele through radio, television or other media. (i.e., notifying the public that Motor Vehicle Stations will be closing or that State Colleges will be closing.)

In order to equitably administer this policy, each department or agency should insure where operationally feasible that those employees who, due to the need for maintaining essential services, are not released early during a particular snow emergency will be given priority for early release during the next emergency.

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PART 18-3 HOLIDAY LEAVE -- PART-TIME EMPLOYEES

Subpart 18-3.101 Holiday Leave for Employees Employed on a Part-Time Basis

18-3.101a Subject:

This subpart will describe the extent to which part-time employees will be permitted Holiday Leave.

18-3.101b Definition:

"Part-time employee" means any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

18-3.101c Regulation:

Temporary, provisional, and permanent part-time employees who meet the definition as set forth in 101b and accordingly are in the classified service shall be granted holiday leave credit on a proportionate basis.

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Holiday Leave Credits

Prorated

Percentage of Full Time Position	8 Hours/Day Position (Hours/Month)	7 Hours/Day Position (Hours/Month)
20	1.60	1.40
25	2.00	1.75
30	2.40	2.10
40	3.20	2.80
50	4.00	3.50
60	4.80	4.20
70	5.60	4.90
75	6.00	5.25
80	6.40	5.60
90	7.20	6.30

To calculate Holiday Leave Credits for the year, multiply the appropriate "Hours/Month" figure times the number of Holiday days in the year. To round off tenths of a number the following guide should be used: .1 to .3 should be dropped, .4 to .6 should be .5, and .7 to .9 increase to the next whole number.

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PART 18-3 HOLIDAYS (STATE SERVICE)

Subpart 18-3.101 Holiday Time For Permanent Part-Time Employees

18-3.101a Subject:

This subpart provides for proportionate holiday credit for permanent part-time employees, as authorized by Overtime Regulations. (See Subpart 7-4.101).

18-3.101b Procedure:

Permanent part-time employees shall receive holiday time allowance on a proportionate basis. In addition, when assigned to work on a legal holiday or special holiday declared by the Governor, these employees will earn compensable overtime at the rate of 1 1/2 hours for each hour worked; this will be in addition to the normal credit due for the holiday.

18-3.101c Application:

This policy shall apply to employees in those classes of part-time positions where the work schedule is consistently regular and controllable and the nature of work lends itself to the establishment of a specific work week or standard for the class. These classes are considered to have "regular" work hours.

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Subpart 18-3.102 Personal Preference Days

18-3.102a Subject:

This subpart will authorize the selection of "personal preference days" as may be prescribed in a collective negotiation agreement.

18-3.102b Regulations:

1. All eligible employees shall be entitled to select personal preference days in lieu of regularly scheduled holidays as may be provided by their respective collective negotiation agreement.

2. The terms and conditions set forth in the respective collective negotiation agreements shall govern the selection of such days.

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Subpart 18-3.103 Holiday Pay Practice

18-3.103a Subject:

This subpart provides for conditions under which employees in the classified service shall receive pay credit for holidays.

18-3.103b Procedure:

If an employee in the classified service is in pay status the working day immediately preceding a holiday, he/she shall receive pay credit for the holiday.

All temporary, provisional and permanent part-time employees in the State classified service who regularly work a constant percentage of the regular and normal work week in a class or for an agency, and who are paid a percentage of an annual salary for the title in which such employees work or are paid at an hourly rate, shall receive pay credit for the holiday on a proportionate basis provided their work schedule would have included work time on that holiday.

18-3.103c Exceptions:

(1) In those cases where an employee reverts to pay status from a leave without pay the working day immediately preceding the holiday, credit shall not be given except when the return is final.

(2) When an employee retires or is otherwise separated from the state service on the working day immediately preceding the holiday, he/she shall not receive credit for that holiday; that is, if an employee's last day of pay status occurs on the working day immediately preceding the holiday, he/she cannot have his separation date designated on that holiday.

(3) Casual or Special Services employees are not entitled to holiday pay credit.

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PART 18-4 DUAL EMPLOYMENT

Subpart 18-4.101 Dual Office Holding

18-4.101a Subject:

This subpart describes the required payroll auditing procedures when dual office holding is found to exist.

18-4.101b Requirements:

When instances of the concurrent holding of public office and public employment are found to exist the payroll item for the employee in question will be recorded and the Civil Service Department shall advise the appointing authorities that the recording of the payroll item in question does not grant authority for the continued concurrent holding of public office and public employment. The determination as to whether such dual office holding constitutes a conflict of interest is beyond the jurisdiction of the Civil Service Commission.

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Subpart 18-4.102 Information -- Dual State Office Holding

18-4.102a Subject:

This subpart is issued to advise of the Attorney General's formal opinion on whether the Conflict of Interest Act prohibits a State Officer or employee from holding or being employed in a separate State office or position at the same time.

18-4.102b Attorney General's Formal Opinion No. 18 - 1976 (dated June 21, 1976):

"You have asked for our opinion as to whether the Conflicts of Interest Act prohibits a State officer or employee from holding or being employed in a separate State office or position at the same time. For the following reasons, you are advised that such dual State employment or officeholding is not proscribed by the Conflict of Interest Act. However, dual State officeholding may be regulated by the respective departments of State government when it is deemed that such officeholding might reasonably be expected to impair the objectivity and independence of the State employee in the exercise of his or her primary job responsibilities.

"The subject of dual employment is extensively treated by the New Jersey Constitution, common law, and various statutes. See N.J. Const., Art. IV, § 5, par. 1, 3, 5 and Art. VI, § 6, par. 7; N.J.S.A. 19:3-5; N.J.S.A. 40A:9-4; N.J.S.A. 52:37B-69.1. See also N.J.A.C. 4:1-18.4. Except for certain specific proscriptions contained in the Constitution or statutes, there is no absolute bar to dual employment. Such employment is proscribed only where the duties of two positions are incompatible, inviting the incumbent to prefer one obligation to another. E.g., Kaufman v. Pannuccio, 121 N.J. Super. 27 (App. Div. 1972), certif, den. 62 N.J. 192 (1973). Indeed, the Legislature has, in the area of municipal government, specifically permitted dual employment of an elective county office and an elective municipal office and of a legislative office and nonelective or appointive office or position in the county or municipal government. N.J.S.A. 40A:9-4.

"The Conflicts of Interest Act, however, predominently concerns the regulation and control of the activities of legislators, State officials and employees in their private business and commercial contractual dealings with the State. See generally 1969 Report of Legislative Commission on Conflicts of Interest. For instance, N.J.S.A. 52:13D-15 prohibits a legislator, State officer or employee from participating on behalf of any party other than the State in negotiations for the acquisition or sale of State property. Similarly, N.J.S.A. 52:13D-16 generally prohibits a legislator, State officer or employee from representing any

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18-4.102b (cont'd)

party other than the State in proceedings before various State agencies. N.J.S.A. 52:13D-17 proscribes representation by a former State officer or employee involving matters in which the officer or employee was directly involved in during his State service. In like vein, N.J.S.A. 62:13D-20 proscribes the representation by a legislator, State officer or employee on behalf of the State for the transaction of any business with himself or a corporation of which he has an interest. It is thus apparent that the controls and proscriptions contained in the Conflicts of Interest Act are far removed from the area of dual public employment. Rather, the entire thrust of the Act is directed towards private business and commerical dealings with the State.

"Nonetheless, it has been suggested that the restrictions contained in N.J.S.A. 52:13D-19 on obtaining contracts awarded by the State extend to and prohibit dual State employment.* This suggestion ignores the plain fact that the entire tenor of that provision, as the tenor of the Act itself, is directed towards dealings and negotiations with the State for contracts or agreements to supply the State with either commercial, business or the personal services of a person acting in his private capacity. Initially, this is indicated by the nature of the exceptions enacted to the general prohibition concerning contracts let by competitive bidding. The legislative preoccupation with contracts or agreements awarded through the competitive bidding process is indicative of an intention to deal with those contracts traditionally and normally associated

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* N.J.S.A. 52:13D-19 provides in pertinent part:
'No member of the Legislature or State officer or employee shall . . . undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of $25.00 or more, made, entered into, awarded or granted by any State agency; provided, however, that the provisions of this section shall not apply to (a) purchases, contracts, agreements or sales which (1) are made or let after public notice and competitive binding or which (2), pursuant to...[law], may be made, negotiated or awarded without public advertising or bids, or (b) any contract or insurance entered into by the Director of the Division of Purchase and Property ....'

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18-4.102b (cont'd)

with the competitive bidding process, i.e., contracts for equipment, supplies, public works and buildings. See N.J.S.A. 2A:135-6; N.J.S.A. 40A:11-3. Moreover, the legislative reference in N.J.S.A. 52:13D-19 to "partners," "corporations" and "to undertake to execute" are terms normally associated with the typical business or commercial contract. In contrast, State officeholding or employment situations are not normally considered contractual in nature. The indicia of public service is essentially governed by statute and is considered sui generis. Adams v. Mayor and Common Council of City of Plainfield, 109 N.J.L. 282 (Sup. Ct. 1932), aff'd 110 N.J.L. 377 (E.&A. 1933).

"Any remaining doubts that the Conflicts of Interest Act does not impose a general proscription on dual State officeholding or employment must be resolved in light of the traditional rule of statutory construction that statutes should be construed to substantially conform to the Legislature's intent and to avoid unreasonable results. County of Monmouth v. Wissel, 68 N.J. 35, 42 (1975). A construction of the Act which would draw dual State employment within the parameters of its general proscriptions would simply not be consistent with its primary purpose, i.e., to regulate and control the narrow area of private business and commerical relationships with the State by legislators, State officers and employees. Moreover, the consequences of such an interpretation would produce substantial hardships for many State employees in situations which are far removed from the Act's essential objectives. Surely, it cannot be suggested that the Legislature intended, for example, the harsh result of prohibiting a maintenance worker for the Department of Transportation earning $6500 a year from also being employed on a different shift as a maintenance worker in the Department of Environmental Protection earning a similar salary. Yet, this is precisely the type of dual State employment which would be prohibited under a contrary interpretation of the Conflicts of Interest Act.

"It is thus apparent that the literal terms of the Conflicts of Interest Act and its underlying policy are not indicative of a legislative purpose to deal substantially with dual State officeholding or employment situations and to alter the general body of law on dual employment. However, consistent with that body of law the Act does recognize that, through departmental codes of ethics, State officers or employees should not act in their official capacity in any matter involving a direct or indirect financial interest which "might reasonably be expected to impair his objectivity or independence of judgment." N.J.S.A. 52:13D-23(e)(5). Through this provision, dual officeholding or employment could be precluded where it tends to impair the ob-

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jectivity of a particular office or employee.

"In light of the foregoing, it is our opinion that the Conflicts of Interest Act does not impose an absolute bar to dual State officeholding or employment. The departments of State government, however, are free to regulate dual officeholding in instances where it may be expected to impair the objectivity and independence of the State officer or employee in the exercise of his or her primary job responsibilities."

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Series 19

Payroll Certification

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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Series 20

Peformance Evaluation and Employee Training

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 20-1 PERFORMANCE EVALUATION SYSTEM

Subpart 20-1.101 Employee Performance Evaluation and Improvement System Regulations

20-1.101a Subject:

This subpart describes the regulations of the Department of Civil Service for the keeping of performance evaluation records, establishment of standards of performance for employees in the classified service and a system of performance evaluation based on these standards as referred to in N.J.A.C. 4:1-20.1 through .4 and established pursuant to N.J.S.A. 11:13-1.

20-1.101b Purpose:

The primary objective of this system is to foster improvement in the setting and attainment of goals in state agencies through the improved performance and participation of individual employees.

The purpose of the system is to help the employee, whether the individual be a supervisor or subordinate, to improve performance on the present job, now and in the future.

20-1.101c Categories of Performance:

Final overall evaluations of performance shall fall into one of the following categories:

(1) Unsatisfactory - Inadequate or deficient in the achievement and/or discharge of duties when the job is viewed as a whole based on mutually agreed upon standards formulated at the beginning of the evaluation period.

(2) Satisfactory - Adequate achievement of results; appropriate discharge of obligations, duties, tasks, and requirements of the job as mutually agreed upon at the beginning of the evaluation period; overall fulfillment of supervisory expectations when the job is viewed as a whole.

(3) Outstanding - Continuous record of achievement and service of such a noticeable and obvious nature that it substantially stands out above satisfactory performance when the job is viewed as a whole.

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20-1.101d Procedure:

Employee Performance Evaluation and the setting of Improvement Goals will be the mutual activity of the employee and the supervisor. In order to develop skills and abilities necessary to carry out this activity, all supervisors will undergo the supervisory training which will cover the philosophy, techniques, rules and procedures of the Employee Performance Evaluation and Improvement System necessary to effectively implement EPEIS at their respective agencies. The effects of this training on the implementation of EPEIS will be monitored by the Department of Civil Service. Other employees shall undergo an orientation program in their Agency's Performance Evaluation and Improvement System and Grievance Procedure. The Agency will be the final authority in determining who is to be considered a "supervisor" for the purposes of its system.

1. Standards For Forms

Each agency, with the assistance and approval of the Department of Civil Service, shall prepare Employee Performance Evaluation and Improvement forms tailored to the needs of the individual agency and its different classes of positions. Forms must be consistent with guidelines listed below. Forms for job classes that cross agency lines must be comparable. The Civil Service Department will assist agencies when this problem occurs.

There shall be two (2) forms: One for employee's perform-

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20-1.101d Procedure:

Employee Performance Evaluation and the setting of Improvement Goals will be the mutual activity of the employee and the supervisor. In order to develop skills and abilities necessary to carry out this activity, all supervisors will undergo training that will cover the philosophy, techniques, rules and procedures of the Employee Performance Evaluation and Improvement System. All managers and supervisors (classified and unclassified who rate classified employees) shall receive at least eighteen (18) hours of training in philosophy, goals, and methods of their Agency Employee Performance Evaluation and Improvement System. Employees shall undergo an orientation program in their Agency's Performance Evaluation and Improvement System and Grievance Procedure. The Agency will be final authority in determining who is to be considered a "supervisor" for the purposes of its system.

1. Standards For Forms

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20-1.10ld (cont'd)

fact that he or she gave the subordinate a written record of the prescribed conferences as set forth in Section 20-1.10ld3.

(d) All salary forms shall provide for the signatures of the evaluator and a reviewer who may be either the evaluator's supervisor or any member(s) of the agency so designated by the agency head.

2. Evaluation Periods And Schedule

(a) Evaluation shall be made and improvement goals set at least annually. If evaluations are made more than once a year because of different assignments, change in improvement goals, etc. the employee's annual evaluation shall be the proration of these evaluations.

(b) In cases of reassignments and transfers within the agency during the employee's annual evaluation period, the employee shall be evaluated by all of the immediate supervisors for the annual period and the final rating shall be determined by the proration of all evaluations.

(c) In cases of inter-agency transfers during the annual evaluation period, the employee will be evaluated by the former supervisor at the time of his or her transfer and a copy of the evaluation will be forwarded attached to the CS-22 form, to the employee's new agency. At the end of the annual evaluation period the current supervisor will evaluate the employee and the rating for the annual period will be determined by the proration of the evaluations.

(d) It is essential that unit and agency summaries of employees performance be completed on schedule. Salary checks of individual supervisors within the agency as identified by the agency's Personnel Office will be held or, if warranted, salary increases may be delayed by whole unit or agency depending upon circumstances until evaluations are made and improvement goals set.

(e) Performance improvement goals and actions, evaluations and summaries are to be completed in accordance with the schedule printed in the chart serving as a supplement to this Subpart.

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20-1.101d (cont'd)

3. Employee Participation And Notification

(a) Each employee shall be notified of the rating determined for him or her and given an opportunity to participate in formulating performance standards and improvement goals for the next appropriate period as determined by the schedule supplementing this subpart.

(b) Each supervisor shall have a conference with the employee at least every six months to advise the individual of his or her progress during the respective rating period. However, where the performance of an employee is unsatisfactory the supervisor will confer with such employee at least once every three months and in doing such shall set forth the deficiencies noted during the respective evaluation period and accordingly the improvement goals required to achieve satisfactory or better performance.

A written record of the above prescribed conferences shall be made and a copy given to the employee.

(c) If mutual agreement on standards and improvement goals cannot be reached, the areas of disagreement may be submitted as a grievance by the aggrieved employee for consideration through the agency grievance procedure as provided in N.J.A.C. 4:1-23.2 and Subpart 23-2.101, Civil Service Personnel Manual (State Service).

(d) The employee and the supervisor should both have copies of the performance description and agreement on performance standards and improvement goals.

4. Appeals

(a) Employees may only appeal adverse actions (i.e., unsatisfactory rating) caused by the evaluation of their performance.

(b) An appeal from an adverse action resulting from the evaluation of employee's performance must be made within ten (10) working days of notification of the "unsatisfactory" rating. Appeals on adverse Performance Evaluations shall be ameliorated within the agency through its Grievance Procedure. Copies of the findings and actions taken on the grievance shall be presented in writing to the Agency Head, appellant and the Civil Service Department.

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20-1.101d (cont'd)

(c) The Civil Service Commission will not hear appeals of employees on Employee Performance Evaluation Ratings. However, the Commission reserves the right granted to it in grievances by N.J.A.C. 4:1-23.6 " ... review, on its own motion cases which the Commission considers of such importance as to warrant hearing by it or designated members. In such cases the Commission's decision shall be final."

(d) If the rating is a primary or contributing factor in future adverse action (i.e., demotion, separation, etc.) the individual employee still retains all rights to formal hearings as provided by N.J.A.C. 4:1-5.1 through .15. Only the rating itself rather than the validity of the Supervisor's deliberation in arriving at the particular rating will be considered by the Commission when weighing a rating as a factor in appealable actions.

5. Salary Increases

(a) Employees who are eligible and whose performance is satisfactory shall receive a normal increment.

(b) Any employee who receives an "unsatisfactory" performance evaluation rating shall not receive an increment during the next annual evaluation period, except those employees whose performance improves to a level which warrants the granting of a normal merit increment shall be eligible to receive such increment subject to the conditions as set forth in Subpart 20-1.104 of the Civil Service Personnel Manual (State Service).

6. Retention of Records

Performance Certification and Salary Increase Recommendation forms (CS-85) must be retained along with performance evaluation records and data for a period of two (2) years; thereafter, only summary records need be maintained. Records may not be changed except through the appeal process.

7. Performance Evaluation may be used:

(a) As a method in determining eligibility and selection for incentive awards;

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20-1.10ld (cont'd)

(b) As a factor in determining order of layoff as provided for in N.J.A.C. 4:1-16.3;

(c) As a means of identifying employees in the classified service, who, by reason of their unsatisfactory service, should be demoted, removed or subject to other disciplinary action as provided in N.J.A.C. 4:1-16.9;

(d) As a factor in promotional tests as provided by N.J.A.C. 4:1-9.5; and

(e) As a selection device for eligibility and assignment for Training and Development Programs. Agencies are encouraged to utilize "outstanding" ratings as criteria in selecting employees for intern and exchange type programs provided the agency publicizes that such programs are available to personnel attaining such ratings and the classes of employment eligible.

20-1.10le Application:

The Employee Performance Evaluation and Improvement System covers all permanent, provisional, and temporary officers and employees in the State Classified Service whether full or part-time.

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EMPLOYEE PERFORMANCE EVALUATION AND IMPROVEMENT SCHEDULE

SUPPLEMENTING SUBPART 20-1.101
ANNIVERSARY DATE METHOD

(Read from top to bottom)

JULY	OCTOBER	JANUARY	APRIL
If the employee's anniversary date is July	If the employee's anniversary date is October	If the employee's anniversary date is January	If the employee's anniversary date is April
The period of evaluation is from May 1 through the following April 30	The period of evaluation is from August 1 through the following July 31	The period of evaluation is from November 1 through the following October 31	The period of evaluation is from February 1 through the following January 31
The Evaluation must be made and Improvement Actions & Goals decided upon by the end of the second week in May	The Evaluation must be made and Improvement Actions & Goals decided upon by the end of the second week in August	The Evaluation must be made and Improvement Actions & Goals decided upon by the end of the second week in November	The Evaluation must be made and Improvement Actions & Goals decided upon by the end of the second week in February
The Certification of Performance Summary must be received by Civil Service on the last working day in May	The Certification of Performance Summary must be received by Civil Service on the last working day in August	The Certification of Performance Summary must be received by Civil Service on the last working day in November	The Certification of Performance Summary must be received by Civil Service on the last working day in February

New Jersey Department of Civil Service

issued: 5/20/71

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EMPLOYEE PERFORMANCE EVALUATION AND IMPROVEMENT SCHEDULE

SUPPLEMENTING SUBPART 20-1.101

ANNIVERSARY DATE METHOD

(Read from top to bottom)

SEPTEMBER	FEBRUARY
If the employee's anniversary date is September	If the employee's anniversary date is February
The period of evaluation is from July 1 through the following June 30	The period of evaluation is from December 1 through the following November 30
The Evaluation must be made and Improvement Actions and Goals decided upon by the end of the second week in July	The Evaluation must be made and Improvement Actions and Goals decided upon by the end of the second week in December
The Certification of Performance Summary must be received by Civil Service on the last working day in July	The Certification of Performance Summary must be received by Civil Service on the last working day in December

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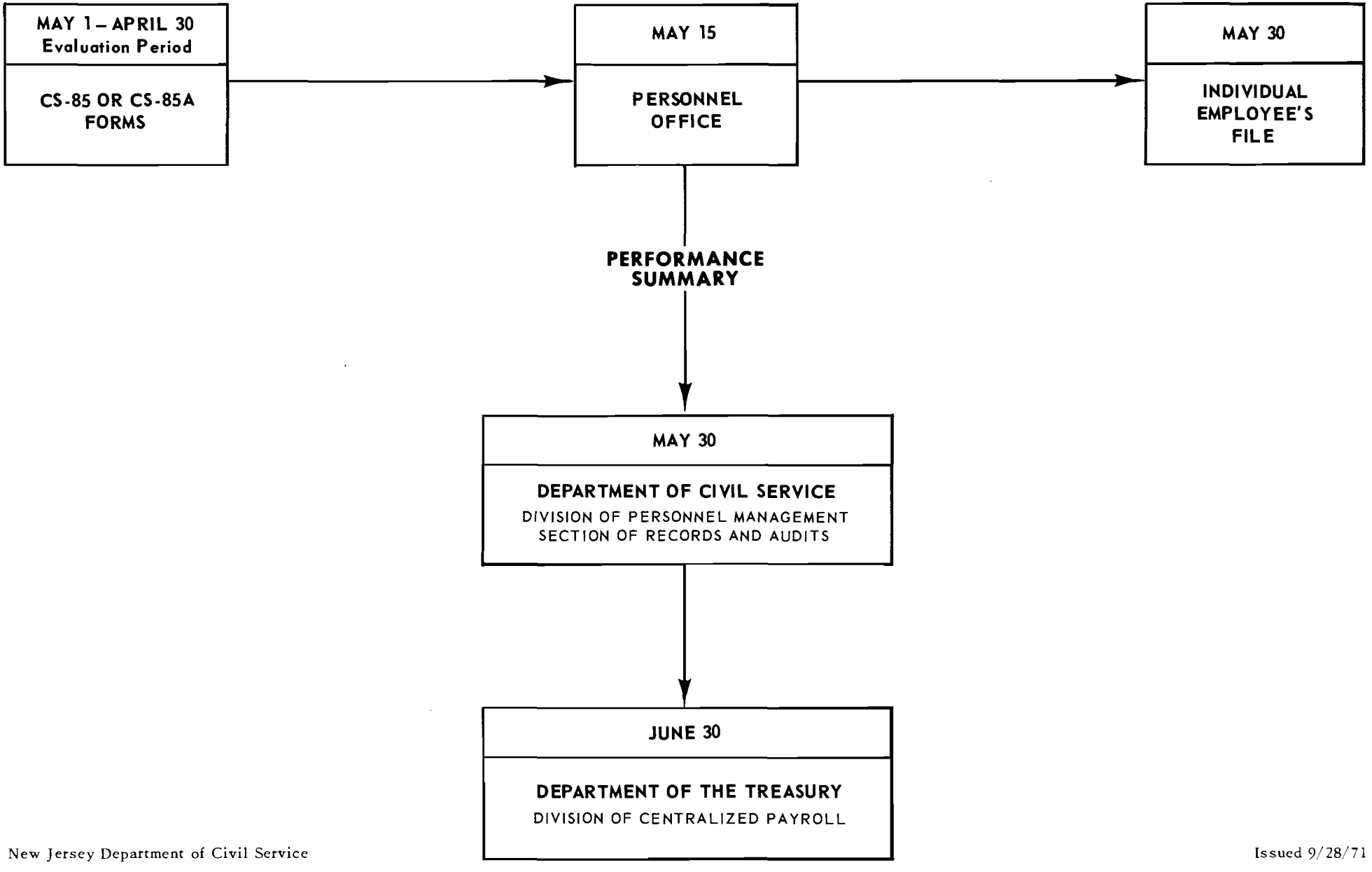
How to Process Increments Under EPEIS

Example: July 1 Anniversary Date



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Subpart 20-1.102 Processing Of Increments Under The Employee Performance Evaluation and Improvement System (EPEIS)

20-1.102a Subject:

This subpart describes the regulations of the Department of Civil Service for processing of Performance Certification and Salary Increase Recommendations (Form CS-85 and CS-85A).

20-1.102b Procedure:

The granting and verification of salary increments under the Employee Performance Evaluation and Improvement System shall be accomplished by the following procedure:

1. For an employee in the classified service, the supervisor will have two weeks at the end of the employee's evaluation period to submit a completed CS-85 form to the Personnel Office in the Department. The supervisor of an employee in the unclassified service will submit 45 days before an employee's anniversary date a completed CS-85A form to the Personnel Office.

2. Within two weeks after receiving the CS-85 or CS-85A forms the Personnel Office will send these forms to their departmental files where they will become a part of the employee's permanent records.

3. Not later than the last working day of the month following the end of the employee's evaluation period, all State Personnel Offices will submit a Performance Summary to the Department of Civil Service, Division of Personnel Management, Payroll Auditing Section listing by payroll number, social security number and name:

a. All employees in the classified service who have been rated "unsatisfactory" and who thereby will be denied salary increments;

b. All employees in the unclassified service to whom the appointing authority does not want to grant a salary increase;

c. All supervisors who have failed to complete CS-85 and/or CS-85A forms for their employees within the prescribed period.

4. The Division of Personnel Management, Payroll Auditing Section will:

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20-1.102b (cont'd)

a. Delete all unsatisfactory personnel from the increment roster; and

b. Forward to the Chief Examiner and Secretary a listing of all supervisors who have failed to complete an annual performance certification and salary increase form (CS-85 and/or CS-85A) on each of their subordinates.

5. The Chief Examiner and Secretary will recommend to the President of the Civil Service Commission the necessary measures to be taken, including withholding payroll certification of these supervisors, to assure compliance with these regulations.

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Subpart 20-1.103 EPEIS Program: Regulations For Determining Whether An Employee Is Step 8 Or Step 4 For Purposes Of Awarding Salary Range Increments

20-1.103a Subject:

This subpart contains the regulations of the Department of Civil Service for determining whether an employee, is Step 8 or Step 4, effective June 26, 1971.

20-1.103b Definitions:

1. Step 4 designation means that attainment of salary increments beyond Step 4 (mid-point) of the range requires an outstanding EPEIS rating. Employees originally hired on or after June 26, 1971, are designated Step 4. (See Subpart 20-1.101).

2. Step 8 designation means that salary increments in the assigned range are based on a satisfactory EPEIS rating. Employees originally hired before June 26, 1971, and continuously employed since that date are designated Step 8.

20-1.103c Regulations:

In most cases, whether an employee is Step 8 or Step 4 can be readily determined by the original date of appointment. Those employees with appointment dates before June 26, 1971, are Step 8; while those employees with appointment dates on or after June 26, 1971, are Step 4. Employees designated as Step 4 retain this resignation regardless of the personnel action.

Some appointment situations present problems regarding the proper EPEIS Program designation of an employee. The following list, which supersedes all previous determinations, contains possible appointment situations and the corresponding EPEIS Program designation of an employee appointed under these conditions:

SITUATION	AFTER 6/26/71:	EPEIS:
RA Employee (Step 8) resigned, laid off, or involuntarily demoted.	Reappointed from regular or special reemployment list.	Step 8
RA or PA Employee (Step 8) resigned.	Reappointed from open competitive list (no break in service).	Step 8

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20-1.103c (cont'd)

SITUATION:	AFTER 6/26/71:	EPEIS:
RA or PA Employee (Step 8) resigned.	Reappointed from open competitive list with a break in service.	Step 4
RA Employee (Step 8).	Promoted.	Step 8
RA Employee (Step 8).	Voluntarily Demoted.	Step 8
Federal, County, Municipal or other employee hired before June 26, 1971 and continuously employed until being deemed a State employee.	Designated a State employee by means of legislation, court case, "covering in", etc.	Step 8
Federal, County, Municipal or other employee hired on or after June 26, 1971.	Designated a State employee by means of legislation, court case, "covering in", etc.	Step 4

20-1.103d Procedure:

Appropriate steps should be taken to correct any employee designations made or personnel actions taken contrary to the above regulations.

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Subpart 20-1.104 EPEIS Program: Granting Of Increments

20-1.104a Subject:

This subpart contains the regulations of the Department of Civil Service regarding the granting of increments to employees who have been rated unsatisfactory and subsequently have achieved a satisfactory level of performance in the following rating period. The regulations were effective as of July 1, 1974.

20-1.104b Regulations:

The Department of Civil Service will consider requests from appointing authorities to grant increments to employees who have received unsatisfactory ratings provided:

a. The employee has achieved a sustained level of satisfactory performance in the subsequent rating period.

b. The employee's supervisor certifies that the employee's current performance does meet the condition as prescribed in a. and accordingly such performance warrants the granting of the increment.

c. The appointing authority requests and justifies granting of the increment through submission of a CS-21 to the Department of Civil Service indicating in Block #36: "Granting of Increment Pursuant to Subpart 20-1.104 of the Civil Service Personnel Manual (State Service)".

2. Requests for granting of increments may be forwarded to the Department of Civil Service forty-five (45) days or more after the effective date of the denial of an increment due to an unsatisfactory rating. The effective date of the granting of the increment shall be the next quarterly action date subsequent to the request subject to the limitation that the CS-21 requesting such must be submitted at least one week prior to the respective quarterly action date. No change shall be made in the employee's anniversary date.

3. Any granting of an increment request is subject to audit or post-audit by the Department of Civil Service.

20-1.104c Limitations:

The effective date of the granting of an increment pursuant to the provisions of this Subpart shall be limited to the three quarterly action dates falling subsequent to the forty-five (45) day limit cited above.

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PART 20-5 EMPLOYEE DEVELOPMENT AND TRAINING

Subpart 20-5.101 General: Objectives, Responsibilities, Definitions and Standards

20-5.101a General Definition and Application

1. Definition

   Training in the continuous and systematic development among all levels of employees of that knowledge, and those skills and behaviors which contribute to their welfare, to that of the organization, and to the clients and citizens they serve.

2. Application

   This Subpart applies to all employees, permanent and provisional, classified and unclassified, of the State of New Jersey, its departments, agencies and other organizational units.

20-5.101b Objective

The objective of this Subpart is to encourage the effective use by top management of staff development and training resources among all components of State Government as a means of:

1. Helping the agency to achieve its goals and objectives.

2. Enabling the individual employee to improve his/her performance through increased knowledge and the development of more productive skills, behavior patterns and attitudes.

3. Enhancing or improving the functional effectiveness of work groups and government units.

4. Identifying, assessing and resolving organizational problems.

20-5.101c Responsibilities--General

Staff development and training is a fundamental responsibility of all levels of management.

By statute the Department of Civil Service serves as a central training resource. Its role is to "encourage and assist appointing authorities to initiate and conduct employee development and training programs."

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20-5.101c (cont'd)

Individual departments retain primary responsibility of training and development activity, particularly that which is unique to each department or requires a decentralized mode of delivery, such as counselling and on the job training. The development of internal training competence is encouraged in all departments. However, in recognition of the disparities that exist among departments in terms of size, needs and capabilities, training designated as a department responsibility may be conducted, upon request by the Department of Civil Service.

Example: While supervisory/management training is designated as a department responsibility, agencies may request the Department of Civil Service to conduct supervisory training. Larger departments on the other hand, may have the capability and interest in organizing and conducting their management development systems.

20-5.101d Responsibilities--Specific

1. The Department of Civil Service: As the central State training agency, the Department of Civil Service with the departments will:

   a. develop minimum training standards;

   b. encourage inter-governmental cooperation;

   c. sponsor inter-agency programs;

   d. conduct programs for small departments that lack training capabilities;

   e. develop career ladders;

   f. serve as a clearinghouse, and exchange center;

   g. develop training materials;

   h. provide advisory services--advise agencies on the most effective training methods and techniques;

   i. establish a uniform reporting and recordkeeping system;

   j. assist in developing evaluation guidelines;

   k. establish criteria for granting educational leave, tuition assistance, etc.;

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20-5.101d (cont'd)

l. review and evaluate staff training requests (CS-94) submitted per regulation 20-5.101f;

m. provide advice concerning departmental budgets;

n. prepare an annual summary of all staff training conducted in the State service;

o. provide professional and clerical support service to the State Employee Development and Training Council.

p. publish and distribute a catalog of the training programs offered by the Department of Civil Service.

2. Departments and Agencies: Each Department and Agency will be responsible for:

a. determining its training needs and priorities;

b. program design and development;

c. program planning and scheduling;

d. program evaluation;

e. providing supportive services;

f. preparing budgets;

g. career counselling;

h. conducting training in the following areas:

(1)-Management and supervisory
(2)-Professional/Technical
(3)-Office skills
(4)-Orientation
(5)-Special Program
(6)-Employee Performance Evaluation and Improvement System

20-5.101e Definitions

1. In-service is that training which is conducted by State government agencies primarily for their employees.

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20-5.10le (cont'd)

2. Out-service is that training which is initiated and/or conducted by agencies other than State government agencies and which include:

   a. Any course for credit in an educational institution, and,

   b. Any non-credit program, workshop, seminar, conference, or the like.

3. Management/Supervisory training is that training especially designed to improve the effectiveness of those employees whose responsibilities include the direction of the work of other employees.

4. Professional/Technical training is that training especially designed to improve the employee's skills on his/her job, or in preparation for future assignments. Data-processing is an example of training in professional/technical skills.

5. Office Skills is that part of Professional/Technical training which is designed to improve skills of clerical employees.

6. Orientation is that training designed to acquaint new employees with their positions and work environment, agency policies and procedures.

7. Supportive Services is that equipment, materials, supplies, audio-visual aids, etc. required to carry on in-service training programs.

8. Special Programs are those programs of training and development which cannot be defined readily in any of the areas specified above, such as Affirmative Action, Career Development, Job Enrichment, conferences, special workshops, etc.

9. Tuition Aid means a program of tuition reimbursement or assistance for employees who attend established educational institutions of their own choosing and primarily on their own time within the limitation of these regulations and the funds available for such programs. Reimbursement is made to the employee only after satisfactory completion of course(s).

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20-5.101e (cont'd)

10. Educational Leave is an absence, full or part-time, with or without pay, from normal hours of work authorized by the Department of Civil Service and granted to an employee for the express purpose of participating in an extended educational program offered by an accredited institution of higher learning, vocational or technical school.

20-5.101f General Regulations and Standards

1. Departments and agencies are encouraged and authorized to:

   a. Conduct education, training and upward mobility programs directed toward continually improving service to the public through the development and retention of skilled and effective employees.

   b. Enter into agreements and contracts necessary to provide such training within the limits of these regulations.

   c. Pay in whole or in part tuition and/or other costs attendant to out-service education as defined in 20-5.101e, and in accordance with the procedures defined in 20-5.112, and to establish uniform guidelines for selection, application, control and reimbursement.

   d. Grant educational leave, as defined above, with the approval of the Department of Civil Service to any permanent employee to pursue education or training designed to improve the employee's competence in the position he/she occupies or in a position for which he/she is being prepared. Such education or training must be of direct value to the State sending agency and limited to providing knowledge or skills which cannot be provided through available in-service training.

2. Departments and agencies are required to:

   a. Obtain approval from the Department of Civil Service for any training program which involves the direct expenditure of funds.

   b. Submit a summary of training activities to the Chief, Training Section, Department of Civil Service, by September 15, following the close of the fiscal year in which such activities took place. This summary must contain all of the information prescribed on form CS-152.

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20-5.101f (cont'd)

c. Develop and maintain a written record of the education, training and upward mobility programs in which each employee takes part, and record such information in the individual personnel file for each employee at least annually.

d. Designate its training officer, as its primary representative, and such other alternate representatives as deemed necessary to provide advice and counsel to the Department of Civil Service through the State Employee Development and Training Council.

e. Complete a department-wide or agency survey in order to determine department or agency training needs at least once each year.

f. Complete an evaluation of all programs of education and training in which department or agency employees take part through written questionnaires, oral interviews, testing, and/or other appropriate means.

g. Develop a department or agency plan for Career Development, the objectives of which will be to provide education and training designed to meet assessed needs and to prepare employees for advancement to higher level positions.

3. Direct training in specified areas should be provided by departments and agencies in accordance with the following minimum standards:

a. Employee Performance Evaluation and Improvement

No less than six hours of formal training in the operation of the State Employee Performance Evaluation and Improvement System, to all employees charged with the responsibility of evaluating the work of other employees.

b. Retirement Planning

No less than eight class hours of formal training designed to assist employees in making constructive plans for retirement (as defined in Civil Service Subpart 16-16.101).

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20-5.101f (cont'd)

4. Departments and agencies are further authorized and encouraged to provide direct training for employees in the following areas and in accordance with the standards specified:

a. Supervision and Management

No less than twenty-four (24) hours of formal training in the fundamentals of supervision and management for each employee charged with the responsibility of supervising the work of other employees.

b. Affirmative Action

No less than eight class hours of formal training for supervisors (as defined in 20-5.101e 3) designed to ensure effective compliance with and implementation of the requirements of Equal Employment Opportunity Act and State Department Affirmative Action Plans.

c. Orientation

No less than three class hours of formal orientation (as defined in 101e 6) for all newly appointed employees within two months of appointment.

d. Employee Relations

1. No less than six hours of formal training designed to enable the supervisor or manager to function effectively in handling employee complaints and grievances.

2. No less than two class hours of formal training in the requirements of each employee agreement for supervisors of employees who are members of the unit to which the agreement applies within one month after the promulgation of each agreement.

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PART 20-5 EMPLOYEE TRAINING PROGRAMS

Subpart 20-5.101 Staff Development and Training

20-5.101a Subject:

Staff development and training is a fundamental responsibility of all levels of management. Although by statute the Department of Civil Service is charged with the responsibility for - "devising, installing and administering training courses" - and the Budget Bureau, Department of the Treasury, is charged with the responsibility of reviewing all expenditure of funds, cooperation among the various line and staff units is essential to the success of any staff development and training court.

The purpose of these regulations is to encourage and assist all units of the State service in the initiation and conduct of staff development and training programs and to establish procedures whereby all such programs may be coordinated in order to achieve the highest quality training at the lowest cost.

20-5.101b Definitions:

1. Staff Training means the planned development of employee knowledge, skill and/or attitude.

2. In-Service Training means staff training conducted in a State facility.

3. State Facility means any property owned or substantially controlled by the State and the services of any employee of the State.

4. Out-Service Training means staff training conducted in a non-State facility.

5. Non-State Facility means any property which is not owned or controlled by the State and the services of any personnel other than an employee.

6. Management means staff training in the field of administration or management or employees at the organizational level of bureau chief or above.

7. Supervision means staff training in the field of management or supervision of employees below the organizational level of bureau chief who supervises the work of other employees.

8. Professional or Technical means staff training at the college level or its equivalent or employees whose job specification requires a college degree.

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20-5.101b (cont'd)

9. Trade means staff training in the skilled or semi-skilled trades or employees in the skilled or semi-skilled trades.

10. Clerical means staff training in clerical skills or employees who perform clerical duties.

11. Tuition-Aid means a program of tuition reimbursement for employees who attend established educational institutions of their own choosing and on their own time within the limitation of these regulations and the funds expended for such programs.

20-5.101c Regulations:

1. Appointing authorities are authorized and encouraged to conduct any in-service training designed to lead to improved public service and the building and retention of a permanent cadre of skilled and efficient employees.

2. Subject to the availability of funds, appointing authorities are authorized to pay, in whole or in part, the tuition, per diem and other expenses for approved out-service training designed to lead to improved public service and the building and retention of a permanent cadre of skilled and efficient employees, provided such training shall be:

   a. of direct value to the State,

   b. relevant to the trainee's duties,

   c. limited to providing knowledge and skills which cannot be provided through available in-service training.

3. No out-service training is authorized for:

   a. temporary employees or

   b. for the primary purpose of providing employees with an opportunity to obtain an undergraduate academic degree.

4. Any staff training which involves the direct expenditure of funds must be approved by the Department of Civil Service per Budget Regulations. Requests for approval of staff training shall be submitted to the Department of Civil Service on form CS-94 in triplicate at least four weeks prior to the date of the training. Each request shall be accompanied by a memorandum of transmittal which will include:

   a. the criteria used in selecting the person(s) to receive the training and,

   b. a statement to justify the particular training requested as compared to any less costly type of training.

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20-5.101c (cont'd)

5. Each department or agency conducting or participating in any staff training program shall submit a consolidated annual summary of staff training to the Department of Civil Service on form CS-152 by August 15, to cover the preceding fiscal year.

6. Each department shall establish or make available a formal training program in supervision to be successfully completed by all employees appointed to supervisory positions within one year of their date of appointment. The program shall consist of a minimum of 20 classroom hours of instruction and shall include training in the supervisor's responsibility to plan, organize, motivate and control; and in communications, interpersonal relations, civil rights, safety, Civil Service Rules and Regulations and budget and purchase procedures.

7. As a condition of tuition aid, an employee who receives it will be expected to remain in the employ of his department for one month for each month he received tuition-aid to a maximum of two years or shall reimburse the department on the same basis. However, if termination of employment is based upon such compelling circumstances as may be deemed satisfactory cause by the appointing authority, recovery of such costs or part of such costs may be waived.

20-5.101d Department of Civil Service:

The Training Section of the Department of Civil Service shall:

1. Advise and assist all units of the State service on matters pertaining to staff development and training,

2. Conduct or coordinate interdepartment staff training programs,

3. Review and evaluate Staff Training Requests (CS-94) submitted per regulation 20-5.101c4 above,

4. Prepare an annual summary of all staff training conducted in the State service per regulation 20-5.101c5 above for inclusion in the Department of Civil Service Annual Report to the Governor,

5. Furnish necessary clerical services to the State Employee Development and Training Council, and

6. Make recommendations to the President of the Civil Service Commission for the improvement of staff development and training in the State service.

20-5.101e Tuition-Aid Program:

All departments are encouraged to establish uniform programs for tuition-aid for their employees (See 20-5.101b11 and 20-5.101c2,3 and 7). Such programs can be of direct benefit to the State service through improved performances and also in recruiting and retaining superior employees.

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Subpart 20-5.102 State Employee Development and Training Council

20-5.102a Subject:

Career development and training of State employees is an integral part of the management of the State of New Jersey. It is essential that the quality of employee development and training be improved and extended to all units.

20-5.102b Purpose:

For this purpose, there has been established a State Employee Development and Training Council which shall be an advisory group that shall consist of representatives of each Executive Department and its Miscellaneous Executive Commissions. It may also include representatives of the Judicial and Legislative Branches and its Miscellaneous Legislative Commissions.

20-5.102c Operation:

The Council shall act as a consultative and advisory body and through its recommendations to the Department of Civil Service shall:

1. Promote in all units of State Government the growth and use of employee development and training as a major system for management to more effectively achieve its organizational goals and objectives.

2. Assist all units of State government in the research, planning, development, implementation, and evaluation of employee development and training programs.

3. By its research and recommendations continuously strive for improvement in employee development and training administration and practices.

The Council shall elect officers from its membership and an employee of the Department of Civil Service shall be designated to act as its Executive Secretary. The Department of Civil Service will provide clerical services for the Council. The Council may establish any necessary standing and Ad Hoc Committees.

Each Department Head shall designate a representative to the Council and send the name of the designee to the Department of Civil Service. The representative should be a professional or management level employee with a knowledge of career development, training and/or personnel administration. If any unit wishes to designate more than one representative it may do so, however, in case of a vote each unit shall have one vote.

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Subpart 20-5.103 Program for the Utilization of Trainee Titles

20-5.103a Purpose:

This subpart will govern the Trainee program used in establishing entrance level positions in the skilled or professional series of class titles in the State Classification plan.

20-5.103b Establishment of Class Titles:

A Trainee position will be established by the temporary downward reclassification of a permanent "journeyman" level position.

Trainee positions will be filled by permanent appointments from open-competitive lists, or in the absence of such lists, by provisional appointments subject to open-competitive examinations.

20-5.103c Training Period:

The length of the training period will be designated in the specifications for the particular Trainee title. The training period must be continuous, except if interrupted by military leave, and may include both temporary and permanent service. The permanent service may not be less than the required working test period (4 or 6 months).

20-5.103d Advancement:

The advancement of the successful Trainee to the next higher title will be accomplished by the upward reclassification of the Trainee position and the promotion of the employee without the usual promotional examination process.

The inability of an employee in a Trainee title to attain a level of performance warranting advancement to the next higher title shall be considered as cause for separation.

Employees advanced from a Trainee title to the next higher permanent title will receive the promotional increase provided in the salary regulations (see Subpart 7-3.102) or the minimum rate for the journeyman title, whichever is greater. In those cases where the six (6) month Trainee rate is in a higher grade level than the grade level of the journeyman title to which it promotes, the employee will be advanced in salary to the next higher rate or the authorized hiring rate of the journeyman title, whichever is higher.

20-5.103e Procedures:

The appointment of a Trainee and the temporary downward reclassification of a journeyman position will be accomplished by submitting one (1) CS21 completed in accordance with the Payroll Manual Instructions for the appointment of a new employee, in Box #20, A or B and G will be checked. There will be no need for a CS44.

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20-5.103e (cont'd)

The advancement of a Trainee to the next higher permanent journeyman title will be accomplished by returning the Trainee position to its original classification and by concurrent promotion of the Trainee. However, the promotion to journeyman level shall not take effect at a date other than the beginning of a pay period, and may be made only upon full completion of the specified training period as a Trainee with the required period of permanent status. The advancement will be accomplished by submitting one (1) CS21 completed in accordance with the Payroll Manual Instructions for a promotion. Boxes #28 and #30 will be checked (a CS44 is not required). In Box #36 the appointing authority will certify to the satisfactory performance of the Trainee and that he is able to perform on the journeyman level. The appointing authority will also certify, for those journeyman titles requiring extra training courses over the Trainee title requirements, that the Trainee has successfully completed these requirements. In the journeyman titles that require formalized training to attain a standard of proficiency in certain skills, a statement of the Trainee's proficiency will accompany the CS21. The basis for this statement will be a certificate of the Trainee's proficiency filed by the training agency with the appointing authority. The employee's Anniversary Date will be determined by the date of his appointment to the journeyman title, using the promotional cut off date.

NOTE: Appointments to vacant journeyman level positions still may be made at that level from open-competitive lists of eligibles or by provisional appointments subject to open-competitive examination, providing candidates are qualified.

20-5.103f College Level Trainees:

Employees serving in college level Trainee titles will be eligible to receive an increase in salary after a total of six months satisfactory service. The college level Trainee titles will be designated in the State Compensation Plan by the word "Trainee" in the title, range code N95, and two rates opposite the title: (1) the hiring rate, and (2) the six month rate.

After the Trainee completes a total of six months of satisfactory service, the appointing authority will submit a CS21 to the Department of Civil Service for the six months increase in salary. The CS21 will be completed in accordance with the Payroll Manual for a Salary Change. In Block #36 of the CS21, the appointing authority must certify that the "Trainee's performance and development have been satisfactory" to support the six month rate for the Trainee. The CS21 must be submitted in time to be effective on the first bi-weekly pay period after the Trainee has completed six months of satisfactory service.

20-5.103g Exceptions For Non-Professional Trainee Titles:

For employees serving in non-professional trainee titles the required training period may be waived under the following conditions:

(1). the trainee has permanent status for at least four months; and

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(2). the trainee has acquired the necessary qualifications for promotion to the journeyman level and has been recommended for promotion by his supervisor; or

(3). the trainee has acquired the necessary journeyman level skills through a combination of formal and on-the-job training and has been certified by the training agent.

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Subpart 20-5.103 Program for the Utilization of Trainee Titles

20-5.103a Purpose:

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20-5.103b Establishment of Class Titles:

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20-5.103c Training Period:

The length of the training period will be designated in the specifications for the particular Trainee title. The training period must be continuous, except if interrupted by military leave, and may include both temporary and permanent service. The permanent service may not be less than the required working test period (4 or 6 months).

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The advancement of the successful Trainee to the next higher title will be accomplished by the upward reclassification of the Trainee position and the promotion of the employee without the usual promotional examination process.

The inability of an employee in a Trainee title to attain a level of performance warranting advancement to the next higher title shall be considered as cause for separation.

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The advancement of a Trainee to the next higher permanent journeyman title will be accomplished by returning the Trainee position to its original classification and by concurrent promotion of the Trainee. However, the promotion to journeyman level shall not take effect at a date other than the beginning of a pay period, or the first work day of a pay period, and may be made only upon full completion of the specified training period as a Trainee with the required period of permanent status. The advancement will be

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20-5.103e (cont'd)

accomplished by submitting one (1) CS21 completed in accordance with the Payroll Manual Instructions for a promotion. In box #20 B, C, and G will be checked (a CS44 is not required), in Box 34 the appointing authority will certify to the satisfactory performance of the Trainee and that he is able to perform on the journeyman level. The appointing authority will also certify for those journeyman titles requiring extra training courses over the Trainee title requirements that the Trainee has successfully completed these requirements. In the journeyman titles that require formalized training to attain a standard of proficiency in certain skills, a statement of the Trainee's proficiency will accompany the CS21. The basis for this statement will be a certificate of the Trainee's proficiency filed by the training agency with the appointing authority. The employee's Anniversary Date will be determined by the date of his appointment to the journeyman title.

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After the Trainee completes a total of six months service the appointing authority will submit a CS21 to the Department of Civil Service for the six months increase in salary. The CS21 will be completed in accordance with the Payroll Manual for a Salary Change. In block 34 of the CS21 the appointing authority must certify that the "Trainee's performance and development has been satisfactory" to support the six month rate for the Trainee. The CS21 must be submitted in time to be effective on the first bi-weekly pay period after the Trainee has completed six months of service.

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(1). the trainee has permanent status for at least four months; and

(2). the trainee has acquired the necessary qualifications for promotion to the journeyman level and has been recommended for promotion by his supervisor; or

(3). the trainee has acquired the necessary journeyman level skills through a combination of formal and on-the-job training and has been certified by the training agent.

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NOTICE

As approved by the Civil Service Commission at its November 18, 1975 meeting, Appendix A of Subpart 20-5.103 (State Service) is rescinded. Listings of trainee and related journeyman titles are issued in accordance with reissued section "h" of Subpart 20-5.103h, attached.

Attachment

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20-5.103h List of Trainee Titles and Related Journeyman Titles:

The list of trainee titles and related journeyman titles covered by this subpart are issued by the Division of Classification and Compensation, Department of Civil Service. Copies can be obtained on request from the Division of Classification and Compensation.

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20-5.103h List of Trainee Titles and Related Journeyman Titles:

The list of Trainee titles and related journeyman titles which are governed by this subpart is distributed separately as Appendix A to this manual. Extra copies can be obtained from the Department of Civil Service on request.

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All of the following pages thru 20-5.104 (12/8/72) are rescinded.

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RESCINDED.

APPENDIX A

LIST OF TRAINEE TITLES SUPPLEMENTING SUBPART 20-5.103

"Program for the Utilization of Trainee Titles"

The following list contains the trainee titles and related journeyman titles referred to in Subpart 20-5.103g. Class specifications for the trainee titles issued by the Division of Classification and Compensation indicate the training period. This list will be amended and supplemented as necessary.

Note: This subpart applies to all variants of the listed basic titles.

COLLEGE LEVEL TRAINEES

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	55230	Actuarial Assistant Trainee	A18	55232	Actuarial Assistant 3
N95	55300	Analyst Trainee	A18	50532	Fiscal Analyst
			A18	55302	Operations Analyst
			A18	54242	Procedures Analyst
			A19	13282	Transportation Analyst
N95	17690	Architect Trainee	A19	17692	Assistant Architect
N95	50960	Auditor Accountant Trainee	A18	50452	Accountant 3
			A18	50962	Auditor 3
			A18	54862	Bank Examiner
			A18	94712	Examiner Consumer Credit
			A18	55082	Insurance Examiner 3
			A19	55392	Municipal Finance Auditor 3
			A18	54882	Savings and Loan Examiner
N95	02250	Bacteriologist Trainee	A18	02252	Bacteriologist
N95	01750	Biologist Trainee	A18	01752	Assistant Biologist

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	50090	Budget Analyst Trainee	A18	50092	Budget Analyst 3
N95	52660	Buyer Trainee	A18	52662	Assistant Buyer
N95	16270	Chemical Engineer Trainee	A19	10262	Asst. Engineer, Data Processing
			A19	13092	Asst. Engineer, Materials
			A18	16302	Asst. Environmental Engineer
			A19	16312	Asst. Environmental Engineer
N95	01550	Chemist Trainee	A18	01552	Chemist
N95	14090	Civil Engineer Trainee	A19	14092	Asst. Engineer, Civil
			A19	10262	Asst. Engineer, Data Processing
			A19	16082	Asst. Engineer, Hydrographic
			A19	13092	Asst. Engineer, Materials
			A19	16892	Asst. Engineer, Mechanical
			A19	12692	Asst. Engineer, Planning
			A19	11282	Asst. Engineer, Traffic
			A19	10272	Asst. Engineer, Transportation
			A19	14892	Asst. Engineer, Utilities
			A18	16302	Asst. Environmental Engineer
			A19	16312	Asst. Environmental Engineer
N95	64951	Claims Adjudicator Trainee, Disability Determinations	A17	64952	Claims Adjudicator 3, Disability Determinations
N95	16301	Clean Air Intern	A18	16302	Asst. Environmental Engineer
			A19	16312	Asst. Environmental Engineer
			A18	15852B	Environmental Specialist
			A19	12522	Environmental Specialist
N95	64170	Community Service Trainee	A18	64172	Community Service Officer 3
			A18	64482	Program Development Specialist

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	53350	Data Processing Programmer Trainee	A18	53262	Data Processing Programmer 3
N95	44780	Dietitian Trainee	A18	44782	Senior Dietitian
N95	16690	Electrical Engineer Trainee	A19	10262	Asst. Engineer, Data Processing
			A19	16692	Asst. Engineer, Electrical
			A19	16892	Asst. Engineer, Mechanical
			A19	10272	Asst. Engineer, Transportation
			A19	14892	Asst. Engineer, Utilities
			A18	16302	Asst. Environmental Engineer
			A19	16312	Asst. Environmental Engineer
N95	64760	Employment Counselor Trainee	A18	64762	Employment Counselor
N95	64790	Employment Services Trainee	A15	56092	Claims Examiner
			A15	56122	Claims Reviewer
			A15	65072	Examiner, Disability Insurance
			A15	70131	Examiner, Education Credentials
			A15	56192	Examiner, Unemployment Tax
			A16	55982B	Field Representative, Wage and Hour Bureau
			A15	64751	Interviewer
			A16	65052	Investigator, Disability Ins.
			A17	56082	Unemployment Claims Investigato
N95	02470	Entomologist Trainee	A19	02473	Entomologist 2
N95	15850	Environmental Specialist Trainee	A18	15852B	Environmental Specialist
			A19	12522	Environmental Specialist
N95	51480	Examiner Inheritance Tax Trainee	A18	51482	Examiner 3 Inheritance Tax
N95	02650	Forester Trainee	A18	02652	Assistant Forester
N95	03050	Geologist Trainee	A18	03052	Assistant Geologist
N95	62850	Health Representative Trainee	A16	62852	Field Representative Health

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	17090	Industrial Engineer Trainee	A19	17092	Assistant Engineer, Industrial
N95	16280	Industrial Hygienist Trainee	A18	16282	Industrial Hygienist
N95	61380	Instructor Counselor Trainee	A17	61382	Instructor Counselor
N95	52480	Investment Analyst Trainee	A18	52482	Investment Analyst 3
N95	54140	Labor Market Analyst Trainee	A18	54142	Labor Market Analyst
N95	10690	Landscape Architect Trainee	A19	10692	Asst. Landscape Architect
N95	56490	Management Trainee	A18	56492	Management Assistant
N95	16890	Mechanical Engineer Trainee	A19	14092	Asst. Engineer, Civil
			A19	10262	Asst. Engineer, Data Processin
			A19	16692	Asst. Engineer, Electrical
			A19	13092	Asst. Engineer, Materials
			A19	16892	Asst. Engineer, Mechanical
			A19	11282	Asst. Engineer, Traffic
			A19	10272	Asst. Engineer, Transportation
			A18	16302	Asst. Environmental Engineer
			A19	16312	Asst. Environmental Engineer
N95	03670	Occupational Therapist Trainee	A18	03672	Senior Occupational Therapist
N95	61770	Parole Officer Trainee	A17	61772	Parole Officer
N95	53650	Pensions Counselor Trainee	A18	53652	Pensions Counselor 3
N95	63250	Personnel Trainee	A18	63252	Personnel Assistant
			A18	63262	Personnel Technician

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	16470	Planner Trainee	A18	16472	Assistant Planner
			A19	12492	Planner Transportation
			A19	12282	Research Asst., Transportatior
N95	50110	Program Analyst Trainee, Bureau of the Budget	A18	50111	Program Analyst 4, Bureau of the Budget
N95	54450	Public Information Trainee	A18	54452	Public Information Assistant
N95	63915	Public Service Trainee, 1	A19	17692	Assistant Architect
			A19	14092	Asst. Engineer, Civil
			A19	10262	Asst. Engineer, Data Processir
			A19	16692	Asst. Engineer, Electrical
			A19	16082	Asst. Engineer, Hydrographic
			A19	17092	Asst. Engineer, Industrial
			A19	13092	Asst. Engineer, Materials
			A19	16892	Asst. Engineer, Mechanical
			A19	12692	Asst. Engineer, Planning
			A19	11282	Asst. Engineer, Traffic
			A19	10272	Asst. Engineer, Transportatior
			A19	14892	Asst. Engineer, Utilities
			A19	16312	Asst. Environmental Engineer
			A18	16302	Asst. Environmental Engineer
			A19	10692	Asst. Landscape Architect
N95	63914	Public Service Trainee 2	A18	50452	Accountant 3
			A18	55232	Acturial Assistant 3
			A18	01752	Assistant Biologist
			A18	02652	Assistant Forester
			A18	03052	Assistant Geologist
			A19	03042	Asst. Geologist, Transportatic
			A18	50452	Auditor, 3
			A18	02252	Bacteriologist
			A18	54862	Bank Examiner
			A18	50092	Budget Analyst, 3

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
			A16	62852	Field Rep., Health
			A16	51682	Field Rep. Local Property Tax
			A18	50532	Fiscal Analyst
			A17	61382	Instructor - Counselor
			A15	64751	Interviewer
			A17	33452	Investigator, Office of the Public Defender
			A18	52482	Investment Analyst, 3
			A16	63614	Manpower Training Advisor 3
			A17	61772	Parole Officer
			A18	53652	Pensions Counselor 3
			A18	63252	Personnel Assistant
			A18	63262	Personnel Technician
			A19	12492	Planner, Transportation
			A18	54242	Procedures Analyst
			A18	64482	Program Development Specialist 3
			A18	54452	Public Information Asst.
			A19	12282	Research Asst., Transportation
			A18	52502	Securities Market Trader 3
			A16	60052	Social Worker 2
			A18	04183	Supervisor of Boys, School for the Deaf
			A21	03553	Supervisor of Recreation
			A18	63562	Training Technician
			A18	62552	Vocational Counselor Commission for the Blind and Visually Impaired
N95	18090	Radiation Physicist Trainee	A18	18092	Radiation Physicist 4
N95	55270	Rate Analyst Trainee	A18	55272	Rate Analyst 3, Insurance

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	03550	Recreation Trainee	A18	04183	Supervisor of Boys, School for the Deaf
			A21	03553	Supervisor of Recreation
N95	65270	Rehabilitation Counselor Trainee	A18	65272	Rehabilitation Counselor
N95	03150	Sanitarian Trainee	A18	03152	Sanitarian
N95	52501	Securities Market Trader Trainee	A18	52502	Securities Market Trader 3
N95	02350	Serologist Trainee	A18	02352	Serologist
N95	64741	Social Resources Development Trainee	A17	64952	Claims Adjudicator, 3 Disability Determinations
			A15	56092	Claims Examiner
			A15	56122	Claims Reviewer
			A15	65072	Examiner, Disability Insurance
			A15	56192	Examiner, Unemployment Tax
			A16	55982B	Field Rep.,Wage & Hour Bureau
			A15	64751	Interviewer
			A16	65052	Investigator, Disability Ins.
			A16	63614	Manpower Training Advisor 3
			A17	56082	Unemployment Claims Investigat
N95	60050	Social Worker Trainee	A16	60052	Social Worker 2
			A18	60053	Social Worker 1 (If incumbent possesses a Master's degree in Social Work)
N95	03650	Speech Therapist Trainee	A18	03652	Speech Therapist 2
N95	51342	Special Agent Trainee	A18	51343	Special Agent 3
N95	54080	Statistician Trainee	A18	54082	Statistician

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	51400	Tax Representative Trainee	A16	51682	Field Rep.,Local Property Tax
N95	51412	Taxation Analyst Trainee	A18	51402	Tax Analyst 3
N95	11221	Traffic Control Analyst Trainee	A19	11223	Traffic Control Analyst
N95	63560	Training Technician Trainee	A18	63562	Training Technician
N95	02150	Virologist Trainee	A18	02152	Virologist
N95	62550	Vocational Counselor Trainee, Commission for the Blind and Visually Impaired	A18	62552	Vocational Counselor, Commission for the Blind and Visually Impaired

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ADDITIONAL TRAINEE TITLES OTHER THAN PROFESSIONAL

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N99	02410	Asst. Inspector Trainee Agriculture	A09	02411	Asst. Inspector Agriculture
N95	17240	Asst. Safety Inspector Trainee (2 year training period)	A12	17241	Asst. Safety Inspector
N99	20040	Clerical Trainee	A07	74762	Audio-Visual Technician
			A03	20042	Clerk
			A06	20142	Clerk Driver
			A06	23821	Clerk Stenographer A
			A06	23332	Clerk Transcriber
			A05	23232	Clerk Typist
			A03	20432	Mail Clerk
			A05	22232	Office Appliance Operator
			A07	20422	Postal Clerk
			A05	40032	Stock Clerk
			A07	40021	Stores Clerk
			A04	20642	Vault Clerk
N99	21801	Communications Operator Trainee	A15	21802	Communications Operator
N99	04140	Cottage Training Technician Trainee	A12	04143	Cottage Training Technician
N99	53291	Data Entry Machine Operator Trainee	A05	53292	Data Entry Machine Operator
N99	60931	Day Care Center Worker Trainee, Youth and Family Services	A06	60932	Day Care Center Worker Youth and Family Services
N99	14040	Engineering Aide Trainee	A09	10841	Asst. Highway Inspector
			A09	14042	Engineering Aide 2
			A09	13032	Engineering Aide 2,Materials
N99	62840	Health Aide Trainee	A07	62843	Health Aide

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N99	55481	Inspector Aide Trainee, Multiple Dwellings	A10	55482	Inspector Aide,Multiple Dwellings
N95	00841	Inspector Trainee Meat and Poultry	A16	00843	Inspector 1, Meat and Poultry
N99	01921	Laboratory Technician Trainee	A12	01922	Laboratory Technician
N99	22530	Offset Machine Trainee	A07	22532	Offset Machine Operator
N99	40420	Operating Engineer Trainee	A13	40422	Operating Engineer 2
N95	63230	Personnel Aide Trainee (2 year training period)	A13	63232	Personnel Aide
N95	16430	Planning Aide Trainee (2 year training period)	A13	16432	Planning Aide
N99	41240	Repairer Trainee	A11	41242	Repairer
N99	64830	Services Aide Trainee Labor and Industry	A09	64833	Services Aide Labor and Industry
N99	62130	Social Service Aide Trainee	A04	62132	Social Service Aide
N99	63912	Technician Trainee	A13	50451	Accounting Assistant
			A13	63871	Asst. Field Rep.,Public Service Careers
			A13	55981	Asst. Field Rep.,Wage and Hour Bureau
			A12	56072	Benefits Determination Aide

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
			A12	64942	Claims Adjudicator Aide
			A13	64844	Community Employment Service Worker
			A12	56551	Damage Claims Evaluator
			A13	60923	Day Care Counselor Assistant
			A14	14043	Engineering Aide 1
			A14	13033	Engineering Aide 1,Materials
			A12	63061	Inspector, Migrant Labor
			A12	52702	Inspector, Purchase and Property
			A13	61844	Parole Aide
			A12	63232	Personnel Aide
			A13	16432	Planning Aide
			A13	65340	Rehabilitation Aide
			A13	54093	Research Technician
			A13	57122	Right of Way Investigator
			A14	63613	Training Assistant
			A14	63861	Training Assistant, Public Service Careers
			A13	62544	Vocational Assistant, Commissi for the Blind and Visually Impaired
			A15	33171	Weights and Measures Assistant
N99	23431	Teletype Operator Trainee	A12	23432	Teletype Operator
N99	66001	Youth Worker Trainee	A12	66002	Youth Worker

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REPLACED BY ISSUE 8/19/74

APPENDIX A

LIST OF TRAINEE TITLES SUPPLEMENTING SUBPART 20-5.103

"Program for the Utilization of Trainee Titles"

The following list contains the trainee titles and related journeyman titles referred to in Subpart 20-5.103g. Class specifications for the trainee titles issued by the Division of Classification and Compensation indicate the training period. This list will be amended and supplemented as necessary.

COLLEGE LEVEL TRAINEES

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	55230	Actuarial Assistant Trainee	A18	55232	Actuarial Assistant 3
N95	55300	Analyst Trainee	A18	54242	Procedures Analyst
			A18	55302	Operations Analyst
			A18	50532	Fiscal Analyst
N95	17690	Architect Assistant	A77	17692	Assistant Architect
N95	17240	Assistant Safety Inspector Trainee	A12	17241	Assistant Safety Inspector
N95	50960	Auditor Accountant Trainee	A18	50452	Accountant 3
			A18	50962	Auditor 3
			A18	54862	Bank Examiner
			A18	94712	Examiner Consumer Credit
			A18	55082	Insurance Examiner 3
			A18	54882	Savings and Loan Examiner
			A19	51093	Senior Auditor, State Auditor
N95	02250	Bacteriologist Trainee	A18	02252	Bacteriologist
N95	01750	Biologist Trainee	A18	01752	Assistant Biologist
N95	50090	Budget Analyst Trainee	A18	50092	Budget Analyst 3

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	52660	Buyer Trainee	A18	52662	Assistant Buyer
N95	16270	Chemical Engineer Trainee	A77	13092	Assistant Engineer, Materials
			A75	13072	Assistant Engineer, Materials Project Inspection
			A77	13062	Assistant Engineer, Materials Testing
			A18	16302	Assistant Environmental Engineer
			A18	16292	Public Health Engineer
N95	01550	Chemist Trainee	A18	01552	Chemist
N95	14090	Civil Engineer Trainee	A77	14092	Assistant Engineer, Civil
			A77	10262	Assistant Engineer, Data Processing
			A77	10272	Assistant Engineer, Highway
			A77	16092	Assistant Engineer, Hydraulic
			A77	16082	Assistant Engineer, Hydrographic
			A77	13092	Assistant Engineer, Materials
			A75	13072	Assistant Engineer, Materials Project Inspection
			A77	13062	Assistant Engineer, Materials Testing
			A77	16892	Assistant Engineer, Mechanical
			A77	12692	Assistant Engineer, Planning
			A77	11282	Assistant Engineer, Traffic
			A18	14892	Assistant Engineer, Utilities
			A18	16302	Assistant Environmental Engineer
			A18	16292	Public Health Engineer
N95	64170	Community Service Trainee	A18	64172	Community Service Officer 3
			A18	64482	Program Development Specialist 3
			A17	64182	Community Program Analyst 3
N95	53350	Data Processing Programmer Trainee	A18	53262	Data Processing Programmer 3
N95	44780	Dietitian Trainee	A18	44782	Senior Dietitian
N95	64970	Disability Examiner OASI Trainee	A15	64972	Disability Examiner OASI
N95	16690	Electrical Engineer Trainee	A77	16692	Assistant Engineer, Electrical
			A77	10272	Assistant Engineer, Highway
			A77	16892	Assistant Engineer, Mechanical
			A18	14892	Assistant Engineer, Utilities
			A18	16302	Assistant Environmental Engineer

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	64760	Employment Counselor Trainee	A18	64762	Employment Counselor
N95	64790	Employment Services Trainee	A15	56092	Claims Examiner, Employment Security
			A15	56122	Claims Reviewer, Employment Security
			A15	65072	Examiner, Disability Insurance
			A15	70131	Examiner, Education Credentials
			A15	56192	Examiner, Unemployment Tax
			A16	55982	Field Representative, Wage and Hour Bureau
			A15	64751	Interviewer, Employment Security
			A16	65052	Investigator, Disability Insurance
			A17	56082	Unemployment Claims Investigator
N95	02470	Entomologist Trainee	A19	02473	Entomologist 2
N95	15850	Environmental Specialist Trainee	A18	15852	Environmental Specialist
N95	51480	Examiner Inheritance Tax Trainee	A18	51482	Examiner 3 Inheritance Tax
N95	02650	Forester Trainee	A18	02652	Assistant Forester
N95	03050	Geologist Trainee	A18	03052	Assistant Geologist
			A77	03042	Assistant Geologist, Transportation
N95	62850	Health Representative Trainee	A16	62852	Field Representative Health
N95	17090	Industrial Engineer Trainee	A77	17092	Assistant Engineer, Industrial
N95	16280	Industrial Hygienist Trainee	A18	16282	Industrial Hygienist
N95	61380	Instructor Counselor Trainee	A17	61382	Instructor Counselor
N95	33450	Investigator Trainee Office of the Public Defender	A17	33452	Investigator, Office of the Public Defender
N95	52480	Investment Analyst Trainee	A18	52482	Investment Analyst 3
N95	54140	Labor Market Analyst Trainee	A18	54142	Labor Market Analyst

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	10690	Landscape Architect Trainee	A77	10692	Assistant Landscape Architect
N95	56490	Management Trainee	A18	56492	Management Assistant
N95	16890	Mechanical Engineer Trainee	A77	14092	Assistant Engineer, Civil
			A77	16692	Assistant Engineer, Electrical
			A77	10272	Assistant Engineer, Highway
			A77	13092	Assistant Engineer, Materials
			A75	13072	Assistant Engineer, Materials Project Inspection
			A77	13062	Assistant Engineer, Materials Testing
			A77	16892	Assistant Engineer, Mechanical
			A77	11282	Assistant Engineer, Traffic
			A18	16302	Assistant Environmental Engineer
N95	03670	Occupational Therapist Trainee	A18	03672	Senior Occupational Therapist
N95	61770	Parole Officer Trainee	A17	61772	Parole Officer
N95	53650	Pensions Counselor Trainee	A18	53652	Pensions Counselor 3
N95	63250	Personnel Trainee	A18	63262	Personnel Technician
			A18	63252	Personnel Assistant
N95	16470	Planner Trainee	A18	16472	Assistant Planner
			A77	12492	Planner Transportation
N95	54450	Public Information Trainee	A18	54452	Public Information Assistant
N95	18090	Radiation Physicist Trainee	A18	18092	Radiation Physicist 4
N95	55270	Rate Analyst Trainee	A18	55272	Rate Analyst 3, Insurance
N95	03550	Recreation Trainee	A21	03553	Supervisor of Recreation
			A18	04183	Supervisor of Boys, School for the Deaf
N95	65270	Rehabilitation Counselor Trainee	A18	65272	Rehabilitation Counselor

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Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	03150	Sanitarian Trainee	A18	03152	Sanitarian
N95	52501	Securities Market Trader Trainee	A18	52502	Securities Market Trader 3
N95	02350	Serologist Trainee	A18	02352	Serologist
N95	64741	Social Resources Development Trainee	A15	64751	Interviewer, ES
			A15	56122	Claims Reviewer, ES
			A15	56092	Claims Examiner, ES
			A16	63614	Manpower Training Advisor 3, ES
N95	60050	Social Worker Trainee	A16	60052	Social Worker 2
N95	03650	Speech Therapist Trainee	A18	03652	Speech Therapist 2
N95	54080	Statistician Trainee	A18	54082	Statistician
			A18	51402	Tax Analyst 3
N95	51400	Tax Representative Trainee	A16	51682	Field Representative, Local Property Tax
N95	51412	Taxation Analyst Trainee	A18	51402	Tax Analyst 3
			A18	55302	Operations Analyst (Taxation)
N95	11221	Traffic Control Analyst Trainee	A77	11223	Traffic Control Analyst
N95	63560	Training Technician Trainee	A18	63562	Training Technician
			A18	63262	Personnel Technician (Training)
N95	02150	Virologist Trainee	A18	02152	Virologist
N95	62550	Vocational Counselor Trainee Commission for the Blind	A18	62552	Vocational Counselor, Commission for the Blind

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ADDITIONAL TRAINEE TITLES

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N99	02410	Assistant Inspector Trainee Agric.	A09	02411	Assistant Inspector Agriculture
N95	17240	Assistant Safety Inspector Trainee (2 year Training period)	A12	17241	Assistant Safety Inspector
N99	20040	Clerical Trainee	A07	74762	Audio-Visual Technician
			A03	20042	Clerk
			A06	20142	Clerk Driver
			A06	23821	Clerk Stenographer A
			A06	23332	Clerk Transcriber
			A05	23232	Clerk Typist
			A03	20432	Mail Clerk
			A65	20422	Mail Clerk, Treasury
			A05	22232	Office Appliance Clerk
			A05	40032	Stock Clerk
			A65	40021	Stores Clerk
			A04	20642	Vault Clerk
N99	04140	Cottage Training Technician Trainee	A70	04143	Cottage Training Technician
N99	14040	Engineering Aide Trainee	A67	10841	Assistant Highway Inspector
			A67	14042	Engineering Aide 2
			A67	13032	Engineering Aide 2 Materials
N99	62840	Health Aide Trainee	A07	62843	Health Aide
N99	55481	Inspector Aide Trainee, Multiple Dwellings	A10	55482	Inspector Aide, Multiple Dwellings
N99	04101	Institutional Maintenance Trainee	A66	43731	Mechanic Helper
			A68	42132	Truck Driver
			A62	44132	Building Maintenance Worker
			A66	45322	Assistant Farmer
			A67	03142	Exterminator
			A64	42743	Assistant Groundsman
			A64	45532	Assistant Gardener
			A64	45512	Assistant Greenhouseman

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CORRECTION SHEET 1

APPENDIX A

LIST OF TRAINEE TITLES SUPPLEMENTING

SUBPART 20-5.103

Please delete the following title from page 2 of Appendix A under Community Service Trainee:

Range	Title Code	Journeyman Title
A17	64182	Community Program Analyst 3

Please add the following title on page 5 of Appendix A under Social Worker Trainee:

Range	Title Code	Journeyman Title
A18	60053	Social Worker I (If the incumbent possesses a Master's Degree in Social Work)

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CORRECTION SHEET 2

APPENDIX A

LIST OF TRAINEE TITLES SUPPLEMENTING SUBPART 20-5.103

Please delete the following titles from page 8 of Appendix A:

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N99	62533	Vocational Aide Trainee, Commission for the Blind	A08	62543	Vocational Aide, Commission for the Blind

Please add the following titles on page 2 of Appendix A:

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	16301	Clean Air Intern	A18	16302	Assistant Environmental Engineer
			A19	16312	Assistant Environmental Engineer
			A18	15852	Environmental Specialist

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CORRECTION SHEET 3

APPENDIX A

LIST OF TRAINEE TITLES SUPPLEMENTING SUBPART 20-5.103

Please add the following titles on page 3 of Appendix A:

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	55071	Insurance Examiner Trainee	A18	55082	Insurance Examiner 3

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CORRECTION SHEET 4

APPENDIX A

LIST OF TRAINEE TITLES SUPPLEMENTING SUBPART 20-5.103

Please add the following title on page 1 of Appendix A under Auditor-Accountant Trainee:

Range	Title Code	Journeyman Title
A19	55392	Municipal Finance Auditor 3

Please add the following titles on page 2 of Appendix A:

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
N95	64951	Claims Adjudicator Trainee, Disability Determinations	A17	64952	Claims Adjudicator, III, Disability Determinations

Please add the following titles on page 4 of Appendix A:

Range	Title Code	Trainee Title	Range	Title Code	Journeyman Title
A18	63932	Public Service Institute Intern	A22	63933	Education and Training Services Specialist, II

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Special Note: This rescinds the previous subpart issued March 13, 1972, regarding the Emergency Employment Act of 1971 (E.E.A.)

Subpart 20-5.104 Administration Of The Federal Emergency Employment Act Of 1971

20-5.104a Subject:

The Emergency Employment Act of 1971 (E.E.A.) authorizes funds for the immediate employment in the public service of individuals who are unemployed or underemployed, with preference to special veterans (see Federal Register, Section 55.7). The objectives of this act are to relieve current unemployment and to fill the unmet service needs of government. Appointing authorities operating under this Act are directly responsible for complying with the "assurances" incorporated in their E.E.A. grants.

20-5.104b Alternatives:

Appointing authorities operating under the provisions of Title 11, the Civil Service Statute, are authorized to fill E.E.A. positions, in accordance with this subpart. The Civil Service Commission in cooperation with the New Jersey Department of Labor and Industry has established the following alternatives for the appointment of E.E.A. employees:

1. The original approval of granting temporary appointments to E.E.A. employees for a two year period is still in effect.

2. Individuals may be appointed to E.E.A. positions as regular appointees under normal certification procedures at the request of the appointing authority with the consent of the appointee.

3. All appointees to the position of Patrolman, E.E.A.; Fireman, E.E.A.; and Sheriff's Officer, E.E.A. will be considered as provisional appointees subject to regular Civil Service examination procedures. Eligibles for these examinations will be required to meet age, medical, physical and statutory requirements in addition to eligibility criteria established under the Emergency Employment Act. Appointees to the position of Patrolman, E.E.A. and Sheriff's Officer, E.E.A. will be subject to the provisions of the Police Training Act (N.J.S.A. 52:17B-69).

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20-5.104c Note:

1. Upon request, the Department of Civil Service will assist jurisdictions in the selection of E.E.A. appointees by conducting examinations and furnishing the appointing authorities with the resulting scores.

2. The Department of Civil Service will assist appointing authorities in meeting requirements of the act by providing technical assistance in the area of position classification, recruitment, training and development.

3. It is the intention of the Department of Civil Service to review Civil Service procedures concerning this program at regular six month intervals.

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Special Note: This rescinds the previous subpart issued March 13, 1972, regarding the Emergency Employment Act of 1971 (E.E.A.)

Subpart 20-5.105 Employment Terms And Conditions Of E.E.A. Employees

20-5.105a Subject:

This subpart deals with Civil Service employment terms and conditions of E.E.A. employees.

20-5.105b Employment Terms And Conditions Defined:

1. Individuals receiving temporary or provisional appointments to E.E.A. positions will obtain all of the Civil Service terms and conditions accorded to temporary or provisional employees.

2. Individuals receiving appointments to E.E.A. positions under alternative 2 in 20-5.104(b) have the same terms and conditions as employees who are appointed to regular positions.

3. E.E.A. appointees in the non-competitive and labor divisions, may receive regular Civil Service status upon regular appointment.

20-5.105c Note:

If regular positions are abolished and E.E.A. positions are established and appointments made to the same or similar titles, the Department of Civil Service will certify appropriate special reemployment lists against such E.E.A. appointees. The employees so certified and appointed will be retained on the special reemployment lists for certification to future vacancies in regular positions.

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Subpart 20-5.106 Clean Air Scholarship Intern Program

20-5.106a Subject:

This subpart will deal with the procedure for permanent appointment of employees under the Clean Air Scholarship Intern Program.

20-5.106b Purpose:

The Department of Environmental Protection operates a Clean Air Scholarship Intern Program as prescribed by N.J.S.A. 26:2C-24. Under this program, New Jersey High School graduates, who have been accepted at an accredited college or university and who have narrowed their studies to engineering or environmental services, are granted full scholarships after a rigid selection process conducted by Educational Testing Service of Princeton, New Jersey. These students contract to serve with the Department of Environmental Protection during summer vacation and for three years following graduation from college. The purpose of this program is to train needed professional personnel for work in the field of environmental protection.

20-5.106c Procedure:

The Civil Service Commission, pursuant to N.J.S.A. 11:7-11, has determined that college graduates under the Clean Air Scholarship Program shall be appointed permanently to the classified service without competitive examination.

At least one month before their anticipated graduation, a list of persons to be appointed under this program shall be forwarded to the Administrative Services Section, Department of Civil Service by the Department of Environmental Protection. After graduation, a CS-21 shall be sent to Civil Service certifying that the individual has graduated and indicating the effective date of permanent appointment as a Clean Air Intern.

Following permanent appointment as a Clean Air Intern, individuals under this program will be governed by the Program for the Utilization of Trainee Titles as described in Subpart 20-5.103 and Appendix A of this Manual.

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Subpart 20-5.107 Administration Of The Work Incentive/Public Service Employment Program

20-5.107a Subject:

The Work Incentive/Public Service Employment (WIN/PSE) Program authorizes funds for the immediate employment in the public service of WIN participants. The prime objective of developing PSE positions for WIN participants is to ultimately provide permanent employment in unsubsidized jobs in the public sector and to fill the unmet service needs of government. Appointing authorities operating under this program are directly responsible for complying with the "assurance" incorporated in their WIN/PSE grants.

20-5.107b Alternatives:

Appointing authorities, operating under the provisions of Title 11, the Civil Service Statute, are authorized to fill WIN/PSE positions, in accordance with this subpart. The Civil Service Commission in cooperation with the New Jersey Department of Labor and Industry has established the following alternatives for the appointment of WIN/PSE employees:

1. Approval is granted for the appointment of WIN/PSE employees to temporary positions for a 12-month period.

2. Individuals may be appointed to WIN/PSE positions as regular appointees under normal certification procedures at the request of the appointing authority with the consent of the appointee.

20-5.107c Employment Terms And Conditions Of Employment:

1. Individuals receiving temporary appointments to WIN/PSE positions will obtain all of the Civil Service terms and conditions accorded to temporary employees.

2. Individuals receiving appointments to WIN/PSE positions under alternative 2 above have the same terms and conditions as employees who are appointed to regular positions.

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Subpart 20-5.107 Administration Of The Comprehensive Employment And Training Act Program (CETA II)

20-5.107a Subject:

This subpart will describe the interim policy and procedures of the Department of Civil Service with regard to the administration of the Comprehensive Employment and Training Act Programs.

20-5.107b Policy and Procedures:

The Department of Civil Service is presently engaged in discussions with both the United States and New Jersey Departments of Labor for the purpose of establishing a policy with regard to the status of employees hired under the Comprehensive Employment and Training Act (CETA). Pending the promulgation of this policy, the following interim procedures have been established:

1. Appointing authorities operating under the provisions of Title 11, the Civil Service Statute, may continue to make appointments under the CETA II Program.

2. Each jurisdiction shall submit Personnel Action Forms (CS-21) for all appointments to CETA II funded positions to the Department of Civil Service. For purposes of identification, the abbreviation CETA II shall be included following the desired title in box 37 of the CS-21 form.

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Subpart 20-5.108 Administration Of The Comprehensive Employment And Training Act Program (CETA II)

20-5.108a Subpart:

This subpart will describe the interim policy and procedures of the Department of Civil Service with regard to the administration of the Comprehensive Employment and Training Act Programs.

20-5.108b Policy and Procedures:

The Department of Civil Service is presently engaged in discussions with both the United States and New Jersey Departments of Labor for the purpose of establishing a policy with regard to the status of employees hired under the Comprehensive Employment and Training Act (CETA). Pending the promulgation of this policy, the following interim procedures have been established:

1. Appointing authorities operating under the provisions of Title 11, the Civil Service Statute, may continue to make appointments under the CETA II Program.

2. Each jurisdiction shall submit Personnel Action Forms (CS-21) for all appointments to CETA II funded positions to the Department of Civil Service. For purposes of identification, the abbreviation CETA II shall be included following the desired title in box 37 of the CS-21 form.

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Subpart 20-5.109 Administration Of The Comprehensive Employment And Training Act Program - (CETA VI)

20-5.109a Subject:

This subpart on CETA VI is identical to the subpart on CETA II issued 11/12/74. It describes the interim policy and procedures of the Department of Civil Service with regard to the administration of the Comprehensive Employment and Training Act Program - CETA VI which are exactly the same as those for CETA II and are spelled out below for your information.

20-5.109b Policy And Procedures:

The Department of Civil Service is presently engaged in discussions with both the United States Department of Labor and New Jersey Department of Labor and Industry for the purpose of establishing a policy with regard to the status of employees hired under the Comprehensive Employment and Training Act (CETA). Pending the promulgation of this policy, the following interim procedures have been established:

(1) Appointing authorities operating under the provisions of Title 11, the Civil Service Statute, may continue to make appointments under the CETA VI program.

(2) Each jurisdiction shall submit Personnel Action Forms (CS-21) for all appointments to CETA VI funded positions to the Department of Civil Service. For purposes of identification, the abbreviation CETA VI shall be included in box 36 of the CS-21 form.

20-5.109c Exception:

This subpart does not apply to Supplemental Unemployment Assistance (SUA) jobs.

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Subpart 20-5.110 INFORMATION-- CETA Title II or CETA Title VI Participants

20-5.110a Subject:

This subpart is issued to advise appointing authorities of the provisions contained in Regulation 96.24(d) of the Federal Comprehensive Employment and Training Act.

20-5.110b Regulation 96.24(d):

If layoffs of regular employees occur during the CETA Title II (or CETA Title VI) grant period, participants cannot remain working in the same or substantially equivalent job within the employing agency that is affected by the layoff. Under these circumstances during the CETA Title II (or CETA Title VI) grant periods, such participants will either be transferred to positions not affected by the layoffs or be laid off.

20-5.110c Interpretation:

If an appointing authority has a CETA position and a regular position in which the employees are performing substantially equivalent jobs and the regular employee is laid off, the CETA employee cannot remain working in that position. The prime sponsor (the appointing authority) has the option of appointing employees laid off from regular positions to the positions vacated by CETA employees, assuming they qualify under CETA. CETA employees are to be either transferred to positions not affected by the layoffs or be laid off.

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Subpart 20-5.111 Administration Of The Work Incentive/On-The-Job Training Program

20-5.111a Subject:

The Work Incentive/On-the-Job Training (WIN/OJT) Program authorizes funds for the immediate employment in the public service of WIN participants. The prime objective of developing OJT positions for WIN participants is to ultimately provide permanent employment in unsubsidized jobs in the public sector and to fill the unmet service needs of government. Appointing authorities operating under this program are directly responsible for complying with the "assurance" incorporated in the WIN/OJT grants.

20-5.111b Alternatives:

Appointing authorities, operating under the provisions of Title 11, the Civil Service Statute, are authorized to fill WIN/OJT positions, in accordance with this subpart. The Civil Service Commission in cooperation with the New Jersey Department of Labor and Industry has established the following alternatives for the appointment of WIN/OJT employees:

1. Approval is granted for the appointment of WIN/OJT employees to temporary positions for a 12-month period.

2. Individuals may be appointed to WIN/OJT positions as regular appointees under normal certification procedures at the request of the appointing authority with the consent of the appointee.

20-5.111c Employment Terms And Conditions Of Employment:

1. Individuals receiving temporary appointments to WIN/OJT positions will obtain all of the Civil Service terms and conditions accorded to temporary employees.

2. Individuals receiving appointments to WIN/OJT positions under alternative 2 above have the same terms and conditions as employees who are appointed to regular positions.

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Subpart 20-5.112 Tuition Aid

20-5.112a Definition:

As defined in Subpart 20-5.101e, Tuition Aid means a program of tuition reimbursement or assistance for employees who attend established educational institutions of their own choosing and primarily on their own time for formal academic credit within the limitations of these regulations and funds available for such programs.

20-5.112b Authorizations:

1. Departments and Agencies should:

a. Establish a planned program for granting tuition aid designed to:

(1) be of direct benefit to the department or agency and the State;

(2) to improve employee performance and;

(3) to facilitate career development.

b. Pay in whole or in part tuition and/or other costs attendant to out-service education as defined in 20-5.101e, and in this Subpart.

c. Establish uniform guidelines for selection, application, control and remuneration, in accordance with procedures defined herein.

2. The standards set forth herein should should define parameters for tuition aid. Individual departments may, at their own discretion, set policies within the parameters so prescribed.

3. Departments may, for example, require an academic average higher than the minimum standard (20-5.101e 8), or a department may limit reimbursement to less than the authorized 15 credits in a fiscal year (20-5.112e 15).

20-5.112c Eligibility:

All full-time employees in the classified and unclassified service, who will have completed one year of satisfactory service at the time of registration, are eligible to receive tuition aid.

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20-5.112d Objectives:

1. To enable individual employees to increase their knowledge, enhance their skills and/or improve their performance in order to contribute more effectively to the programs and services of the departments and agencies of New Jersey State Government.

2. To provide a means for assisting State Government in attracting, retaining and developing its human resources.

20-5.112e Conditions and Limitations:

1. Tuition Aid Plan

a. Each department and agency is responsible for developing and implementing its own planned program for tuition aid as defined in the standards prescribed in these regulations. Such programs should include the following written components, which shall be available to all employees of that organization:

(1) Minimum criteria for selection;

(2) Procedures for application;

(3) Conditions and method of payment or reimbursement;

(4) Binding agreements upon participants;

(5) Names, titles, address of employees administering the program;

(6) Provision to ensure participants' compliance with program regulations;

(7) allowable exceptions to regulations.

b. Each Department or agency shall obtain approval of its tuition aid program from the Department of Civil Service in advance of the program's implementation.

c. Each Department or agency shall obtain approval from the Department of Civil Service of amendments to and changes in its plan in advance of implementation of such changes.

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20-5.112e (cont'd)

d. Such education and/or training is not related to the duties and responsibilities prescribed for the position in which the employee is incumbent.

6. Ineligible Employees:

The following employees are ineligible for tuition aid:

a. Employees on temporary status;

b. Employees with less than one year of service at the time of registration;

c. Employees whose last performance evaluation is less than "satisfactory";

d. Employees who are pursuing education which is not directly related to the duties and responsibilities prescribed for the position in which they are incumbent.

e. Employees who are receiving or are eligible to receive scholarship and/or tuition assistance through the school in which he/she is in attendance and/or through other public or private agency resources.

f. Employees on part-time status.

7. Reimbursable Costs:

Departments may pay in whole or in part appropriate costs attendant to the employee's education.

8. Academic Standards:

Employees must maintain no less than an academic average consistent with the minimum acceptable standards established by school in which he/she is enrolled in order to be eligible for reimbursement.

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20-5.112e (cont'd)

2. Administration:

The department training officer should be responsible for approving or disapproving requests for tuition aid subject to the following:

a. Availability of funds;

b. Recommendation of the applicants' supervisor and division head;

c. Conditions, limitations and priorities of these regulations and/or the department or agency training plan;

d. Eligibility of candidate(s).

3. Criteria for Selection:

Each department shall develop uniform and specific criteria for selection of employees to receive tuition aid and notify the Department of Civil Service of these criteria through filing of its tuition aid plan (20-5.112e, 1).

4. Authorization for Expenditure:

Each department or agency shall obtain authorization for remuneration for each participant in the program in accordance with the standards governing expenditures for training as specified in this Subpart and Subpart 20-5.101f, (1) (c). Such requests must be submitted to the Department of Civil Service on a Staff Training Request (CS-94) no less than two weeks prior to enrollment.

5. Ineligible Education and/or Training:

Department may not authorize remuneration for tuition and other costs (20-5.112e, 7) when:

a. Such education and/or training may be obtained through State or other resources at a lesser cost.

b. The employee is eligible to receive remuneration for such education and/or training through scholarships or assistance other than that available from the department.

c. Such education and/or training is not of direct value to the State and/or department.

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20-5.112e (cont'd)

9. Employee Commitment:

As a condition of accepting and receiving tuition aid, the employee should agree in writing to remain in the employ of the sending department for no less than one month for each month in which he/she received tuition aid to a maximum of two years; or to reimburse the sending department on the same basis (Refer to 20-5.112e, 12).

10. Reimbursement Procedure:

Reimbursement of tuition and other eligible related costs (20-5.112e, 7) should be made upon presentation by the employee of:

a. Official evidence of satisfactory completion of the course(s) of study for which the employee was originally approved.

b. Receipted invoices for those eligible costs.

c. A signed statement by the employee attesting to the fact that he/she did not receive tuition or scholarship assistance from the school or other sources in addition to those provided by the department.

11. Withdrawal:

An employee accepted for tuition aid may withdraw from the program in which he/she is enrolled, without prejudice or sanctions imposed by the sending department; however, in so doing he/she should waive the right to any reimbursement for tuition, registration or other related costs.

12. Termination:

a. An employee who terminates employment with the sending department prior to completion of the education and/or training should waive entitlement to tuition aid.

b. Repayment may be made at a rate and in a manner agreed to by the department and employee.

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20-112e (cont'd)

13. Travel:

a. Reimbursement for travel expenses incurred in the use of public transportation or private vehicles may be made only if an employee is directed to attend courses by the sending agency.

b. State owned vehicles may be used only for travel to and from the educational site when an employee is directed to enroll in an educational program by his/her employing agency.

14. Modification of Work Schedules:

The department may authorize modification of work schedules in order to permit an employee to attend education programs (for which the employee is receiving tuition aid). When modification of work schedules is not practical, the sending agency may grant up to four hours per week to the employees to attend instruction.

15. Credit Hours:

Remuneration for any candidate's tuition and other related costs shall not exceed 15 credit hours or the equivalent in any fiscal year.

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PART 20-6 EMPLOYEE INTERCHANGE

Subpart 20-6.101 Administration of the Government Employee Interchange Act of 1967

20-6.101a Subject:

This subpart sets forth regulations and procedures issued pursuant to N.J.S.A. 52:14-6.10 et seq., Government Employee Interchange Act of 1967. They shall apply to any department, division, office, agency, bureau or section of this State or any political subdivision of the State, or any authority or instrumentality created or chartered by the State.

20-6.101b Objectives:

1. The objectives of the act are to provide for the temporary interchange of federal, State and local govermental employees to:

   (a) Encourage and improve intergovernmental cooperation,

   (b) Provide a means for the State and local governments to develop or increase the knowledges, skills and abilities of their employees, and

   (c) Assist in the resolution of problems of the sending or receiving agency.

2. The act will not apply to the assignment of an employee;

   (a) As a student to an established education institution.

   (b) To any unit of government outside the territorial limits of the United States or its possessions.

20-6.101c Regulations:

1. Any unit of government in the State of New Jersey is authorized to participate, as either a sending agency or a receiving agency, in interchanging employees with any other unit of Federal, State or local government of the United States, provided:

   (a) The chief executive officer of (a) the sending agency, and (b) the receiving agency and (c) the participating employee shall have executed and filed with the President of the New Jersey Civil Service Commission the prescribed form CS-118;

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20-6.101c (cont'd.)

(b) The period of assignment shall not be less than two months nor for more than 12 months; however, the President of the Civil Service Commission is authorized to set a time period of less than two months of assignment in order to accommodate emergency situations, e.g. a call for fire wardens to help control a fire in a neighboring state.

"Emergency situations" does not allow for a reduced time period to permit a desirable, but not crisis, interchange with less than a two month assignment period.

(c) An employee shall not receive such assignments for more than 12 months during any 36 month period;

(d) The participating employee shall agree to remain in the employ of the sending agency for a period of at least one year after the termination of the period of interchange.

2. The Department of Civil Service shall review all forms CS-118 described in Regulations 1.(a) above to insure compliance with these regulations and the intent of N.J.S.A. 52:14-6.10.

3. The sending agency or the receiving agency may terminate a program of employee interchange without reason provided 30 days written notice is given to (1) the other agency, (2) the participating employee, and (3) the Department of Civil Service.

4. No employee shall be assigned as a participating employee or continue in such assignment without his freely - given consent. If the employee agrees to participate s/he shall be assigned to a receiving agency but continue as an employee of the sending agency, except for purposes of supervision which shall be determined by agreement between the sending and receiving agencies. During this period of assignment all rights and benefits shall be continued including but not limited to: salary, seniority, promotion, re-employment, retirement, pension, insurance, vacation, sick leave and if necessary Workmen's Compensation.

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5. A participating employee shall receive his salary from the sending agency. No compensation shall be received from the receiving agency except as may be reimbursed for the necessary per diem and mileage expenses.

6. The sending agency may pay the expenses incurred by a participating employee in transporting the employee's immediate family, household goods and personal effects from and to the regular place of employment and the assigned place of employment provided that the period of assignment is more than 8 months in duration.

20-6.101d Procedures:

The Division of Employee Services, Department of Civil Service, is responsible for administering these regulations. It shall assist any New Jersey Governmental unit in participating in government employee interchange programs pursuant to N.J.S.A. 52:14-6.10 et seq. or in any comparable acts of the Federal government or other State.

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PART 20-6 EMPLOYEE INTERCHANGE

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20-6.101b Objectives:

1. The objectives of the act are to provide for the temporary interchange of federal, state and local governmental employees to:

   A. Encourage and improve intergovernmental cooperation,

   B. Provide a means for the State and local governments to develop or increase the knowledges, skills and abilities of their employees, and

   C. Assist in the resolution of problems of the sending or receiving agency.

2. The act will not apply to the assignment of an employee:

   A. As a student to an established education institution.

   B. To any unit of government outside the territorial limits of the United States or its possessions.

20-6.101c Regulations:

1. Any unit of government in the State of New Jersey is authorized to participate, as either a sending agency or a receiving agency, in interchanging employees with any other unit of Federal, State or local government of the United States, provided:

   A. The chief executive officer of (a) the sending agency, and (b) the receiving agency and (c) the participating employee shall have executed and filed with the President of the New Jersey Civil Service Commission the prescribed form CS-118;

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20-6.101c (cont'd.)

B. The period of assignment shall not be less than two months nor for more than 12 months;

C. An employee shall not receive such assignments for more than 12 months during any 36 month period;

D. The participating employee shall agree to remain in the employ of the sending agency for a period of at least one year after the termination of the period of interchange.

2. The Department of Civil Service shall review all forms CS-118 described in Regulations 1.A. above to insure compliance with these regulations and the intent of N.J.S.A. 52:14-6.10.

3. The sending agency or the receiving agency may terminate a program of employee interchange without reason provided 30 days written notice is given to (1) the other agency, (2) the participating employee, and (3) the Department of Civil Service.

4. No employee shall be assigned as a participating employee or continue in such assignment without his freely - given consent. If he agrees to participate he shall be assigned to a receiving agency but continue as an employee of the sending agency, except for purposes of supervision which shall be determined by agreement between the sending and receiving agencies. During his period of assignment all his rights and benefits shall be continued including but not limited to: salary, seniority, promotion, re-employment, retirement, pension, insurance, vacation, sick leave and if necessary Workmen's Compensation.

5. A participating employee shall receive his salary from his sending agency. He shall not receive any compensation from the receiving agency except that he may be reimbursed for his necessary per diem and mileage expenses.

6. The sending agency may pay the expenses incurred by a participating employee in transporting his immediate family, household goods and personal effects from and to his regular place of employment and his assigned place of employment provided that the period of assignment is more than 8 months in duration.

20-6.101d Procedures:

The Division of Employee Services of the Department of Civil Service is assigned responsibility for administering these regulations. It shall also assist any New Jersey Governmental unit to participate in government employee interchange programs pursuant to N.J.S.A. 52:14-6.10 or any comparable acts of the Federal government or any other State.

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CIVIL SERVICE PERSONNEL MANUAL

(STATE SERVICE)

Please be advised that the following subpart has been repealed; please remove the subpart from your manual:

Subpart	Issue Date	Repealed Date
20-7.101	4/9/73	7/9/81

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PART 20-7 CAREER DEVELOPMENT

Subpart 20-7.101 Employee Advisory Service

20-7.101a Subject:

This subpart describes the operation and regulations of the Employee Advisory Service established by the Department of Civil Service.

20-7.101b Purpose:

The purpose of the Employee Advisory Service is to provide a means of assisting employees in any department whose work has been rated unsatisfactory to again achieve a work performance which is satisfactory.

The Employee Advisory Service may be utilized by any state employee on a voluntary basis should an employee feel he or she has problems relating to work performance.

20-7.101c Procedure:

1. The names and titles of employees who have received EPEIS ratings of "unsatisfactory" will be referred to the Employee Advisory Service in the Department of Civil Service.

2. Any employee whose job performance is of such a nature as to cause concern will be referred by the line supervisor to the personnel office of his department and in turn to the Employee Advisory Service.

3. Any employee may utilize the Employee Advisory Service on a voluntary basis and may contact Employee Advisory Service directly.

4. The Employee Advisory Service will interview the referrals and in turn refer to community resources which will provide specific services.

5. The Employee Advisory Service will arrange with the personnel office of the employee's department to have the employee excused from work to keep specific appointments.

6. The Employee Advisory Service will maintain continuing follow-up on referrals to determine progress of the employee.

7. The Employee Advisory Service will also maintain follow-up concerning the employee's job performance.

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20-7.101c (cont'd)

8. The records, information, and any material in the Employee Advisory Service Program will be strictly confidential.

9. State Employee Associations and Unions may refer to the Employee Advisory Service and their support of the program is solicited.

10. The Employee Advisory Service will function as a unit in the Bureau of Employee Services, Department of Civil Service.

11. In those situations where the client does not have a medical, mental health, or personal problem, the client will be referred to the Chief, Bureau of Employee Services who will interview the client and then contact the personnel officer in the department where the client is employed.

12. No employee who is in process with the Employee Advisory Service will be dismissed before the Chief, Bureau of Employee Service, Department of Civil Service has conferred with the personnel officer of the employee's department.

13. An employee who is referred to the Employee Advisory Service and does not accept the referral or an employee who does not keep referral appointments will be subject to disciplinary action. However, prior to taking disciplinary action for this reason against such employee the personnel officer will submit the matter to the Chief, Bureau of Employee Services, Department of Civil Service for review. If required, the matter will be submitted to the Chief Examiner and Secretary for presentation to the Civil Service Commission.

14. Should the Employee Advisory Service need to interview a supervisor concerning an employee's work performance, the personnel office or the individual who is responsible for the personnel function will arrange for the supervisor to report to the Employee Advisory Service.

15. Division Directors, Bureau Chiefs and other administrative and executive personnel will cooperate with the Employee Advisory Service in the rehabilitation of any employee.

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PART 20-8 EMPLOYEE ADVISORY SERVICE

Subpart 20-8.101 Policy and Procedure

20-8.101a Subject:

This subpart describes the operation and regulations of the Employee Advisory Service established by the Department of Civil Service.

20-8.101b Purpose:

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.

20-8.101c Policy:

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, a) the employee's job performance is less than satisfactory or b) the employee is experiencing personal problems which are manifested on the job or c) a member or members of an employee's household has personal problems which adversely affect the employee's job performance.

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 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.

20-8.101d Composition:

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.

20-8.101e Definitions:

1. Active Client Status: 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.

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20-8.101e (Cont'd)

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

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

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

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

20-8.101f Confidentiality:

1. All information concerning an employee, whether stated, written or known, in the Employee Advisory Service files or referral files, shall be confidential.

2. Only the client can authorize the release of information concerning his/her contact with the Employee Advisory Service.

3. In order to release information:

(a) A release form must be signed by the client and his/her treatment agency or counselor.

(b) The client may state an expiration date for the release form after which confidentiality is restored and reestablished.

(c) When a client signs a confidentiality release form s/he is allowing full disclosure of information. There is no provision for partial disclosure.

20-8.101g Procedure:

1. Referrals

(a) 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.

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20-8.101g (cont'd)

(b) 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.

(c) 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.

(d) 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.

(e) When an employee who is referred to the Employee Advisory Service does not 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. Interviews:

(a) Employer-referred employees will be scheduled for appointments through the personnel officers of their departments.

(b) 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. Time Off:

(a) Employees who are referred by their personnel officer to the Employee Advisory Service will be excused from work assignments for up to two visits.

(b) Employees will be charged vacation, sick leave, or administrative leave for subsequent visits.

(c) 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.

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20-8.101g (cont'd)

4. Follow-up:

(a) The Employee Advisory Service will maintain follow-up on all clients to determine their progress.

(b) 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. Financial responsibility:

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

20-8.101h Removal:

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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Subpart 20-8.102 Examination Of Public Records

20-8.102a Subject:

This subpart will detail the State policy on examination by citizens of public records in accordance with Executive Order No. 11.(1974)

20-8.102b Policy:

Public records are to be readily accessible for examination by citizens of this State for the protection of the public interest. All records which are required by law to be made, maintained and kept on file by State and local governmental agencies are public records, subject to inspection and examination and must be available for copying.

20-8.102c Exceptions:

Except as otherwise provided by law or when essential to the performance of official duties or when authorized by a person in interest, governmental instrumentalities shall not disclose to anyone other than a person duly authorized by this State or the United States to inspect such information in connection with their official duties, personnel or pension records of an individual, except that the following shall be public:

1. An individual's name, title, position, salary, payroll record, length of government service, date of separation from government service and reason for separation; and the amount and type of pension the individual is receiving;

2. Data contained in information which disclose conformity with specific experimental, educational or medical qualifications required for government employment or for receipt of a public pension, but in no event shall detailed medical or psychological information be released.

20-8.102d Effective:

Executive Order 11 became effective November 15, 1974.

ISSUED: 8/14/75

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Series 21

Enforcement, Prohibitions, Penalties

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 21-1 EQUAL EMPLOYMENT OPPORTUNITY

Subpart 21-1.101 State Affirmative Action Program

21-1.101a Subject:

This subpart promulgates the directives of Executive Order No. 61, signed by Governor Brendan T. Byrne on October 12, 1977.

21-1.101b Authority:

The State is required to comply with Federal and State laws that mandate equal employment opportunity, including Title VII of the Civil Service Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the New Jersey Law Against Discrimination, and Executive Order No. 61. By Executive Order No. 61, the Governor has vested in the Division of Equal Employment Opportunity, Department of Civil Service, the authority to develop, implement, and administer a Statewide Equal Employment Opportunity and Affirmative Action Program for all departments and agencies subject to the Order.

21-1.101c Scope of Executive Order No. 61:

All departments in the Executive Branch and all appointees of the Governor in the Executive Branch and their staff shall comply with Executive Order No. 61. "Departments" shall include each of the principal departments in the Executive Branch of State government and all boards, commissions, agencies, councils, authorities, bureaus and State colleges, now existing or hereafter established. The Executive Order extends to the unclassified as well as the classified service of State government. "Protected class persons" shall include race/ethnic minorities as defined in Subpart 21-2.102, women and the physically handicapped.

21-1.101d Policy:

There shall be equal employment opportunity for all employees and all applicants seeking employment in all departments, regardless of race, creed, national origin, age, sex, or physical handicap. Affirmative action shall be undertaken to provide protected class persons with equal employment opportunity in New Jersey State government.

21-1.101e Equal Employment Opportunity and Affirmative Action Program:

The head of each department shall ensure equality of opportunity for all departmental employees and applicants in the areas of recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation, fringe benefits, and all other terms and conditions of employment.

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21-1.101e (cont'd)

Each department head shall appoint at least one individual as the Affirmative Action Officer. Such individual shall be directly responsible to the office of the department head. Affirmative Action Officers shall serve in a full-time capacity; any exceptions are subject to the approval of the Director of the Division of Equal Employment Opportunity.

21-1.101f Program Administration:

1. The Director of the Division of Equal Employment Opportunity and Affirmative Action shall:

a. Be responsible to the Governor and the President of the Civil Service Commission for the administration of the Statewide Equal Employment Opportunity and Affirmative Action Program.

b. Review State personnel policies and procedures including recruitment, selection, and promotion procedures, to identify and facilitate the elimination of artifical barriers to equal employment opportunity.

c. Ensure that each department develops appropriate affirmative action and equal employment goals for protected class persons.

d. Ensure that each department complies with all laws and regulations relating to equal employment opportunity and Executive Order No. 61.

e. Seek correction of discriminatory practices and procedures.

f. Act as liaison with Federal, State and local enforcement agencies.

g. Develop necessary Civil Service Personnel Manual Subparts to further interpret Executive Order No. 61 and describe related procedures to be used by the Department of Civil Service and the departments relative to the Statewide Affirmative Action Program. Subparts will be promulgated through the normal Civil Service administrative process. Operational procedures will also be promulgated in an Equal Employment Opportunity and Affirmative Action Procedural Manual. This Manual will be distributed at least to all departmental affirmative action officers and personnel officers.

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21-1.101f (cont'd)

h. Recommend necessary legislation through the Department of Civil Service Legislative Liaison and perform other actions deemed necessary by the Governor and the President of the Civil Service Commission to implement Executive Order No. 61.

2. The Department of Civil Service, through the Division of Equal Employment Opportunity and Affirmative Action shall:

a. Provide a pool of protected class applicants for consideration for vacant classified and unclassified positions. (See Subpart 21-2.103)

b. Review Civil Service regulations to identify those regulations which serve to discriminate against minorities, the physically handicapped and women and recommend elimination of same to the Civil Service Commission.

c. Review testing procedures to eliminate those which serve to discriminate against minorities, the physically handicapped, and women. (See Subpart 21-2.103)

d. Analyze job specifications to identify and eliminate those prerequisites which are not legitimate occupational qualifications.

e. Ensure selection devices are validated. (see Subpart 21-2.103)

f. Receive and review all discrimination complaints of State government service employees and applicants for State government service; evaluate trends and recommend appropriate policy and procedural changes.

g. Receive, analyze and transmit to the Governor at least semi-annually progress reports on affirmative action in all departments.

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21-1.101f (cont'd)

h. Make available to the public statistics relating to affirmative action progress.

3. Each department shall:

a. Submit an affirmative action plan complete with goals and timetables to the Director of the Division of Equal Employment Opportunity and Affirmative Action. Each plan shall identify existing inequities in hiring, promotion, and all other terms and conditions of employment and provide specific remedies for such inequities and establish time periods for accomplishing remedial action.

b. Submit quarterly affirmative action reports to the Director of the Division of Equal Employment Opportunity and Affirmative Action.

c. Submit for approval an annual update of the departmental affirmative action plan.

d. No press release regarding the affirmative action program or departmental affirmative action plans should be released without consultation with the Director of the Division of Equal Employment Opportunity and Affirmative Action, in order to avoid inadvertent violations of the program.

21-1.101g Enforcement Authority:

1. The head of each department shall be held accountable to the Governor for achieving and maintaining compliance in the Affirmative Action Program.

2. The Director of the Division of Equal Employment Opportunity and Affirmative Action shall recommend appropriate sanctions to the Governor and to the President of the Civil Service Commission for non-compliance of laws and regulations relating to equal employment opportunity and Executive Order No. 61.

3. Sanctions and penalties recommended by the Director of Equal Employment Opportunity and Affirmative Action may be applied by the Civil Service Commission in accordance with Federal and State regulations, subject to the concurrence of the Governor and the President of the Civil Service Commission, when a department fails to achieve its goals and to demonstrate good faith efforts.

4. Agencies achieving outstanding affirmative action results shall be cited by the Governor for their efforts.

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21-1.101h N.J. Equal Employment Opportunity Advisory Commission:

The N.J. Equal Employment Opportunity Advisory Commission has been created by Executive Order No. 61 to advise the Division of recommended improvements in the State's affirmative action effort. The Advisory Commission will consist of 11 members appointed by the Governor.

The Director of the Division of Equal Employment Opportunity and Affirmative Action shall serve as Executive Secretary to the Advisory Commission.

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PART 21-1 EQUAL EMPLOYMENT OPPORTUNITY

Subpart 21-1.101 Administration of the State Affirmative Action Program

21-1.101a Subject:

Executive Order No. 14 of December 23, 1974, mandates that all executive departments and agencies take affirmative action to eliminate job discrimination based on race, color, creed, national origin, ancestry, sex, marital status, age, and physical handicap to insure equality in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training, and all other terms and conditions of employment. This Executive Order is in accord with the U. S. Civil Rights Act as amended (P. L. 92-261) the Law Against Discrimination (10:2-1 et seq. NJSA), and Title 11, NJSA, The Civil Service Law.

21-1.101b Operational Policy and Procedures:

The Department of Civil Service will administer Executive Order No. 14 to the full extent of its obligation by the formulation and implementation of a State affirmative action plan binding on all executive departments and agencies in State government. The plan shall include, but not be limited to:

1. A commitment by all State executive departments and agencies to adhere to the policy as enunciated in Executive Order No. 14 and the State Affirmative Action Plan. It is suggested that no press release regarding the affirmative action program be issued without consultation with the Governor's Affirmative Action Officer or the Civil Service Department so as to avoid inadvertent violations of the Governor's program or of federal guidelines.

2. All departments and agencies will instruct minority and women applicants, who desire assistance, in how to fill out Civil Service open-competitive examination application forms. The organizational job titles that the applicant most probably would qualify for should be used on the form. Departments and agencies will forward applications to the Career Development Unit of the Department of Civil Service. Symbols and codes will be added by the Career Development Unit when examinations are announced.

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21-1.101b (cont'd)

Prior to filling provisional, temporary or unclassified positions, in accordance with paragraphs 4 and 5 of Executive Order No. 14, departments and agencies will request from the Career Development Section of the Department of Civil Service applications from the minority and female pool for interviews. The Career Development Section will have five working days to furnish names of interested applicants.

3. Affirmative Action Officers shall be separate from Personnel Officers and shall have the enforcement power to ensure the objectives of Executive Order No. 14 are attained -- each department or agency shall employ both minorities and women at least in proportion to their population in the relevant surrounding Labor Market Area, and at all levels of responsibility.

4. The designation by the Civil Service Department of an Affirmative Action Coordinator whose responsibilities will be, among other things, to:

a. Perform continuous collection and analysis of personnel data as to race, sex, salary, location, occupational category, and other related criteria;

b. Submit reports to Federal Government (EEO-4) annually and submit reports to the Governor on a bi-monthly basis;

c. Provide technical assistance to executive departments;

d. Ensure that a grievance system involving job discrimination claims is provided (employees have the option of using the system or that of the Division of Civil Rights);

e. Recommend structural changes of personnel policies and procedures to provide a non-discriminatory personnel system;

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c. Departmental reports shall include:

(1) New hires by titles, unit, race, gender, annual salary, and job status (temporary, provisional or permanent);

(2) Promotions by job titles, unit, race, gender, annual salary, and examination list or 4:1-8.5 appointments;

(3) Demotions for any reason;

(4) Terminations by resignation, layoff, and removal for cause;

(5) Transfers;

(6) Comments concerning program progress.

6. In all cases, involving job discrimination, the normal grievance system will serve as the avenue for settlement. Where the termination of a provisional or unclassified employee is involved, the grievance procedure will continue after such termination. Where permanent employees are involved the normal Civil Service grievance provisions will remain in effect. The Departmental Affirmative Action office shall participate concurrently at the same step as that of Management personnel.

7. The Civil Service Department, Career Development Section, shall institute analysis of areas in which personnel titles, criteria and procedures could be more job-related and will recommend changes therein in consultation with affirmative action coordinators.

8. All job titles will be continually analyzed by the Career Development Section to determine whether or not the stated prerequisites are bona fide occupational qualifications.

9. As provided by Executive Order No. 14, all departments and agencies of the executive branch shall submit affirmative action plans to the Department of Civil Service by November 1, of each year, such plans to be analyzed and made public, with any deficiencies delineated. Plans shall include at least the following: statement of policy, an employee utilization analysis, problem areas, remedial action in-

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21-1.101b (cont'd)

f. Develop programs to remedy deficiencies with particular emphasis given to upward mobility;

g. Coordinate activities with departmental Affirmative Action Officers;

h. Recommend sanctions where appropriate to the Governor's Affirmative Action Officer;

i. Delineate criteria for departmental affirmative action plans the minimum components of which shall include a statement of policy, an employee utilization analysis, problem areas, remedial action with goals and timetables, and responsibility for implementation. These goals shall be in accord with the uniform guidelines on employee selection procedures as enunciated by the U. S. Equal Employment Opportunity Coordinating Council. Waivers, if any, for Labor Market Areas involved, will be decided by the Career Development Section with consultation of the Governor's Affirmative Action Officer;

j. Approve or disapprove departmental affirmative action plans;

k. Maintain a pool of qualified interested applicants to be available when jobs become available.

5. Personnel reports and records will be kept for a period of two years except for application forms and other pre-employment records for seasonal and temporary positions.

a. Each department will submit a bi-monthly Equal Employment Opportunity Report to the Career Development Section, Civil Service Department, that will close as of the 20th day of the months of January, March, May, July, September, and November, and will be forwarded by the last day of that month.

b. The Career Development Section, Civil Service Department, will send a compilation of these reports to the Governor's Office by the 10th day of the following month.

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21-1.101b (cont'd)

cluding goals and timetables, and responsibility for implementation. Non-compliance with the formulation and implementation of departmental affirmative action plans and documented good faith efforts in achieving these plans may result in withholding approval of the making of further departmental appointments until compliance is effected.

10. The Department of Civil Service, through the efforts of the Career Development Section and Recruitment Unit, will increase its recruitment efforts to ensure that a pool of qualified minority and women applicants for classified and unclassified job exists.

11. When a layoff situation of provisional, temporary, or unclassified employees occurs, recognition will be given to the department's affirmative action plan. In these situations where seniority is not provided for layoffs for the aforementioned types of employees will be at least in proportion to the complement of minorities and females in that department as a minimum leading to the proportion of minorities and females in the relevant labor market areas.

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PART 21-2 DISCRIMINATION

Subpart 21-2.101 Non-Discriminatory Employment Practices

21-2.101a Subject:

This subpart sets forth non-discriminatory employment practices which must be adhered to in all appointments, demotions, removals or any other personnel practice.

21-2.101b Definitions:

(1) Non-Discriminatory Practice - A practice which does not express overtly or covertly, any limitation, specification, preference, or discrimination based on race, creed, color, natural origin, ancestry, citizenship, age, marital status, physical handicaps, sex, political affiliation, or has the intent of making such a limitation unless such is a bona fide occupational qualification.

(2) Bona-Fide Occupational Qualification - Qualification which is essential to the successful performance of respective function based on documentary evidence.

21-2.101c Policy:

It is the policy of the State of New Jersey to provide equal employment opportunities and to administer its personnel system in a non-discriminatory manner.

21-2.101d Application:

Implementation of this non-discriminatory policy as it relates to appointments, demotions, removals, or any other personnel practice shall be the responsibility of the operating divisions of the Department of Civil Service.

The Division of Classification and Compensation in consultation with the Division of Personnel Management and Employee Development shall insure that at the State level there will be non-discriminatory titles, and that appointments, demotions, removals will be made on a non-discriminatory basis.

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21-2.101d (cont'd)

The Division of Examinations will validate examinations which it administers and promulgate eligible lists and certify individuals in a non-discriminatory manner.

21-2.101e Cross Reference:

For additional direction on non-discriminatory employement practices see Subparts as follows:

6-3.102 (Determination and Application of Non-Discriminatory Titles by the Department of Civil Service)
8-10.101 (Discriminatory Inquiries on Pre-Employment Application Forms).
12-7.101 (Requests from Appointing Authorities Regarding Selective Certification Based on the Sex of Eligibles)

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PART 21-2 Information Subpart

Subpart 21-2.102 Standard Race/Ethnic Categories

21-2.102a Subject:

This subpart is issued to advise of the government-wide standard race/ethnic categories established by the Equal Employment Opportunity Commission, by memorandum dated October 13, 1976.

21-2.102b Defined Categories

a. White, not of Hispanic Origin -- Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

b. Black, not of Hispanic Origin -- Persons having origins in any of the Black racial groups of Africa.

c. Hispanic -- Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

d. American Indian or Alaskan Native -- Persons having origins in any of the original people of North America, and who maintain cultural identification through tribal affiliation or community recognition.

e. Asian or Pacific Islander -- Persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

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Subpart 21-2.103 Equal Employment Opportunity and Affirmative Action Program

21-2.103a Subject:

This subpart will establish programs to be implemented by the Department of Civil Service under the direction of the Chief Examiner and Secretary as the administrative officer in accordance with N.J.A.C. 4:1-3.8, with the concurrence of the Director of the Division of Equal Employment Opportunity and Affirmative Action pursuant to Section 3 and 5, Executive Order No. 61.

21-2.103b State Policy:

Executive Order No. 61 has established the Statewide policy that there shall be equal employment opportunity for all employees and all applicants seeking employment in all departments regardless of race, creed, color, national origin, age, sex, or physical handicap. Affirmative action shall be undertaken to provide protected class persons with equal employment opportunity in New Jersey State government. "Protected class persons" shall include race/ethnic minorities as defined in Subpart 21-2.102 and women.

21-2.103c Department of Civil Service Programs:

In compliance with the Statewide policy of undertaking affirmative action, the Chief Examiner and Secretary will direct specific programs to be implemented. Programs will also be implemented to ensure employee selection mechanisms are directly related to qualifications necessary for satisfactory job performance. Programs to be implemented will include but are not limited to:

1. Data Processing Systems:

A data processing support system will be developed for affirmative action program needs and for statistical projections. Information retrieved by such a system will be used to monitor and analyze personnel actions from an equal employment opportunity and affirmative action standpoint.

2. Provisional Appointment Clearance:

"No authorization for a provisional appointment shall be given when the name of any person eligible and willing to accept appointment remains on any eligible list for that class except that an eligible person remaining on the list may request such provisional appointment, in which case his/her appointment must be made pending a complete list of eligible persons, unless the position is made vacant, or unless the employee is sooner removed for sufficient cause." (N.J.A.C. 4:1-14.2(a)). In instances where there are no eligible lists existing for a class, requests for provisional appointments pending open-competitive examination or temporary appointments will not be approved until the appointing authority has received resume bank clearance with the Division of Equal Employment Opportunity and Affirmative Action. Provisional and temporary appointments will be monitored by the Division for equal employment opportunity and affirmative action compliance.

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21-2.103c (cont'd)

3. Position Classification:

Existing and proposed position classification specifications will be reviewed to ensure accurate descriptions of knowledges, skills, and abilities necessary to perform satisfactorily the duties and responsibilities of positions and to preclude or eliminate artificial barriers. New and revised specifications must be reviewed and approved by a review committee consisting of representatives of the Division of Classification, Equal Employment Opportunity, and Examinations.

4. Recruitment:

All State government recruitment programs will be intensified and concentrated on Affirmative Action needs.

5. Examination Applicant Profiles:

The EEOC profile of persons admitted to each open-competitive examination will be analyzed to determine if protected classes are proportionately represented. Test scheduling will not proceed if protected classes are not proportionately represented and there is a failure to demonstrate qualified protected class applicants are not available for the title.

6. Test Content and Procedures -- Validation for Job Relatedness:

Test constructions will be reviewed to insure that test content relates to the knowledges, skills and abilities identified by analysis as being job related, and that individual test questions are written in accordance with the Technical Standards Manual. All tests will be certified by the examination unit supervisor and/or the Assistant Director for Examination Development as having met established standards prior to administration.

7. Test Scores:

Raw score distributions and statistical analysis including item statistics and normative data, will be reviewed prior to setting examination passing points. Test results must fall within an accepted range of standards and reliability factors. Non-defensible test results would be cause for cancellation prior to issuing an eligible list. All examination results will be certified by the examination unit supervisor and/or Assistant Director for Examination Development as meeting established standards prior to issuing an eligible list.

8. Existing Eligible Lists:

Existing eligible lists will be reviewed to determine if protected classes are proportionately represented, based on the availability of qualified applicants. The President of the Civil Service Commission will be advised of those lists which are not representative.

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21-2.103c (cont'd)

9. Lists Made Appropriate:

All lists which have been determined to have protected class representativeness will be used as appropriate for positions requiring similar skills, knowledges and abilities at the same or lower evaluated content level in accordance with Civil Service rules and in accordance with existing certification procedures.

10. Certifications:

All certification dispositions will be reviewed for equal employment opportunity and affirmative action compliance. Non-compliance would result in disapproval of a disposition.

NOTE:

All references to "standards" made above refer to existing Department of Civil Service standards. Any action taken must comport with these standards as well as the standards of due process normally adhered to by this agency including notification of any action with the reason therefore. All rights of appeal will be observed.

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Subpart 21-2.104 Prohibition of Sexual Harassment in State Government

21-2.104a Subject:

This subpart defines sexual harassment and describes the regulations and procedures to be used in issuing appointing authority policies and for filing complaints of sexual harassment.

21-2.104b Policy:

State employees have a primary responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the State's business. Any employee conduct which violates these standards cannot be condoned.

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment which is free from sexual overtures. Sexual harassment debilitates morale and interferes with the work productivity of its victims and co-workers.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to job performance, the taking or refusal to take a personnel action, including promotion of employees who submit to sexual advances, or refusal to promote employees who resist or protest sexual overtures.

Specifically, sexual harassment is deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which is unwelcome.

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or effect the career, salary, or job of an employee is engaging in sexual harassment. Any employee in the workplace who participates in deliberate or repeated unsolicited verbal comment(s), gesture(s), or physical contact of a sexual nature which is unwelcome is also engaging in sexual harassment. Similarly a non-employee who behaves in this manner toward a State employee in the process of conducting business with the State is engaging in sexual harassment.

It is the policy of the Civil Service Commission that sexual harassment is unacceptable conduct and will not be condoned. Personnel management within State service shall be implemented free from prohibited personnel practices and consistent with merit system principles. All employees shall avoid conduct which undermines these merit principles. At the same time, it is not the intent of the Commission to regulate the social interactions or relationships freely entered into by State employees.

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21-2.104c Authority:

In accordance with Executive Order #61, and N.J.S.A. 11:2D-1 et seq all departments in the Executive branch and all appointees of the Governor in the Executive branch and their staff are to comply with State and Federal laws against discrimination. Harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964, as amended, and the New Jersey Law Against Discrimination.

21-2.104d Definitions:

Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, regardless of where such conduct or action is initiated, constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

21-2.104e Standards:

The head of each State department, as an employer, is responsible for:

1. Its acts and the acts of its agents and supervisory employees with respect to sexual harassment, regardless of: 1) whether the specific acts complained of were authorized or even forbidden by the employer; 2) whether the employer knew or should have known of the occurrence; and where such conduct or action is initiated.

2. Acts of sexual harassment between employees in the workplace where the employer or his/her agents or supervisors knew or should have known of the conduct, unless it can be shown that immediate and appropriate corrective action was taken.

3. Acts of sexual harassment of employees by non-employees which occur in the workplace, where the employer knew or should have known of the conduct and failed to take immediate or corrective action.

21-2.104f Procedure:

Each State agency or department head shall:

1. Issue and post the policy statement found in CSPM 21-2.104b,

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21-2.104 Cont'(d)

2. Identify sanctions (consistent with Civil Service law, rules and regulations) which will be imposed,

3. Advise employees of their right to file complaints and the procedure for same,

4. Identify specific steps which will be taken to ensure a work environment which is free of sexual intimidation,

5. Develop and institute methods to sensitize all concerned to the issues of sexual harassment via training sessions and/or training information packages for all supervisory personnel. Training and information packages are to be designed to make supervisory personnel aware of what is objectionable behavior. Sensitivity training and information should provide instructions concerning objectionable behavior such as language use, attitude, and stereotyping,

6. Amend departmental/agency affirmative action plans to include the State government policy and this regulation. Include in the affirmative action plan specific steps which will be taken to ensure a work environment which is free of sexual intimidation,

7. Make sure that all employees are aware of the department's/agency's policy on sexual harassment, and

8. Take immediate and appropriate corrective actions both for the employee who has been determined to have been sexually harassed and against the employee, agent, or supervisor who has sexually harassed an employee.

21-2.104g Complaints of Sexual Harassment:

Complaints of sexual harassment will be reviewed according to the discrimination complaint process outlined in Subpart CSPM 21-2.105.

Persons wishing to file complaints of sexual harrassment also may have the right to file such complaints with the Division on Civil Rights or the U.S. Equal Employment Opportunity Commission and shall be advised that the Division on Civil Rights and the Equal Employment Opportunity Commission also have jurisdiction over discrimination complaints.

It is recognized that the question of whether a particular action or incident establishes a purely personal, social relationship without a discriminatory effect requires a factual determination. Determinations of sexual harassment require a review of the facts. The record as a whole and the totality of the circumstances must be reviewed, emphasizing the nature of the sexual advances and the context in which incidents occurred.

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21-2.104h Disciplinary Action:

When it is determined that sexual harassment has occurred, disciplinary action may be taken, commensurate with the degree of misconduct. As is true of all personnel actions, any disciplinary action taken must comply with Civil Service law, rules, and regulations.

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Subpart 21-2.105 Discrimination Appeals

21-2.105a Subject:

This subpart describes the discrimination appeal process.

21-2.105b Definition:

The discrimination appeal process encompasses all appeals of unlawful differentiation (different treatment or having the effect of different treatment) among or between employees or applicants on the basis of age, sex, marital status, handicap, race, ancestry, national origin, political or religious opinions or affiliations, or criminal record. Both classified and unclassified employees may file discrimination appeals.

21-2.105c Burden Of Proof:

The appellant shall bear the burden of proof in a discrimination appeal.

21-2.105d Matters That May Be Appealed:

1. Claims of discrimination which arise in the following situations, but not limited to only these situations, may be filed through the discrimination appeal system:

a) Work assignment locations,

b) Supervisor/subordinate relations,

c) Assignment of duties (other than classification and salary appeals),

d) Work environment issues,

e) Interviewing process,

f) Provisional appointments.

2. Claims of discrimination which arise in the following situations will be reviewed in the regular course of disciplinary or non-disciplinary hearings or written record reviews and shall not be directly appealed through this discrimination appeal system:

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a) Removal from service,

b) Suspensions, fines or demotions (of more than three times in any one year, more than five days at any one time, or for an aggregate period of fifteen days in one calendar year),

c) Demotions and layoffs,

d) Removal at the end of or during the working test period,

e) Classification review,

f) Examinations and appointments,

g) Unsatisfactory performance of an employee.

The Civil Service Commission, the Chief Examiner and Secretary, the Director, Division of Examinations and the Director, Division of Classification and Compensation shall refer appeals not involving hearings and which raise discrimination issues to the Division of EEO/AA for review. On the appeals which are referred to the Division of EEO/AA by the Director, Division of Examinations or the Director, Division of Classification and Compensation, a joint decision letter shall be issued. If agreement cannot be arrived at by the divisions, the matter shall be referred to the Commission for resolution.

21-2.105e First Level of Appeal of Discrimination:

1. To initiate the process, the appellant shall submit a written appeal which shall include

a) Appellant's name, title and appointing authority,

b) The basis (i.e. age, sex, etc.) on which appellant contends to have been discriminated against, and

c) Detailed information concerning the alleged discriminatory action.

2. The written appeal shall be submitted to the
Director
Division of EEO/AA
Department of Civil Service
CN 315
Trenton, New Jersey 08625

3. Such appeals must be filed within 20 calendar days of the alleged discriminatory act.

4. Upon receipt of discrimination appeals the Division of EEO/AA will acknowledge receipt and

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a) Advise appellants that the New Jersey Division on Civil Rights and U.S. Equal Employment Opportunity Commission (EEOC) also have jurisdiction over discrimination complaints, and

b) Refer the appeal to the affirmative action representative of the appointing authority against whom the charge of discrimination has been made.

5. The affirmative action representative shall investigate the complaint and prepare a written report to the appointing authority. The appointing authority shall issue a written determination to the appellant within 45 calendar days of the affirmative action representative's receipt of the complaint. The appointing authority may have an additional 15 days in which to respond, provided the appellant so agrees, and the Division of EEO/AA is notified. The appointing authority's written determination to the appellant shall include findings of fact and conclusions, and information regarding the right to appeal to the Division of EEO/AA within 20 calendar days of receipt of the determination. A copy of the appointing authority's written determination shall be sent to the Division of EEO/AA.

21-2.105f Second Level Of Appeal Of Discrimination:

1. An appellant may appeal the determination of the appointing authority to the Division of EEO/AA within 20 calendar days of receipt of same. Upon appeal to the Division of EEO/AA, a de novo review shall be made. A decision letter which shall included findings of fact, conclusions and information regarding the right of appeal to the Civil Service Commission shall be issued.

21-2.105g Third Level of Appeal of Discrimination:

1. Appellants have a right to appeal to the Civil Service Commission from the decision of the Director, Division of Equal Employment Opportunity and Affirmative Action within 20 calendar days of receipt of that determination. Appeals should be addressed to the

Director, Division of Administrative
Practices and Labor Relations
CN 312
Trenton, New Jersey 08625.

On appeal to the Commission, only those issues and related proofs or arguments presented to the Director of the Division of EEO/AA will be considered.

2. An appeal to the Commission must include all information as previously specified. Upon receipt of such an appeal, the Director, Division of Administrative Practices and Labor Relations shall compile all necessary information from the Department of Civil Service and the parties.

3. When all the necessary information is compiled, the appeal will be presented to the Commission for its review.

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4. If there is more than one party to an appeal from a determination of the Director, Division of EEO/AA, each party must serve copies of all materials submitted on all other parties.

5. Appeals to the Civil Service Commission from the determination of the Director, Division of EEO/AA will be treated as a review of the written record. No hearing will be granted except in those limited instances where the Commission determines, following its review of the written record, that a significant dispute of material fact exists which can only be resolved through a hearing.

6. Where the Civil Service Commission determines the matter is a contested case, it may transmit the case to the Office of Administrative Law for a hearing pursuant to N.J.A.C. 1:1 et seq. Final administrative determination shall be rendered by the Commission.

21-2.105h Appeal From A Decision Of The Civil Service Commission:

A decision of the Civil Service Commission is a final administrative determination. As such, any further appeal should be directed to the Appellate Division of the Superior Court.

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PART 21-3 INFORMATION SUBPART

Subpart 21-3.101 Prohibition Against Political Activity

21-3.101a Subject:

This subpart deals with the restrictions on political activities of State officers subject to the provisions of the Hatch Act as modified by Section 401(a) of the Federal Elections Campaign Act Amendments of 1974.

21-3.101b Authority:

The following was sent out by the Attorney General's Office and is provided for your information:

"The Office of the Attorney General has often indicated to officials in the State government that in instances where a principal executive department, division or agency administers activities and programs which are financed in whole or in part by loans or grants made by the United States government to the State of New Jersey, the executive or administrative head and employees of such department, division or agency fall within the purview of the limitations on political activity spelled out in the Hatch Act. 5 U.S.C. 1501 et seq. The restrictions on political activities of State officers and employees subject to the provisions of the Act are set forth in Section 1502(a) as follows:

'(a) A state or local officer or employee may not--

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, commend, or advise a State or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) take an active part in political management or in political campaigns.'

"Please be advised that Section 401(a) of the recently enacted Federal Elections Campaign Act Amendments of 1974 (P.L. 93-443) has significantly modified the restrictions imposed on the political activities of State officers and employees insofar as it eliminates any ban on active

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21-3.101b (cont'd)

participation in political management and campaigns as of January 1, 1975. The restriction to be imposed by section 1502(a) (3) of the Hatch Act as of January 1, 1975 will simply foreclose a covered official or employee from being a candidate for partisan elective office. Therefore, State officers and employees subject to the political limitations imposed by the Hatch Act may take an active part in political management and in political campaigns as of January 1, 1975 except that they may not be candidates for partisan elective office. However, the limitations on political activities set forth in section 1502(a) (1) and (2) of the Act relating to the use of official influence on elections and coercion of employees to contribute for political purposes remain in force and effect."

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Subpart 21-3.102 Information -- Hatch Act

21-3.102a Subject:

This subpart is issued to advise of further interpretations of the Hatch Act issued by the Office of the Attorney General.

21-3.102b Restrictions on Hatch Act Employees:

The format of the information will be a question followed by the answer determined by the Attorney General to be the proper application of the Hatch Act. All the following information appears exactly as that prepared by the Attorney General.

q. What is the Hatch Act?

a. The Hatch Act was originally passed by Congress in 1939 (and subsequently amended) to govern the political conduct of Federal and State and local government employees.

q. What State and local employees are restricted in their political activity by the Hatch Act?

a. Executive Branch employees in any agency of a State or local government whose principal employment is in connection with an activity financed in whole or in part by Federal loans or grants are covered by the law.

q. What does "principal employment" mean?

a. If an employee has only one position or job, that is his principal employment. When an employee holds two or more employments, his principal employment is usually the one which accounts for more of his work time and earned income than any other job.

q. Are any employees of a State or local government specifically exempt from the Hatch Act?

a. Yes, the Act exempts the Governor, Lieutenant Governor, the Mayor of a City, and other elected officers of a State or local government if the elective office is their principal employment.

Also exempted from the statute, are employees of educational and research institutions, establishments, agencies, or systems supported in whole or in part by a State or local government or by a recognized religious, philanthropic, or cultural organization.

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21-3.102b (cont'd)

q. What prohibitions are contained in the Hatch Act?

a. An employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office. He may not directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency or person, for a political purpose. Under a recent amendment, he may take an active part in political management or in political campaigns, but he may not be a candidate for partisan elective office.

q. What is the penalty for a violation of the Hatch Act?

a. If the United States Civil Service Commission finds that the offense warrants dismissal from employment, the employing agency may either (1) dismiss the employee or (2) forfeit part of the Federal assistance (equal to two years' salary of employee).

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PART 21-6

Subpart 21-6.101 Information Subpart

21-6.101a Subject:

Representation of State employees when accused of disorderly persons or criminal charges for acts occurring within their scope of employment.

21-6.101b Exposition:

The Attorney General or his designee is charged, by statute, with the responsiblility of making a judgment as to whether or not State employees charged with criminal or disorderly persons offenses should be provided legal representation by the State of New Jersey. In order to clarify the procedures which should be followed for the Attorney General to determine if employees so charged should be provided with State representation, the following was prepared by the Attorney General.

21-6.101c Procedures:

A. The Procedures For Determining Whether To Provide Representation

(1) The employee who is charged shall make a written request for representation addressed to the head of his agency or his designee. The request shall include a full description of the events involved in the charge as well as a copy of the complaint and other documents.

(2) The employing agency shall review the request with emphasis upon ascertaining whether the matter arose out of or within the scope of the employee's duties, and the relationship of the charges to the operation of the agency. If the agency feels that representation should be supplied, it should forward a written request to that effect to the Attorney General together with its reasons for believing that representation would be appropriate. The latter statement should include the indication that the agency's belief is to the innocence or guilt of the employee and its view of the pertinent facts as they relate to the performance of the employee's duties.

(3) Based upon the materials submitted, and upon any outside information, the Attorney General or his designee will then make a judgment as to whether representation is in the best interest of the State.

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21-6.101c (cont'd)

B. When Representation Will Be Supplied

Although the facts of each individual case must be examined to determine whether the State should provide representation to an employee accused of a criminal or disorderly persons offense, the State ordinarily will provide representation in the following cases:

(1) Where the complaint was filed in bad faith or is totally lacking in substance; or

(2) Where the complaint was filed as a means of harassing the State official in the performance of his official duties; or

(3) Where the subject matter of the complaint calls a fundamental interest of the State of New Jersey into question which must be defended; or

(4) Where the criminal or disorderly complaint or proceeding is filed or initiated by a citizen and not by a law enforcement official; or

(5) Where other special reasons or circumstances exist to warrant representation.

C. Who Will Provide Representation

Representation may be undertaken either through a deputy attorney general or outside counsel selected from an impartially compiled list of competent attorneys whose fees shall be approved by the Attorney General or his designee. The determination whether to provide representation through a deputy attorney general or outside counsel shall depend on the circumstances of the individual case, but in no instance will a deputy attorney general be appointed to defend a public employee where the prosecution will be conducted by a county prosecutor or the Division of Criminal Justice. A public employee who has himself retained private counsel in a criminal matter where an acquittal or dismissal has occurred may request the State to pay for all or part of the cost of his private counsel.

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Series 22
Awards Programs

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 22-1 Awards Programs

Subpart 22-1.101 Awards Programs Established

22-1.101a Purpose:

The purpose of the Awards Programs is to promote efficiency and economy in State government by rewarding individual employees for meritorious performance and suggestions which improve State government operations. To accomplish this purpose, the following awards are hereby established:

Awards for Suggestions
Awards for Heroism
Awards for Professional Accomplishment
Awards for Service
Retirement Recognition Awards

22-1.101b Authority for Program:

New Jersey Statutes Annotated, 11:2C-1 et seq.; New Jersey Administrative Code, 4:1-22.1, 4:1-22.2; and Civil Service Personnel Manual, Series 22.

22-1.101c Location and Scope of Program:

The Awards Program is established in the Department of Civil Service and applies to the employees and the improvement of the operations of the:

Office of the Governor
Department of Agriculture
Department of Banking
Department of Civil Service
Department of Community Affairs
Department of Corrections
Department of Defense
Department of Education
Department of Energy
Department of Environmental Protection
Department of Health
Department of Higher Education
Department of Human Services
Department of Insurance
The Judiciary

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22-1.101c (cont'd)

Department of Labor and Industry
Department of Law and Public Safety
Department of the Public Advocate
Department of State
Department of Transportation
Department of the Treasury
Office of Legislative Services
Public Broadcasting Authority

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Department of Civil Service
Department of Community Affairs
Department of Defense
Department of Education
Department of Energy
Department of Environmental Protection
Department of Health
Department of Higher Education
Department of Human Services
Department of Insurance
The Judiciary

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22-1.101c (cont'd)

Department of Labor and Industry
Department of Law and Public Safety
Office of Fiscal Affairs
Department of the Public Advocate
Public Broadcasting Authority
Department of State
Department of Transportation
Department of the Treasury

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The Awards Program is established in the Department of Civil Service and applies to the employees and the improvement of the operations of the:

Office of the Governor
Department of Agriculture
Department of Banking
Bicentennial Commission
Department of Civil Service
Department of Community Affairs
Department of Defense
Department of Education
Department of Environmental Protection
Department of Health
Department of Higher Education
Department of Institutions and Agencies
Department of Insurance
The Judiciary

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Department of Labor and Industry
Department of Law and Public Safety
Office of Fiscal Affairs
Department of the Public Advocate
Department of Public Utilities
Public Broadcasting Authority
Department of State
Department of Transportation
Department of the Treasury

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PART 22-1 PROGRAM ESTABLISHED

Subpart 22-1.101 New Jersey State Employees' Awards Program

22-1.101a Subject:

This subpart describes the organization, operation and regulations of the awards programs established pursuant to N.J.S.A. 11:2C-1 et seq. by the Department of Civil Service and the Awards Committee.

The purpose of the Awards Program is to promote efficiency and economy in State Government and to reward individual employees for meritorious performances and suggestions. To accomplish this purpose the following awards are hereby established:

1. Awards for Suggestions
2. Awards for Heroism
3. Awards for Professional Accomplishment
4. Awards for Service

22-1.101b Organization:

The Awards Program is established in the Department of Civil Service and is administered by an employee committee known as the New Jersey State Employees' Awards Committee (hereinafter "Committee"). Departmental awards committees (hereinafter "departmental committees") are established in each Executive Department, and in the Judiciary Branch. Others may be established in any permanent department, board or commission in the Legislative branch of State Government. Divisional and institutional awards committees may be established with the approval of the Committee and the President of the Civil Service Commission (hereinafter "President").

1. New Jersey State Employees' Awards Committee

a. The Committee consists of five State officers or employees. No two members of this Committee shall be employed by the same deaprtment. The members of the Committee are appointed by the Governor upon the nomination of the President for a term of three years or until their successor shall have been appointed and qualified. If a vacancy on the Committee occurrs by reason other than expiration of term, the vacancy shall be filled for the unexpired term.

b. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in performing their duties as members of the Committee.

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22-1.101b (cont'd)

c. The Committee shall meet and organize as soon as practicable after the annual appointment of new members and select a Chairman from among its members. The Committee shall hold regular meetings at least once each month during the year, except during July and August, and special meetings may be held at the call of the Chairman or the President.

d. The Committee is responsible for the formulation of awards programs and for the supervision and direction of departmental level committees. It has the authority to adopt and promulgate rules and regulations for the conduct and operation of awards programs under the supervision and direction of the President. The Committee shall submit monthly reports to the President concerning operations of the Awards Program which shall include data on the number of suggestions approved and disapproved and the amount of savings to the State resulting from these suggestions. This data will be broken down by department and a copy will be furnished to each department head. The Committee shall submit an annual report, through the President, to the Governor concerning the operations of the Awards Program and the results obtained from each department.

e. The administrative work of the Committee shall be performed by an Executive Secretary (hereinafter "Secretary") and other necessary staff assigned by the President. It shall be the duty of the Secretary to attend the regular and special meetings of the Committee, act as its secretary, record its official actions and maintain minutes of its official proceedings. He/she shall establish and maintain necessary records; establish and maintain an adequate employee and public relations program; investigate and make recommendations concerning the effect of the Awards Program and report the findings to the Chairman; perform such other related work as may be required.

f. It shall be the responsibility of the Committee to make changes in these regulations as may be required. Departmental committees are encouraged to make recommendations for changes which will improve the Program.

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22-1.101b (cont'd)

g. The Committee shall be responsible for reviewing suggestions and the evaluations and recommendations from departmental committees and determining whether or not a suggestion will be approved and the award which will be granted. For those suggestions involving an award of $50 or less, the Executive Secretary of the Committee may authorize the award.

2. Departmental Awards Committees

a. Each principal department of the Executive Branch of State Government shall establish an awards committee to be known as the "Awards Committee of the Department of _____". Departmental committees shall consist of at least three employees of the department who shall be appointed by the head of the department for a term of one year, effective each May 18. An awards committee of not less than three members shall be appointed by the Chief Justice from among the employees of the Judicial Branch of the State Government and an awards committee of not less than three members may be appointed by the head of any other permanent department, board or commission in the Legislative Branch of the State Government.

b. The departmental committees and the awards committees for the Judicial and Legislative branches of government shall be responsible for the conduct and operation of the Awards Program within their respective departments or branches. Departmental and branch committees shall meet regularly and operate under the supervision and direction of, and in accordance with rules and regulations promulgated by, the Committee. They shall establish rules and regulations for the processing of awards and suggestions within their departments with the approval of the Committee.

c. The departmental committees shall be responsible for suitable ceremonies for the presentation of awards to employees of their department and shall use all available means, as the Committee may propose, to prompt participation in the Awards Program by employees of their department.

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22-1.101b (cont'd)

d. The departmental committee will report its activities to the Committee through the personnel officer of the respective department. The personnel officer will ensure that a suitable committee is established in the department and will act as liaison between the two committees to ensure that suggestions are evaluated expeditiously and implementation is effected.

e. Departmental committees may request the State Committee to publish notable problems connected with their departments for which they seek employee advice in the form of suggestion for solution of the problems. The Committee, if it is determined to be in the best interests of the State, will cause the "problems" to be published in suitable publications.

22-1.101c Awards for Suggestions:

An award for a suggestion shall be made to any eligible employee whose constructive proposal has been implemented or ordered implemented by competent authority, in accordance with regulations established by the Committee and approved by the President.

1. How to submit a suggestion

The suggestion shall be in writing. Special forms are available although they are not required. A suggestion must be a constructive proposal which will produce notable economy or improvement in any operation of the State government. It also may concern service, safety or employee welfare. It must be original, or propose a new application of an old idea. It must be related to the change or improvement. The suggestion shall include:

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

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

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c. A concise statement of the benefits which will accrue.

The suggestion shall also include the suggestor's name and signature, social security number, title of position, department and division, and home mailing address.

2. Awards

a. Awards for suggestions shall be in cash. No cash awards shall be for less than $10 nor more than $5,000.

Awards for suggestions may include, at the option of the employee, time off as follows:

(1) One day of additional time off in lieu of an award of from $25-$49.

(2) Two days of additional time off in lieu of an award of from $50-$100.

b. An employee normally shall receive the full amount of his/her award when his/her suggestion is implemented. Where implementation is not complete but specific steps have been taken, a token or full award may be paid at the Committee's discretion. It shall be the responsibility of the departmental committee to inform the Secretary when a suggestion has been placed into operation. Where there is a question regarding date of implementation the Committee's determination shall prevail.

c. A cash or other award shall be in addition to the regular compensation of the recipient, and the acceptance of such award shall constitute an agreement that the use by the State of New Jersey of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the State of New Jersey by the employee, his/her heirs, or assigns.

d. A special award of a plaque will be presented to the department with the best record of employee participation for a fiscal year as demonstrated by the highest number of suggestions approved per one hundred employees in that department. Likewise, a similar award will be given to the department whose employees have contributed most through the program to overall savings to the State.

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22-1.101c (cont'd)

e. Special awards consisting of plaques will be presented to suggesters whose accumulated awards total $5,000 - or result in $50,000 in savings to the State. In addition, they will become lifetime members of an Advisory Board to the Committee. However, to preserve their eligibility to continue participating in making suggestions, they will not be asked to evaluate or pass on suggestions.

f. When a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on 10% of the estimated net annual savings in the first year of operation. Under exceptional conditions the Committee may select a typical year, or may average several years to determine a fair award.

g. When a suggestion is adopted primarily upon the basis of improvement in such areas of safety, health, welfare, morale, etc., the Committee, after consideration of the departmental committee's recommendations, shall determine the amount of the award, commensurate with the benefits anticipated from the suggestion. The chart in Appendix I will be used by the Committee to determine award for intangible suggestions. An award may be made, when justified, on the basis of both monetary savings and intangible benefits.

h. In case of receipt of identical or similar suggestions by the Committee, the suggestion received first shall normally receive any award.

i. Persons who leave the State service after having submitted a suggestion are still eligible for an award. In case of death, the award will be paid to the next of kin or estate.

3. Procedure for Processing Suggestions

Option No. 1

a. When a suggestion is received by the Committee, and the suggester indicates that his/her name should not be disclosed, it will be reviewed by the Secretary and a letter of acknowledgement sent to him immediately. The name of the suggester shall be removed from the suggestion and a serial number substituted to ensure its impartial consideration on an anonymous basis. Copies of the suggestion shall then be forwarded to the appropriate department committee or committees for investigation and recommendation.

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22-1.101c (cont'd)

b. When a suggestion is received by the Committee, and the suggester indicates that his/her name may be disclosed, it will be reviewed by the Secretary and a letter of acknowledgement sent to him/her immediately. Copies of the suggestion, with the name and department of the suggester, will then be forwarded to the appropriate departmental committee or committees for investigation and recommendation.

Option No. 2

a. When a suggestion concerns an employee's own area of work and he/she wishes to work directly with his/her supervisor and departmental committee, the suggestion is entered on an Employee Suggestion Form, a copy of which is sent to the New Jersey State Employees' Awards Program to protect the employee's rights, and the employee then participates directly in the development and refinement of the suggestion. When completed, the departmental committee submits to the State Employees' Awards Committee a copy of the suggestion, their recommendation and evaluation, and, in the cases where adoption of the suggestion is recommended, the endorsement of the department head and an eligiblity certification.

b. In either option, the departmental committee shall make a thorough and objective investigation and evaluation of the suggestion. Following investigation, the departmental committee shall meet and, by majority vote, recommend approval or disapproval of the suggestion on a prescribed form. In all cases, approval or disapproval, a full report with supporting documents is furnished to the Secretary. If, however, the recommendation is for adoption, the report shall be forwarded to the department head for approval and implementation, or disapproval recommendation. The report shall then be returned to the Secretary for a final determination by the Committee. In cases where the suggester requests that his/her name should not be disclosed, the suggester shall remain anonymous until the evaluation has been completed and shall, during processing, be revealed to no source except

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SUPERSEDED

22-1.101c (cont'd)

the State Awards Committee, the Secretary, and the State Awards program staff. The identity of the evaluator should remain anonymous except to department heads, departmental committees, the State Awards Committee, the Secretary, or the staff of the State Awards Committee.

***

a. The Committee shall review the departmental committee's report and recommendation, and decide by majority vote whether or not an award is merited and the amount of the award.

b. When the departmental committee recommends an award of $500 or more, the full report will be forwarded to the Director of the Division of Budget and Accounting for review and recommendation and then returned to the Secretary.

c. After an award is approved by the department head, the suggester's eligibility must be certified by the department. If the identity of the suggester is known to the departmental committee, as in Option No. 1 suggestions, where the suggester indicates that his/her name may be disclosed and all of Option No. 2 suggestions, the certification should accompany the recommendation and endorsement to the Committee. For those suggestions where the suggester indicates that his/her name should not be disclosed, the departmental committee should, after the suggestion is approved by the department head, contact the State Awards program staff for the name of the suggester. In those cases where the suggester is from a department other than the one doing the evaluation, the suggestion will be returned to the Secretary who will seek certification of eligibility from the suggester's department. Then the award must be approved by the President. The Secretary is authorized to to approve for the Committee all awards of $50 or less (or the equivalent option in time off if so requested by the suggester).

d. Suggestions, as they are received by the program staff, will be reviewed to ensure that the correct department or departments are included in the scope of applicability. Should

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22-1.101c (cont'd)

the review disclose that the suggestion refers to the wrong department, or that the scope of applicability should be narrowed to include fewer departments, or widened to include additional departments than those listed by the suggester, or widened to include additional departments than those listed by the suggester, the Employee Suggestion Form will be changed accordingly and the suggester notified of the change. Recommendations and evaluations will be sought from the departments included in the revised scope, after which the Committee will then decide on whether or not to adopt the suggestion and make an award. In deciding the Committee may, or may not, extend the applicability of the suggestion to all or a specified number of the departments included in the scope of the suggestion, departmental rejection recommendations notwithstanding. The award would be based on the value of the idea as affected by the number of departments covered, importance, ingenuity, and presentation-whether the department recommended approval or not- and payment of the award would be from each of these departments on a shared basis.

e. Under ordinary circumstances, departmental committees will return suggestions with their recommendations and, whenever possible for those which are approved, the department head's endorsement and eligibility certification, within thirty days after receipt from the suggestion program staff. Upon receipt, the Secretary will ensure that the suggestion is on the next agenda of the State Committee meeting. The suggester will be notified concerning the award for the suggestion, or notified of the disapproval, within sixty days of the submission date for all suggestions submitted under Option No. 1 unless there are complications, such as the need for a trial period or unavoidable delays in implementation. In these cases, however, the suggester will be informed of the status of the suggestion within the sixty-day period. For Option No. 2 suggestions, the notification will be within thirty days of receipt of the departmental committee. The Committee Secretary may grant extensions to the departmental committee for valid reasons upon request from the departmental personnel officer.

f. Any suggestion not processed or explained satisfactorily within that period will be referred to the department head. If no corrective action is taken by that office within two weeks, these suggestions will be reported to the President for the appropriate action.

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22-1.101c (cont'd)

h. If it is determined by the Committee that it is necessary to use State personnel or outside consultants in either the development or evaluation of a suggestion, the costs involved, if any, may be added to the implementation costs and the award reduced accordingly.

i. Suggestions which are disapproved by the departmental committee may for cause be referred back for reconsideration and in the event of an impasse, referred directly to the department head by the Committee. If referred to the department head, the Committee will include justification as to why the suggestion should be reconsidered. If the impasse continues after referral to the department head, the Committee will refer the suggestion with supportive data and a recommendation to the President for appropriate action.

4. Exceptions - no award shall be paid:

a. To any employee for any suggestions which represent a part of the normal duties of his/her position and which he/she has the authority to change. Accordingly, a supervisor could not receive an award for a suggestion to make a change in his/her section where he/she has the responsibility and authority to do so in accordance with his/her regular duties.

b. To an employee, whose primary duty is research and planning for any suggestion concerning his/her department or division (unless it is clearly outside his responsibility).

c. To any member of the Committee, departmental committee or their staffs. Under very special circumstances the Committee may authorize exceptions.

d. For a disapproved suggestion, if the idea appears to be implemented within two (2) years from the date it was originally received by the Committee, the suggestion may be re-evaluated for an award. In all other cases it shall be the responsibility of the suggester to resubmit his/her disapproved suggestion by the end of the two-year period if he/she wishes to protect his/her interest in the idea.

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22-1.101c (cont'd)

e. For a suggestion which is received by the Committee more than six months (excluding necessary trial period) after it has been placed into use.

f. For a suggestion concerning routine maintenance of buildings, equipment, or grounds, which should be normally reported through regularly established channels. Where sustained complaints have not resulted in correction the Committee may consider such a suggestion for an award.

g. For suggestions involving new structures, equipment, materials, and procedures under trial, experiment or development during an initial period considered reasonable by the Committee.

5. Procedure for making awards

When an award is approved a check will be authorized by the State Treasurer and Budget Director to be drawn upon a State appropriation and prepared to the order of the suggestor for the gross amount of the award. The check will then be forwarded to the departmental committee for presentation (except when the Committee elects to arrange a special ceremony). At the end of year every award recipient will be given a Form 1099 indicating total earnings for tax purposes.

6. Records

a. The Committee shall maintain the following records:

(1) Official copies of the minutes of all meetings and official actions which shall be public information.

(2) All suggestions received, with supporting documents and recommendations from departmental committees. Records will be retained for a three year period after final action.

b. Each departmental committee shall maintain the following official records:

(1) Official copies of the minutes of all meetings and official actions.

(2) One copy of each suggestion referred by the Committee and a copy of its report to the Committee.

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22-1.101c (cont'd)

Records will be kept on file for three years after final action.

7. Suggester of the Year (See Appendix II)

8. Appeals Procedure

a. A suggester dissatisfied with the disapproval or other decisions concerning his/her suggestion may inform the Secretary, stating his/her objections in writing.

b. The Secretary will acknowledge the objection and request the departmental committee involved to review its initial recommendation, considering the new information. The departmental committee will then furnish the suggestion to the State Committee along with their recommendation and all supportive data. The suggestion will be reviewed by the Committee, a determination made and the suggester will be notified of the subsequent findings.

c. Should the suggester remain dissatisfied, he/she may request, in writing, an opportunity to appear in person.

Where there is a question of interpretation of Program regulations or a ruling in special cases, the Secretary may omit formal referral (b, above) to the departmental committee and transmit the appeal directly to the Committee.

d. The Committee shall render a final judgment, subject to the suggester's inherent legal rights. In every case the suggester shall be notified of the results of his/her appeals. (The Civil Service Commission does not exercise jurisdiction in these appeals).

e. If a suggestion is being appealed, the suggester will have the right to review and copy any part of the file concerning his/her suggestion except that the name of the evaluator shall not be disclosed to him/her.

Eligibility will be continued throughout the appeal process if:

(1) The appeal is received within the two-year eligibility period or

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22-1.101c (cont'd)

(2) An appeal is received within 30 days after the suggester is notified of the final decision.

Otherwise, the Committee may, at its discretion, entertain an appeal to insure equitable treatment for a suggester.

22-1.101d Awards for Heroism:

Awards in this category shall be made to any State employee or group of state employees who performs an act of bravery or heroism which is above and beyond the duties or responsibilities of his/her position and which reflects credit upon the State Service.

1. Procedure for processing awards for heroism

a. A nomination for an award for heroism may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Commitee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

b. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. The original nomination with recommendations and supporting documents shall then be forwarded to the Secretary for action by the Committee.

c. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award is merited and the type of award. When an award is approved by the Committee the nomination with all supporting documents shall be

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SUPERSEDED

22-1.101d (cont'd)

forwarded to the President for final approval and authorization to present the award. When an award is not authorized, it shall be the responsibility of the Committee to advise the nominator in writing, of the action of the Committee.

2. Awards for heroism

Awards for heroism shall be letters of commendation, certificates, citations, plaques or other devices. Recommendations concerning the appropriate award to be presented shall be submitted to the departmental committees with each proposal investigated. The Committee shall make the final determination of the type of award in each case and shall be responsible for the design of awards, which shall be uniform for all State employees.

22-1.101e Awards for Professional Accomplishment

Awards in this category may be made to any state employee or group of state employees in recognition of meritorious or distinguished accomplishments. The accomplishments need not fall entirely within the scope of normal duties, but shall be in the nature of a major contribution in a definite field, vocation or profession, or personal outstanding act or conduct reflecting credit on the individual and the State service.

1. Awards may be made to those persons who:

a. Through fruitful study and investigation have initiated and successfully established new and outstanding methods, practices, plans or designs having fundamental values. (Such as - pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.).

b. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as - organization, employee relations, humanities, vocations, etc.).

c. Have achieved honors from professional societies, institutions of learning or recognized groups for outstanding performance encompassed in the fields of work of State departments.

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22-1.10le (cont'd)

d. Have assisted and who have been intimately associated with the recipient of an award: such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

2. Procedure for processing awards for professional accomplishment

a. A nomination for an award for professional accomplishment may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

b. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. The original nomination with recommendations and supporting documents shall then be forwarded to the Secretary for action by the Committee.

c. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award is merited and the type of award. When an award is approved by the Committee the nomination with all supporting documents shall be forwarded to the President for final approval and authorization to present the award. When an award is not authorized, it shall be the responsibility of the Committee to advise the nominator in writing, of the action of the Committee.

3. Awards for professional accomplishment

Awards for professional accomplishment shall be letters of commendation, certificates, citations, plaques or other devices. Recommendations concerning the appropriate award to be presented shall be submitted by the departmental

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22-1.101e (cont'd)

committees with each proposal investigated. The Committee shall make the final determination of the type of award in each case and shall be responsible for the design of awards, which shall be uniform for all State employees.

22-1.101f Awards for Service:

Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey listed in Appendix III or at time of retirement. Such service shall include employment in the classified or unclassified service in either a regular or temporary capacity. In determining years of employment the same basis will be used as is used for computing annual vacation leave (N.J.A.C. 4:1-17.10). Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

1. Procedure for Processing Awards for Service

a. It shall be the responsibility of each department to annually determine the employees who will be eligible for Service Awards during the fiscal year.

b. The presentation of Awards for Service to eligible employees at suitable ceremonies shall be the responsibility of departmental committees.

2. Awards

Awards for Service shall be certificates, citation, emblems, and jewelry and are subject to change by the Committee with the approval of the President. (See Appendix III).

3. Awards for retiring employees

a. Each employee, at retirement, shall be presented with a "Certificate of Appreciation" for service to the State. Certificates, signed by the Governor, will be supplied by the Awards Program upon request of the department's personnel officer. The certificate will be presented with suitable ceremony by the employee's department head or the latter's representative.

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22-1.101f (cont'd)

b. Each employee who, at retirement (exclusive of vested retirement), shall be presented with a Retirement Recognition Award for Service to the State as determined by the Committee with approval by the President. The department will be responsible for any personalized markings it desires.

c. Only one Retirement Recognition Award for Service to the State will be presented to any employee.

4. Procedure for Obtaining Awards for Service

The following is the procedure to be used by operating agencies to obtain Service Awards:

a. Prior to July 1, review personnel records to determine the employees of the unit who will be eligible for service awards during the next fiscal year.

b. Prior to July 1, distribute copies of the colored brochure of Service Award Jewelry (to be supplied by the Secretary) to those employees who will be eligible for 10, 15, 20, 25, 30, 35, 40, 45 and 50 year awards.

c. By July 1, have eligible employees indicate their choice of jewelry items to the personnel office.

d. By July 15, summarize all departmental requests for various awards and certificates, and report to the secretary.

e. Place order directly with the contract vendor at least 30 days prior to anticipated date of presentation. Set up funds on Form PB-77 followed by using agency Form PB-2 or Confirming agency order invoice Form PB-82 direct to the contractor.

Although the specifications for the jewelry require that it be lacquered to resist tarnish, particular care should be taken if it is to be stored for any length of time. It should be kept in its original container and not stored with large quantities of paper or other items containing sulphur.

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22-1.101f (cont'd)

If any items of jewelry are found to be defective or are excessively tarnished, this condition should be reported to the Secretary immediately for referral to the Testing Section of the Purchase Bureau.

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APPENDIX I

GUIDE FOR EVALUATION OF INTANGIBLE BENEFITS OF A SUGGESTION

Supplementing Subpart 22-1.101

Where the value of a suggestion cannot be measured entirely or precisely in actual savings the following Guide will be used to set a full or complementary dollar amount. Cognizance will be taken of cost of implementation with relation to values derived, especially where there is lettle or no savings.

1.	APPLICABILITY	Limited operation or application---to	$8
		Several operations or divisions----to	$15
		Entire department or Statewide-----to	$25
2.	IMPORTANCE	Minor----------to	$8
		Considerable----------to	$15
		Very important----------to	$25
3.	INGENUITY	Exceptional----------to	$5
4.	PRESENTATION	Exceptional----------to	$5

One or more of the above categories may be used by the recommending departmental committee. Ordinarily, however, the last two categories will not be involved but are intended only to provide for suggestions which are exceptional in these areas. Amounts used should total at least $10. Where more than $50 is recommended the departmental report must justify the exception, providing sufficient information for the Committee to verify the total. See 22-1.101c;2.g. for other information.

Form CS-75 will be used for intangible evaluations.

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APPENDIX II

SUGGESTER OF THE YEAR

Supplementing Subpart 22-1.101

1. State "Suggester of the Year"

Every year the Committee shall select the outstanding "Suggester of the Year" from among all the award recipients. Criteria shall include:

a. Importance of idea to the State

b. Savings and/or other benefits

c. Public relations aspects and general compatibility of the selection with character and goals of the Program

d. A combination of any of the above

The nomination shall be forwarded by the Secretary to the President for appropriate recognition.

2. Departmental "Suggester of the Year"

Upon invitation of the Committee each executive department and the Judiciary Branch may name its departmental "Suggester of the Year". The respective committees will forward their nominations to their department heads for confirmation.

Final selections will be transmitted to the Secretary by the date specified.

The Committee will designate a uniform award and arrange for its procurement and presentation. All costs will be paid by the participating departments on a debit and credit basis.

The departments will observe the following standards:

a. The suggester must have received a suggestion award during the previous calendar year.

b. Consideration will be given to the actual award, as it reflects savings and other values, or significance to the department.

c. The suggester must be an employee of the department as of the date named.

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APPENDIX III

SERVICE AWARDS

Supplementing Subpart 22-1.101

The following emblems and jewelry shall be of uniform design, as approved by the Committee, for all eligible employees of the State:

Years of Service	Awards (plus certificate)
5 Year Award	Without Jewels
10 Year Award	One Ruby*
15 Year Award	Two Rubies*
20 Year Award	Three Rubies*
25 Year Award	One 3-point Diamond, Two Rubies*
30 Year Award	One 3-point Diamond, Two Blue Sapphires*
35 Year Award	One 6-point Diamond, Two Emeralds*
40 Year Award	Two 6-point Diamonds, One Emerald*
45 Year Award	Three 6-point Diamonds
50 Year Award	One 12-point, Two 6-point Diamonds

* and one of the following items of personal jewelry

Brooch	Bracelet	Tie Bar	Tie Tack
Necklace	Lighter	Key Ring	Pin

Or other appropriate items as may be added.

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APPENDIX IV

RETIREMENT RECOGNITION AWARDS

Supplementing Subpart 22-1.101

The following Retirement Recognition Mementos shall be of uniform design, as approved by the Committee, for all eligible employees of the State:

The retirees may select one of the following as their retirement Recognition Memento.

Weather Station

Clock

Desk Set

Coffee Service

The Brochures describing the Retirement Recognition items are available from the Department of Civil Service.

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PART 22-1 PROGRAM ESTABLISHED

Subpart 22-1.101 New Jersey State Employees' Awards Program

22-1.101a Subject:

This subpart describes the organization, operation and regulations of the awards programs established pursuant to N.J.S.A. 11:2C-1 et seq. by the Department of Civil Service and the Awards Committee.

The purpose of the Awards Program is to promote efficiency and economy in State Government and to reward individual employees for meritorious performances and suggestions. To accomplish this purpose the following awards are hereby established:

1. Awards for Suggestions
2. Awards for Heroism
3. Awards for Professional Accomplishment
4. Awards for Service

22-1.101b Organization:

The Awards Program is established in the Department of Civil Service and is administered by an employee committee known as the New Jersey State Employees' Awards Committee (hereinafter "Committee"). Departmental awards committees (hereinafter "departmental committees") are established in each Executive Department, and in the Judiciary Branch. Others may be established in any permanent department, board or commission in the Legislative branch of State Government. Divisional and institutional awards committees may be established with the approval of the Committee and the President of the Civil Service Commission (hereinafter "President").

1. New Jersey State Employees' Awards Committee

a. The Committee consists of five State officers or employees. No two members of this Committee shall be employed by the same department. The members of the Committee are appointed by the Governor upon the nomination of the President for a term of three years or until their successor shall have been appointed and qualified. If a vacancy on the Committee occurs by reason other than expiration of term, the vacancy shall be filled for the unexpired term.

b. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in performing their duties as members of the Committee.

c. The Committee shall meet and organize as soon as practicable after the annual appointment of new members and select a Chairman from among its members. The Committee shall hold regular meetings at least once each month during the year, except during July and August, and special meetings may be held at the call of the Chairman or the President.

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22-1.101b (cont'd)

d. The Committee is responsible for the formulation of awards programs and for the supervision and direction of departmental level committees. It has the authority to adopt and promulgate rules and regulations for the conduct and operation of awards programs under the supervision and direction of the President. The Committee shall submit an annual report, through the President to the Governor concerning the operations of the Awards Program.

e. The administrative work of the Committee shall be performed by an Executive Secretary (hereinafter "Secretary") and other necessary staff assigned by the President. It shall be the duty of the Secretary to attend the regular and special meetings of the Committee, act as its secretary, record its official actions and maintain minutes of its official proceedings. He shall establish and maintain necessary records; establish and maintain an adequate employee and public relations program; investigate and make recommendations concerning the effect of the Awards Program and report his findings to the Chairman; perform such other related work as may be required.

f. It shall be the responsibility of the Committee to make changes in these regulations as may be required. Departmental committees are encouraged to make recommendations for changes which will improve the Program.

2. Departmental Awards Committees

a. Each principal department of the Executive Branch of State Government shall establish an awards committee to be known as the "Awards Committee of the Department of _____". Departmental committees shall consist of at least three employees of the department who shall be appointed by the head of the department for a term of one year, effective each May 18. An awards committee of not less than three members shall be appointed by the Chief Justice from among the employees of the Judicial Branch of the State Government and an awards committee of not less than three members may be appointed by the head of any other permanent department, board or commission in the Legislative branch of the State Government.

b. The departmental committees and the awards committees for the Judicial and Legislative branches of government shall be responsible for the conduct and operation of the Awards Program within their respective departments or branches. Departmental and branch committees shall meet regularly and operate under the supervision and direction of, and in accordance with rules and regulations promulgated by, the Committee. They shall establish rules and regulations for the processing of awards and suggestions within their departments with the approval of the Committee.

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22-1.10Lb (cont'd)

c. The departmental committees shall be responsible for suitable ceremonies for the presentation of awards to employees of their department and shall use all available means, as the Committee may propose, to promote participation in the Awards Program by employees of their department.

d. Any employee or group of employees of the State of New Jersey shall be eligible to receive an award for a suggestion or meritorious accomplishment approved by the Committee.

22-1.10lc Awards for Suggestions:

An award for a suggestion shall be made to any eligible employee whose constructive proposal has been implemented or ordered implemented by competent authority, in accordance with regulations established by the Committee and approved by the President.

1. How to submit a suggestion

The suggestion shall be in writing. Special forms are available although they are not required. A suggestion must be a constructiv proposal which will produce notable economy or improvement in any operation of the State government. It also may concern service, safety or employee welfare. It must be original, or propose a new application of an old idea. It must be related to the change or improvement. The suggestion shall include:

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

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

c. A concise statement of the benefits which will accrue.

The suggestion shall also include the suggester's name and signature, social security number, title of position, department and division, and home mailing address.

2. Awards

a. Awards for suggestion shall be in cash. No award shall be for less than $10.00 or more than $5000.

b. An employee normally shall receive the full amount of his award when his suggestion is implemented and approved. Where implementation is not complete but specific steps have been taken, a token or full award may be paid at the Committee's discretion. It shall be the responsibility of the departmental committee to

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inform the Secretary when a suggestion has been placed into operation. Where there is a question regarding date of implementation the Committee's determination shall prevail.

c. A cash award shall be in addition to the regular compensation of the recipient, and the acceptance of such cash award shall constitute an agreement that the use by the State of New Jersey of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the State of New Jersey by the employee, his heirs, or assigns.

d. When a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on 10% of the estimated net annual savings in the first year of operation. Under exceptional conditions the Committee may select a typical year, or may average several years to determine a fair award.

e. When a suggestion is adopted primarily upon the basis of improvement in such areas as safety, health, welfare, morale, etc., the Committee, after consideration of the departmental committee's recommendations, shall determine the amount of the award, commensurate with the benefits anticipated from the suggestion. The chart in Appendix I will be used by the Committee to determine award for intangible suggestions. An award may be made, when justified, on the basis of both monetary savings and intangible benefits.

f. In case of receipt of identical or similar suggestions by the Committee, the suggestion received first shall normally receive any award.

g. Persons who leave the State service after having submitted a suggestion are still eligible for an award. In case of death, the award will be paid to the next of kin or estate.

3. Procedure for processing suggestions

a. When a suggestion is received by the Committee it will be reviewed by the Secretary, and a letter of acknowledgement sent to the suggester. The name of the suggester shall be removed from the suggestion and a serial number substituted to insure its impartial consideration on an anonymous basis. Copies of the suggestion shall then be forwarded to the appropriate departmental committee or committees for investigation and recommendation.

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b. The Departmental committee shall make a through and objective investigation of the suggestion. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval of the suggestion on a prescribed form. If the recommendation is for disapproval, a full report with supporting documents shall be made to the Secretary. If the recommendation is for adoption, the report shall be forwarded to the department head for his/her approval and implementation, or disapproval. The report shall then be returned to the Secretary. The identity of suggesters and evaluators of suggestions shall remain annonymous until the evaluation has been completed and shall be revealed to no source except Department Heads, Departmental Committees, the State Awards Committee, or the staff of the State Awards Committee. The identity of the suggester can be revealed after the evaluation has been completed, but the identity of the evaluator should remain anonymous except to the above sources.

c. The Committee shall review the departmental committee's report and recommendation, and decide by majority vote whether or not an award is merited and the amount of the award.

d. When the departmental committee recommends an award greater than 10% of the maximum award, the full report will be forwarded to the Budget Bureau for review and then returned along with their findings to the Secretary.

e. After an award is approved by the Committee, the suggester's eligibility must be certified by his/her department. Then the award must be approved by the President. The Secretary is authorized to approve for the Committee all awards of $50.00 or less.

f. When a suggestion is held beyond six months by a departmental committee, the Secretary will then advise the chairperson of the departmental committee concerned that this suggestion will be referred to his/her department unless a report on form (CS-75) or reasonable explanation for the delay in returned within two weeks.

g. Any suggestion not processed or explained satisfactorily within that period will be referred to the department head. If no corrective action is taken by that office within two weeks, these suggestions will be reported to the President for appropriate action.

4. Exceptions - No award shall be paid:

a. To any employee for any suggestions which represent a part of the normal duties of his/her position and which he/she has the authority to change. Accordingly, a supervisor could not receive an award for a suggestion to make a change in his/her section where he/she has the responsibility and authority to do so in accordance with his/her regular duties.

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22-1.101c (cont'd)

b. To an employee, whose primary duty is research and planning for any suggestion concerning his department or division (unless it is clearly outside his responsibility).

c. To any member of the Committee, departmental committees or their staffs. Under very special circumstances the Committee may authorize exceptions.

d. For a disapproved suggestion. However, if the idea appears to be implemented within two (2) years from the date it was received, originally, by the Committee, the suggestion may be re-evaluated for an award. In all other cases it shall be the responsibility of the suggester to resubmit his disapproved suggestion by the end of the two-year period if he wishes to protect his interest in the idea.

e. For a suggestion which is received by the committee more than six months (excluding any necessary trial period) after it has been placed into use.

f. For a suggestion concerning routine maintenance of buildings, equipment, or grounds, which should be normally reported through regularly established channels. Where sustained complaints have not resulted in correction the Committee may consider such a suggestion for an award.

g. For suggestions involving new structures, equipment, materials, and procedures under trial, experiment or development during an initial period considered reasonable by the Committee.

5. Procedure for making awards

When an award is approved a check will be authorized by the State Treasurer and Budget Director to be drawn upon a State appropriation and prepared to the order of the suggester for the gross amount of the award. The check will then be forwarded to the departmental committee for presentation (except when the Committee elects to arrange a special ceremony). At the end of the year every award recipient will be given a Form 1099 indicating total earnings for tax purposes.

6. Records

a. The committee shall maintain the following records:

(1). Official copies of the minutes of all meetings and official actions.

(2). All suggestions received, with supporting documents and recommendations from departmental committees. Records will be retained for a three year period after final action.

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22-1.101c (cont'd)

b. Each departmental committee shall maintain the following records:

(1). Official copies of the minutes of all meetings and official actions.

(2). One copy of each suggestion referred by the Committee and a copy of its report to the Committee. Records will be kept on file for three years after final action.

7. Suggester of the Year (See Appendix II)

8. Appeals Procedure

a. A suggester dissatisfied with the disapproval or other decisions concerning his suggestion may inform the Secretary, stating his objections in writing.

b. The Secretary will acknowledge the exception and request the departmental committee involved to review its initial recommendation, considering the new information. He will then notify the suggester of the departmental committee's subsequent findings.

c. Should the suggester remain dissatisfied he may request in writing a review by the Committee and/or an opportunity to appear in person.

Where there is a question of interpretation of Program regulations or a ruling in special cases, the Secretary may omit formal referral (b, above) to the departmental committee and transmit the appeal directly to the Committee.

d. The Committee shall render a final judgment, subject to the suggester's inherent legal rights. In every case the suggester shall be notified of the results of his appeals. (The Civil Service Commission does not exercise jurisdiction in these appeals).

Eligibility will be continued throughout the appeal process if:

(1). The appeal is received within the two-year eligibility period or

(2). An appeal is received within 30 days after the suggester is notified of the final decision.

Otherwise, the Committee may, at its discretion, entertain an appeal to insure equitable treatment for a suggester.

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22-1.101d Awards for Heroism:

Awards in this category shall be made to be any state employee or group of state employees who performs an act of bravery or heroism which is above and beyond the duties or responsibilities of his position and which reflects credit upon the State Service.

1. Procedure for processing awards for heroism

a. A nomination for an award for heroism or professional accomplishment may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

b. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his information. The original nomination with recommendations and supporting documents shall then be forwarded to the Secretary for action by the Committee.

c. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award is merited and the type of award. When an award is approved by the Committee the nomination with all supporting documents shall be forwarded to the President for final approval and authorization to present the award. When an award is not authorized, it shall be the responsibility of the Committee to advise the nominator in writing, of the action of the Committee.

2. Awards for heroism

Awards for heroism or professional accomplishment shall be letters of commendation, certificates, citations, plaques or other devices. Recommendations concerning the appropriate award to be presented shall be submitted by the departmental committees with each proposal investigated. The Committee shall make the final determination of the type of award in each case and shall be responsible for the design of awards, which shall be uniform for all State employees.

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22-1.10le Awards for Professional Accomplishment

Awards in this category may be made to any state employee or group of state employees in recognition of meritorious or distinguished accomplishments. The accomplishments need not fall entirely within the scope of normal duties, but shall be in the nature of a major contribution in a definite field, vocation or profession, or personal outstanding act or conduct reflecting credit on the individual and the State service. Awards may be made to those persons who:

1. Through fruitful study and investigation have initiated and successfully established new and outstanding methods. practices, plans or designs having fundamental values. (Such as - pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as - organization, employee relations, humanities, vocations, etc.)

3. Have achieved honors from professional societies, institutions of learning or recognized groups for outstanding performance encompassed in the fields of work of State departments.

4. Have established an outstanding record of suggestions over a period of years, in which total estimated net savings to the State aggregated $100,000 or more.

5. Have assisted and who have been intimately associated with the recipient of an award: such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

See 22-1.10ld for procedure for processing awards for professional accomplishments and awards to be given.

22-1.10lf Awards for Service

Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey listed in Appendix III or at time of retirement. Such service shall include employment in the classified or unclassified service in either a regular or temporary capacity. In determining years of employment, full credit shall be given for leave of absence with or without pay. Service does not have to be continuous. A fraction of a month shall be considered as a full month of service. Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

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22-1.101f (cont'd)

1. Procedure for Processing Awards for Service

a. It shall be the responsibility of each department to annually determine the employees who will be eligible for Service Awards during the fiscal year.

b. The presentation of Awards for Service to eligible employees at suitable ceremonies shall be the responsibility of departmental committees.

2. Awards

Awards for Service shall be certificates, citations, emblems, and jewelry and are subject to change by the Committee with the approval of the President. (See Appendix III).

3. Awards for retiring employees

a. Each employee, at retirement, shall be presented with a "Certificate of Appreciation" for service to the State. Certificates, signed by the Governor, will be supplied by the Awards Program upon request of the department's personnel officer. The certificate will be presented with suitable ceremony by the employee's department head or the latter's representative.

b. Each employee who, at retirement (exclusive of vested retirement), shall be presented with a Retirement Recognition Award for Service to the State as determined by the Committee with approval by the President. The department will be responsible for any personalized markings it desires.

4. Procedure for Obtaining Awards for Service

The following is the procedure to be used by operating agencies to obtain Service Awards:

a. Prior to July 1, review personnel records to determine the employees of the unit who will be eligible for service awards during the next fiscal year.

b. Prior to July 1, distribute copies of the colored brochure of Service Award Jewelry (to be supplied by the Secretary) to those employees who will be eligible for 10, 15, 20, 25, 30, 35, 40, 45 and 50 year awards.

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22-1.10le Awards for Professional Accomplishment

Awards in this category may be made to any state employee or group of state employees in recognition of meritorious or distinguished accomplishments. The accomplishments need not fall entirely within the scope of normal duties, but shall be in the nature of a major contribution in a definite field, vocation or profession, or personal outstanding act or conduct reflecting credit on the individual and the State service. Awards may be made to those persons who:

1. Through fruitful study and investigation have initiated and successfully established new and outstanding methods. practices, plans or designs having fundamental values. (Such as - pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as - organization, employee relations, humanities, vocations, etc.)

3. Have achieved honors from professional societies, institutions of learning or recognized groups for outstanding performance encompassed in the fields of work of State departments.

4. Have established an outstanding record of suggestions over a period of years, in which total estimated net savings to the State aggregated $100,000 or more.

5. Have assisted and who have been intimately associated with the recipient of an award: such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

See 22-1.10ld for procedure for processing awards for professional accomplishments and awards to be given.

22-1.10lf Awards for Service

Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey listed in Appendix III or at time of retirement. Such service shall include employment in the classified or unclassified service in either a regular or temporary capacity. In determining years of employment, full credit shall be given for leave of absence with or without pay. Service does not have to be continuous. A fraction of a month shall be considered as a full month of service. Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

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1. Procedure for Processing Awards for Service

   a. It shall be the responsibility of each department to annually determine the employees who will be eligible for Service Awards during the fiscal year.

   b. The presentation of Awards for Service to eligible employees at suitable ceremonies shall be the responsibility of departmental committees.

2. Awards

   Awards for Service shall be certificates, citations, emblems, and jewelry and are subject to change by the Committee with the approval of the President, (See Appendix III)

3. Awards for retiring employees

   a. Each employee, at retirement, shall be presented with a "Certification of Appreciation" for service to the State. Certificates, signed by the Governor, will be supplied by the Awards Program upon request of the department's personnel officer. The certificate will be presented with suitable ceremony by the employee's department head or the latter's representative.

   b. Each employee who, at retirement (exclusive of vested retirement), shall have completed 20 or more years of service shall be presented with a Special Award for Service to the State as determined by the Committee with approval by the President. The department will be responsible for any personalized markings it desires.

4. Procedure for Obtaining Awards for Service

   The following is the procedure to be used by operating agencies to obtain Service Awards:

   a. Prior to July 1, review personnel records to determine the employees of the unit who will be eligible for service awards during the next fiscal year.

   b. Prior to July 1, distribute copies of the colored brochure of Service Award Jewelry (to be supplied by the Secretary) to those employee who will be eligible for 15, 20, 25, 30, 35, 40, 45 and 50 year awards.

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22-1.101f (cont'd)

c. By July 1, have eligible employees indicate their choice of jewelry items to the personnel office.

d. By July 15, summarize all departmental requests for various certificates, and report to the Secretary.

e. Place order directly with the contract vendor at least 30 days prior to anticipated date of presentation. Set up funds on Form PB-77 followed by using agency Form PB-2 or Confirming agency order invoice Form PB-82 direct to the contractor.

Although the specifications for the jewelry require that it be lacquered to resist tarnish, particular care should be taken if it is to be stored for any length of time. It should be kept in its original container and not stored with large quantities of paper or other items containing sulphur.

If any items of jewelry are found to be defective or are excessively tarnished, this condition should be reported to the Secretary immediately for referral to the Testing Section of the Purchase Bureau.

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APPENDIX I

GUIDE FOR EVALUATION OF INTANGIBLE BENEFITS OF A SUGGESTION

Supplementing Subpart 22-1.101

Where the value of a suggestion cannot be measured entirely or precisely in actual savings the following Guide will be used to set a full or complementary dollar amount. Cognizance will be taken of cost of implementation with relation to values derived, especially where there is little or no savings.

1.	APPLICABILITY	Limited operation or application----to	$8
		Several operations or divisions-----to	$15
		Entire department or Statewide------to	$25
2.	IMPORTANCE	Minor----------to	$8
		Considerable----------to	$15
		Very important----------to	$25
3.	INGENUITY	Exceptional----------to	$5
4.	PRESENTATION	Exceptional----------to	$5

One or more of the above categories may be used by the recommending departmental committee. Ordinarily, however, the last two categories will not be involved but are intended only to provide for suggestions which are exceptional in these areas. Amounts used should total at least $10. Where more than $50 is recommended the departmental report must justify the exception, providing sufficient information for the Committee to verify the total. See 22-1.101c;2.e. for other information.

Form CS 75 will be used for intangible evaluations.

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APPENDIX II

SUGGESTER OF THE YEAR

Supplementing Subpart 22-1.101

1. State "Suggester of the Year"

Every year the Committee shall select the outstanding "Suggester of the Year" from among all the award recipients. Criteria shall include:

a. Importance of idea to the State

b. Savings and/or other benefits

c. Public relations aspects and general compatibility of the selection with character and goals of the Program

d. A combination of any of the above

The nomination shall be forwarded by the Secretary to the President for appropriate recognition.

2. Departmental "Suggester of the Year"

Upon invitation of the Committee each executive department and the Judiciary Branch may name its departmental "Suggester of the Year". The respective committees will forward their nominations to their department heads for confirmation.

Final selections will be transmitted to the Secretary by the date specified.

The Committee will designate a uniform award and arrange for its procurement and presentation. All costs will be paid by the participating departments on a debit and credit basis.

The departments will observe the following standards:

a. The suggester must have received a suggestion award during the previous calendar year.

b. Consideration will be given to the actual award, as it reflects savings and other values, or significance to the department.

c. The suggester must be an employee of the department as of the date named.

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APPENDIX III

SERVICE AWARDS

Supplementing Subpart 22-1.101

The following emblems and jewelry shall be of uniform design, as approved by the Committee, for all eligible employees of the State:

Years of Service	Awards (plus certificate)
5 Year Award	Without Jewels
10 Year Award	One Ruby*
15 Year Award	Two Rubies*
20 Year Award	Three Rubies*
25 Year Award	One 3-point Diamond, Two Rubies*
30 Year Award	One 3-point Diamond, Two Blue Sapphires*
35 Year Award	One 6-point Diamond, Two Emeralds*
40 Year Award	Two 6-point Diamonds, One Emerald*
45 Year Award	Three 6-point Diamonds
50 Year Award	One 12-point, Two 6-point Diamonds

* and one of the following items of personal jewelry

Brooch	Bracelet	Tie Bar	Tie Tack
Necklace	Lighter	Key Ring	Pin

Or other appropriate items as may be added.

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APPENDIX III

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35 Year Award	One 6-point Diamond, Two Emeralds*
40 Year Award	Two 6-point Diamonds, One Emerald*
45 Year Award	Three 6-point Diamonds
50 Year Award	One 12-point, Two 6-point Diamonds

* and one of the following items of personal jewelry

Brooch	Bracelet	Tie Bar	Tie Tack
Necklace	Lighter	Key Ring	Pin

Or other appropriate items as may be added.

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APPENDIX III

SERVICE AWARDS

Supplementing Subpart 22-1.101

The following emblems and jewelry shall be of uniform design, as approved by the Committee, for all eligible employees of the State:

Years of Service	Awards (plus certificate)
5 - 10	Gold emblem
15 - 20 - 25	Gold emblem*
30	Gold emblem-Pearl*
35	Gold emblem-Sapphire*
40	Gold emblem-Ruby*
45	Gold emblem with 3 Pt. Diamond
50	Gold emblem with 7 Pt. Diamond

* or one of the following items of personal jewelry

Brooch	Bracelet	Tie Bar	Tie Tack
Necklace	Lighter	Tie Chain	Pin

Or other appropriate items as may be added.

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APPENDIX IV

RETIREMENT RECOGNITION AWARDS

Supplementing Subpart 22-1.101

The following Retirement Recognition Mementos shall be of uniform design, as approved by the Committee, for all eligible employees of the State:

The retirees may select one of the following as their retirement Recognition Memento.

Weather Station

Clock

Desk Set

Coffee Service

The Brochures describing the Retirement Recognition items are available from the Department of Civil Service.

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Subpart 22-1.102 Administration and Organization of the Awards Programs

22-1.102a Subject:

The Awards Programs are administered by an employee committee known as the New Jersey State Employees' Awards Committee (hereinafter "Committee"). Individual awards committees (hereinafter "departmental committees") are established in each department, office, commission, branch or authority listed previously. Divisional and institutional awards sub-committees may be established within departments to assist departmental committees in the administration of the Awards Programs within the department but the responsibility for the departments' activities will remain with the departmental committee.

22-1.102b New Jersey State Employees' Awards Committee:

1. The Committee consists of five State officers or employees, no two of whom shall be employed by the same department or organization, appointed by the Governor upon nomination by the President of the Civil Service Commission (hereinafter "President") for a term of three years or until their successors shall have been appointed and qualified. If a vacancy on the Committee occurs by reason other than expiration of term, the vacancy shall be filled for the unexpired term.

2. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in performing their duties as members of the Committee.

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 regular meetings at least once each month during the year and special meetings at the call of the Chairperson. All meetings will be open to the public and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

4. The Committee is responsible for the formulation of awards programs and for the supervision and direction of departmental level committees. It has the authority to adopt and promulgate rules and regulations for the conduct and operation of Awards Programs under the supervision and direction of the President. The Committee shall submit monthly reports to the President concerning operations of the Awards Programs which shall include data on the activity level, processing timeframes and the amount of benefits to the State resulting from these programs. This data will also be furnished to each department's chief executive officer. The Committee shall submit an annual report, to the Governor through the department's chief executive officer.

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22-1.102b (cont'd)

5. The administrative work of the Committee shall be performed by an Executive Secretary (hereinafter "Secretary") and other necessary staff assigned by the President. It shall be the duty of the Secretary to attend the regular and special meetings of the Committee, act as its secretary, record its official actions and maintain minutes of its official proceedings. The Secretary shall establish and maintain necessary records; implement the decisions of the Committee; establish and maintain an adequate employee and public relations program; investigate and make recommendations concerning the effect of the Awards Programs and report the findings to the Chairperson; and shall perform such other related work as may be required.

6. The Committee shall be responsible for reviewing the evaluations from departmental committees where the recommendation is for approval and shall determine whether or not a proposal will be approved and the award which will be granted. For those awards involving $100 or less of value, the Secretary of the Committee may authorize the award.

7. The Secretary shall make the initial review of all proposed award recommendations from the departmental committees. When the recommendation from the departmental committees are for disapproval the Secretary shall, from the evidence presented, determine if the disapproval shall be upheld.

8. Appeals from determinations made by the Secretary to uphold or reverse a departmental committee recommendation shall be reviewed by the Committee and a final determination will be made by them.

9. It shall be the responsibility of the Committee to make changes in these regulations as may be required. Departmental committees are encouraged to make recommendations for changes which will improve the programs.

10. The Committee is authorized to request, and shall receive, such assistance as it may require from any State department or agency.

22-1.102c Departmental Awards Committees:

1. Each department, office, commission, branch or authority operating under the Awards Programs shall establish an awards committee, which shall include at least three members, and which shall be known as the "Awards Committee of the department, office, commission, branch, or authority."

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Subpart 22-1.102 Administration and Organization of the Awards Program

22-1.102a Subject:

The Awards Program is administered by an employee committee known as the New Jersey State Employees' Awards Committee (hereinafter "Committee"). Individual awards committees (hereinafter "departmental committees") are established in each department, office, commission, branch or authority listed previously. Divisional and institutional awards sub-committees may be established within departments to assist departmental committees in the administration of the Awards Program within the Department but the responsibility for the departments' activities will remain with the departmental committee.

22-1.102b New Jersey State Employees' Awards Committee:

1. The Committee consists of five State officers or employees, no two of whom shall be employed by the same department or organization, appointed by the Governor upon nomination by the President of the Civil Service Commission (hereinafter "President") for a term of three years or until their successor shall have been appointed and qualified. If a vacancy on the Committee occurs by reason other than expiration of term, the vacancy shall be filled for the unexpired term.

2. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in performing their duties as members of the Committee.

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 regular meetings at least once each month during the year and special meetings at the call of the Chairperson. All meetings will be open to the public and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

4. The Committee is responsible for the formulation of awards programs and for the supervision and direction of departmental level committees. It has the authority to adopt and promulgate rules and regulations for the conduct and operation of Awards Programs under the supervision and direction of the President. The Committee shall submit monthly reports to the President concerning operations of the Awards Program which shall include data on the number of suggestions approved and disapproved, processing timeframes and the amount of savings to the State resulting from these suggestions. This data will also be furnished to each department head. The Committee shall submit an annual report, through the President, to the Governor concerning the operations of the Awards Program and the results obtained from each department.

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22-1.102b (cont'd)

5. The administrative work of the Committee shall be performed by an Executive Secretary (hereinafter "Secretary") and other necessary staff assigned by the President. It shall be the duty of the Secretary to attend the regular and special meetings of the Committee, act as its secretary, record its official actions and maintain minutes of its official proceedings. The minutes shall include a record of suggesters and their representatives present at the meeting and a transcript of their comments concerning any suggestions. The Secretary shall establish and maintain necessary records; implement the decisions of the Committee; establish and maintain an adequate employee and public relations program; investigate and make recommendations concerning the effect of the Awards Program and report the findings to the Chairperson; and shall perform such other related work as may be required.

6. The Committee shall be responsible for reviewing suggestions and the evaluations from departmental committees where the recommendation is for approval and determining whether or not a suggestion will be approved and the award which will be granted. For those suggestions involving an award of $100 or less, the Executive Secretary of the Committee may authorize the award.

7. The Executive Secretary shall make the initial review of all suggestions where the recommendation from the departmental committee is for disapproval and shall, from the evidence presented, determine if the disapproval shall be upheld.

8. Appeals from determinations made by the Executive Secretary to uphold or reverse a departmental committee recommendation concerning a suggestion shall be reviewed by the Committee and a final determination will be made by them.

9. It shall be the responsibility of the Committee to make changes in these regulations as may be required. Departmental committees are encouraged to make recommendations for changes which will improve the Program.

10. The Committee is authorized to request, and shall receive, such assistance as it may require from any State department or agency.

22-1.102c Departmental Awards Committees:

1. Each department, office, commission, branch or authority operating under the Awards Program shall establish an awards committee, which shall include at least three members, and which shall be known as the "Awards Committee of the (department, office, commission, branch, or authority).

2. These committees shall be appointed by the chief executive officer of the organization for a term of one year, effective each May 18; and the committee will assume responsibility for the conduct and operation of the Awards Program within their organization.

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22-1.102c (cont'd)

2. These committees shall be appointed by the chief executive officer of the organization for a term of one year, effective each May 18; and the committee will assume responsibility for the conduct and operation of the Awards Programs within their organization.

3. Each department's chief executive officer will appoint as departmental comittee members, program analysts or, in those departments which do not have analysts, employees who are responsible for evaluation and analysis of the agency's programs.

4. The chairperson of the departmental committee will be an individual who reports directly to the chief executive officer.

5. These committees will meet at least monthly and operate under the supervision and direction of, and in accordance with the rules and regulations promulgated by, the Committee. They shall establish rules and regulations for the processing of awards within their departments with the approval of the Committee.

6. These committees will be responsible for objectively and impartially investigating and evaluating each proposed award furnished to them by the Committee and returning a recommendation to the program staff of the Committee within the program timeframes. Documentation to support their conclusions should accompany their recommendation.

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

8. The committees will report their activities to the Committee through the chairperson of the respective organization. Each department's chief executive officer will ensure that a suitable committee is maintained. The Chairperson of the departmental committee will act as liaison between the Committee and the departmental committee to ensure that proposed awards are evaluated expeditiously and implementation is effected.

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22-1.102c (cont'd)

3. These committees will meet at least monthly and operate under the supervision and direction of, and in accordance with the rules and regulations promulgated by, the Committee. They shall establish rules and regulations for the processing of awards and suggestions within their departments with the approval of the Committee.

4. These committees will be responsible for objectively and impartially investigating and evaluating each suggestion furnished to them by the State Committee and returning a recommendation to the program staff of the Committee within the program timeframes. Documentation to support their conclusions should accompany their recommendation.

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

6. The committees will report their activities to the Committee through the personnel officer of the respective organization. The personnel officer will ensure that a suitable committee is maintained and will act as liaison between the two committees to ensure that suggestions are evaluated expeditiously and implementation is effected.

7. Departmental committees may request that notable problems in connection with the activities of their organization be published in order to seek employee advice in the form of suggestions for solution of the problems. The Committee, if it is determined to be in the best interests of the State, will cause these "problems" to be circularized in suitable publications.

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Subpart 22-1.102 Administration and Organization of the Awards Program

22-1.102a Subject:

The Awards Program is administered by an employee committee known as the New Jersey State Employees' Awards Committee (hereinafter "Committee"). Individual awards committees (hereinafter "departmental committees") are established in each department, office, commission, branch or authority listed above. Divisional and institutional awards sub-committees may be established within departments to assist departmental committees in the administration of the Awards Program within the Department but the responsibility for the departments' activities will remain with the departmental committee.

22-1.102b New Jersey State Employees' Awards Committee:

1. The Committee consists of five State officers or employees, no two of whom shall be employed by the same department or organization, appointed by the Governor upon the nomination by the President of the Civil Service Commission (hereinafter "President") for a term of three years or until their successor shall have been appointed and qualified. If a vacancy on the Committee occurs by reason other than expiration of term, the vacancy shall be filled for the unexpired term.

2. Members of the Committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in performing their duties as members of the Committee.

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 regular meetings at least once each month during the year and special meetings at the call of the Chairperson. All meetings will be open to the public and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

4. The Committee is responsible for the formulation of awards programs and for the supervision and direction of departmental level committees. It has the authority to adopt and promulgate rules and regulations for the conduct and operation of Awards Programs under the supervision and direction of the President. The Committee shall submit monthly reports to the President concerning operations of the Awards Program which shall include data on the number of suggestions approved and disapproved, processing timeframes and the amount of savings to the State resulting from these suggestions. This data will be furnished to each department head. The Committee shall submit an annual report, through the President, to the Governor concerning the operations of the Awards Program and the results obtained from each department.

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22-1.102b (cont'd)

5. The administrative work of the Committee shall be performed by an Executive Secretary (hereinafter "Secretary") and other necessary staff assigned by the President. It shall be the duty of the Secretary to attend the regular and special meetings of the Committee, act as its secretary, record its official actions and maintain minutes of its official proceedings. The Secretary shall establish and maintain necessary records; implement the decisions of the Committee; establish and maintain an adequate employee and public relations program; investigate and make recommendations concerning the effect of the Awards Program and report the findings to the Chairperson; and shall perform such other related work as may be required.

6. It shall be the responsibility of the Committee to make changes in these regulations as may be required. Departmental committees are encouraged to make recommendations for changes which will improve the Program.

7. The Committee shall be responsible for reviewing suggestions and the evaluations and recommendations from departmental committees and determining whether or not a suggestion will be approved and the award which will be granted. For those suggestions involving an award of $50 or less, the Executive Secretary of the Committee may authorize the award.

8. The Committee is authorized to request, and shall receive, such assistance as it may require from any State department or agency.

22-1.102c Departmental Awards Committees:

1. Each department, office, commission, branch or authority operating under the Awards Program shall establish an awards committee, which shall include at least three members, and which shall be known as the "Awards Committee of the (department, office, commission, branch, or authority).

2. These committees shall be appointed by the chief executive officer of the organization for a term of one year, effective each May 18; and the committee will assume responsibility for the conduct and operation of the Awards Program within their organization.

3. These committees will meet at least monthly and operate under the supervision and direction of, and in accordance with the rules and regulations promulgated by, the Committee. They shall establish rules and regulations for the processing of awards and suggestions within their departments with the approval of the Committee.

4. These committees will be responsible for objectively and impartially investigating and evaluating each suggestion furnished to them by the State Committee and returning a recommendation to the program staff of the Committee within the program timeframes. Supporting documentation containing full and convincing proof to support the conclusion should accompany the recommendation.

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22-1.102c (cont'd)

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

6. The committees will report their activities to the Committee through the personnel officer of the respective organization. The personnel officer will ensure that a suitable committee is maintained and will act as liaison between the two committees to ensure that suggestions are evaluated expeditiously and implementation is effected.

7. Departmental committees may request that notable problems in connection with the activities of their organization be published in order to seek employee advice in the form of suggestions for solution of the problems. The Committee, if it is determined to be in the best interests of the State, will cause these "problems" to be circularized in suitable publications.

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Subpart 22-1.103 Awards for Suggestions

22-1.103a Program:

An award for a suggestion shall be made to any eligible employee whose constructive proposal has been implemented or ordered implemented by competent authority, in accordance with regulations established by the Committee and approved by the President.

22-1.103b Definition of a Suggestion:

A suggestion is a written proposal which will produce notable economy or improvement in an operation of State government or one which will improve service to the public, employee safety, public safety or employee welfare. It must be original, or propose a new application of an old idea. There must be a casual relationship between the suggestion and the implementation of the improvement. (If an organization maintains that there is no casual relationship between the suggestion and implementation, it is incumbent on the organization involved in the evaluation to substantiate the absence of a relationship.) A suggestion shall include:

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

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

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

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

22-1.103c Eligibility:

Most employees are eligible to participate in the program and nearly all suggestions which improve State government operations can be considered for an award except:

1. No award shall be paid to any employee for any suggestion which represents a part of the duties of his/her position and which he/she has the authority to change or the responsibility for bringing the existing state or improvement to the attention of his/her supervisor.

2. No award for any suggestion shall be made to any employee whose primary duty is research and planning unless the suggestion concerns a matter which is clearly unrelated to the employee's assignment or primary duty.

3. No award shall be made to any member of the Committee, departmental committee, Secretary, or the staff of the Awards Program. Under special circumstances, the Committee may authorize exceptions.

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4. No award shall be made for a disapproved suggestion unless the idea appears to be implemented within two years from the date of notice of disapproval and is subsequently approved by the Committee.

5. No award shall be made for a suggestion which is received by the Committee more than six months (excluding necessary trial period) after it has been placed into use.

6. No award shall be made for any suggestion concerning routine maintenance of buildings, equipment, or grounds, which should be normally reported through regularly established channels. Where sustained complaints have not resulted in correction, the Committee may consider such a suggestion for an award.

7. No award shall be made for suggestions involving new structures, equipment, materials, and procedures during the initial period of trial, experiment or development, the length of which is considered reasonable by the Committee.

8. No award shall be paid to an employee for any suggestion which simply involves instituting or raising fees or taxes levied by the State.

9. No award shall be paid to an employee for any suggestion to transfer programs or activities from one level of government to another unless the transfer of the program or activity effectuates a savings or improvement of services, in which case the award would be based only on the saving or value of the improvement in having one level of government, as opposed to another, perform the program or activity.

10. No award shall be paid to an employee for any suggestion to recoup owed funds from another agency or political sub-division of the State.

11. No award shall be paid to anyone not employed in one of the departments, offices, commissions, branches, or authorities listed in these regulations or for any idea or improvement in an operation other than one performed or eligible to be performed by one of the listed participating agencies.

12. To continue the eligibility of a disapproved suggestion it shall be the responsibility of the suggester to resubmit the suggestion within two years of the date of notice of final disapproval.

NOTE: The above does not necessarily represent an exclusive or complete list concerning eligible employees or eligible suggestions. (For additional eligibility requirements see 22-1.103j)

22-1.103d Procedure for Submitting Suggestions:

1. Option No. 1 suggestions require completion of a Suggestion Form CS-73 (or plain paper with same content) which is sent directly to the New Jersey State Employees' Awards Program for processing and evaluation. Within 5

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Subpart 22-1.103 Awards for Suggestions

22-1.103a Program:

An award for a suggestion shall be made to any eligible employee whose constructive proposal has been implemented or ordered implemented by competent authority, in accordance with regulations established by the Committee and approved by the President.

22-1.103b Definition of a Suggestion:

A suggestion is a written proposal which will produce notable economy or improvement in an operation of State government or one which will improve service to the public, employee safety, public safety or employee welfare. It must be original, or propose a new application of an old idea. There must be a casual relationship between the suggestion and the implementation of the improvement. (If an organization maintains that there is no casual relationship between the suggestion and implementation, it is incumbent on the organization involved in the evaluation to substantiate the absence of a relationship.) A suggestion shall include:

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

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

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

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

22-1.103c Eligibility:

Most employees are eligible to participate in the program and nearly all suggestions which improve State government operations can be considered for an award except:

1. No award shall be paid to any employee for any suggestion which represents a part of the duties of his/her position and which he/she has the authority to change or the responsibility for bringing the existing state or improvement to the attention of his/her supervisor.

2. No award for any suggestion shall be made to any employee whose primary duty is research and planning unless the suggestion concerns a matter which is clearly unrelated to the employee's assignment or primary duty.

3. No award shall be made to any member of the Committee, departmental committee, Secretary, or the staff of the Awards Program. Under special circumstances, the Committee may authorize exceptions.

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4. No award shall be made for a disapproved suggestion unless the idea appears to be implemented within two years from the date of notice of disapproval and is subsequently approved by the Committee.

5. No award shall be made for a suggestion which is received by the Committee more than six months (excluding necessary trial period) after it has been placed into use.

6. No award shall be made for any suggestion concerning routine maintenance of buildings, equipment, or grounds, which should be normally reported through regularly established channels. Where sustained complaints have not resulted in correction, the Committee may consider such a suggestion for an award.

7. No award shall be made for suggestions involving new structures, equipment, materials, and procedures during the initial period of trial, experiment or development, the length of which is considered reasonable by the Committee.

8. No award shall be paid to an employee for any suggestion which simply involves instituting or raising fees or taxes levied by the State.

9. No award shall be paid to an employee for any suggestion to transfer programs or activities from one level of government to another unless the transfer of the program or activity effectuates a savings or improvement of services, in which case the award would be based only on the saving or value of the improvement in having one level of government, as opposed to another, perform the program or activity.

10. No award shall be paid to an employee for any suggestion to recoup owed funds from another agency or political sub-division of the State.

11. No award shall be paid to anyone not employed in one of the departments, offices, commissions, branches, or authorities listed in these regulations or for any idea or improvement in an operation other than one performed or eligible to be performed by one of the listed participating agencies.

12. To continue the eligibility of a disapproved suggestion it shall be the responsibility of the suggester to resubmit the suggestion within two years of the date of notice of final disapproval.

NOTE: The above does not necessarily represent an exclusive or complete list concerning eligible employees or eligible suggestions. (For additional eligibility requirements see 22-1.103j)

22-1.103d Procedure for Submitting Suggestions:

1. Option No. 1 suggestions require completion of a Suggestion Form CS-73 (or plain paper with same content) which is sent directly to the New Jersey State Employees' Awards Program for processing and evaluation. Within 5

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days of receipt, the suggestion is acknowledged and, within 60 days of receipt, if the departmental evaluation and recommendation is received and the Committee has acted upon it, the suggester is advised of the results.

2. Option No. 2 suggestions involve ideas relating to the suggester's own area of work where the suggester elects to "stay with" the suggestion almost all the way through the process. As in Option No. 1, a Suggestion Form is completed and a copy is submitted to the New Jersey State Employees' Awards Program to ensure that the suggestion is recorded as the property of the suggester. The suggester then contacts the departmental awards committee chairperson for arrangements to work directly with departmental supervisors and the committee on development and refinement of the suggestion. Upon completion, the departmental committee makes its recommendation to the Committee for their determination. The suggester is advised of the results within 30 days of submission of the recommendation to the Committee.

22-1.103e Processing of Suggestions:

1. There are two distinct methods of processing a suggestion depending on the option chosen by the suggester (designated Option No. 1 and Option No. 2).

2. Option No. 1 suggestions received by the Committee will be reviewed by the Secretary and acknowledged.

3. These Option No. 1 suggestions which appear to have an incorrect scope of applicability as shown on the Suggestion Form, will be corrected by the Secretary so that the proper agency(s) are shown which will benefit from the suggestion and the suggester is notified of the change. In these cases recommendations and evaluations will be sought from the departments included in the revised scope, after which the Committee will then decide on whether or not to adopt the suggestion and make an award. The award would be based on the value of the idea as affected by the number of departments covered, importance, ingenuity, and presentation.

4. Copies of the Option No. 1 suggestion and attachments are then forwarded to the appropriate departmental committee(s) for an evaluation and recommendation.

5. Following investigation, the departmental committee shall meet and, by majority vote, recommend approval or disapproval of a suggestion on Form CS-75.

6. Under ordinary circumstances, departmental committees will return suggestions with their recommendations and all supportive evidence and documentation and, for those which are approved, the chief executive officer's endorsement and implementation date as well as an eligibility certification (if the suggester is from the department making the recommendation to approve the suggestion) within 45 days after receipt from the program staff. Upon receipt,

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the Secretary will ensure that approved suggestions are on the agenda of the next Committee meeting. NOTE: If the suggester is not an employee of the organization making the recommendation to approve the suggestion, a copy of the suggestion and an eligibility certification will be submitted to the suggester's department for this determination.

7. If the recommended award is for $750 or more, the full report will be forwarded to the Director of the Division of Budget and Accounting for review and recommendation before final action by the Committee. If, however, the recommendation is not received within 20 calendar days from the Budget Bureau, the Committee will process the suggestion.

8. Disapproved suggestions will be reviewed by the Secretary who, if the disapproval is upheld, will notify the suggester and advise him/her of the right to appeal.

9. Suggesters will be notified whether or not their Option No. 1 suggestion is approved within 60 days of the submission date unless there are complications, such as the need for a trial period or unavoidable delays in implementation or evaluation. In these cases, however, the suggester, upon request, will be given a periodic status report on the progress of the suggestion. Extensions of processing time to departmental committees will be granted by the Secretary only for valid reasons.

10. Any Option No. 1 suggestion, for which an extension has not been granted, which is not processed within the stated timeframes by the departmental committee will be identified and a "delinquent notice" will be forwarded to the departmental committee chairperson. If this notice is ignored, the Secretary will refer the matter to the department's chief executive officer with a request that the matter be resolved.

11. The Committee shall review the departmental committee's report and recommendation, and decide by majority vote whether or not an award is merited and the amount of the award.

12. Awards approved by the Committee will be processed for payment by the Secretary.

13. The Secretary is authorized to approve for the Committee all awards of $100 or less (or the equivalent in time off).

14. If it is determined by the Committee that it is necessary to use outside consultants in either the development or evaluation of a suggestion, the costs involved, if any, may be added to the implementation costs and the award reduced accordingly.

15. Option No. 2 suggestions, which must ordinarily concern only the general area of work to which the suggester is regularly assigned, are those where the suggester elects to work directly with the departmental committee and supervisory staff of his/her agency. A copy of the suggestion is sent to the New Jersey State Employees' Awards Program to protect the employee's rights, and the employee then participates directly in the development and refinement of the

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suggestion. When completed, the departmental committee submits to the Committee a copy of the suggestion, their recommendation and evaluation, and, in the cases where adoption of the suggestion is recommended, the endorsement of the chief executive officer and an eligibility certification. All other pertinent provisions of the regulations apply equally to these suggestions.

16. Suggestions (Option No. 1 or No. 2) which are disapproved by the departmental committee may, for cause, be referred back for reconsideration and in the event of an impasse, referred directly to the chief executive officer by the Committee. If referred to the chief executive officer, the Committee will include justification as to why the suggestion should be reconsidered.

22-1.103f Records Maintained by the State Committee:

1. Official copies of the minutes of all meetings and all other official actions which shall be public information.

2. Copies of all suggestions received, with supporting documents and recommendations from departmental committees.

3. Records will be retained after final action in accordance with the Bureau of Archives' Record Retention Schedules.

22-1.103g Records Maintained by Departmental Committees:

1. Official copies of the minutes of all meetings and all other official actions.

2. Copies of each suggestion referred by the Committee and a copy of its report with supportive documentation to the Committee.

3. Records of all transactions and supportive documentation for Option No. 2 suggestions.

4. Records will be retained after final action by the Committee in accordance with the Bureau of Archives' Records Retention Schedules.

22-1.103h Appeals Procedure:

1. In cases of disapproval, the suggester will be notified of his/her right to appeal the action in writing to the Secretary within 20 calendar days of the notice of disapproval.

2. Any determinations concerning a suggestion which are objected to by the suggester, can be appealed in writing to the Secretary and shall contain any new or expanded information to support such an appeal.

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3. The Secretary will acknowledge the appeal and request the departmental committee involved to review its initial recommendation, considering the new information. The departmental committee will then furnish the suggestion to the Committee along with their recommendation and all supportive data. The suggestion will be reviewed by the Committee, a determination made and the suggester will be notified of the subsequent findings.

4. In reviewing appealed disapprovals, the Committee will notify suggesters of the time and place of the meeting and afford them an opportunity to appear in person.

5. If a suggestion is being appealed, the suggester and, when appropriate, the departmental committee, will have the right to review and copy any part of the file concerning the suggestion and will be given the opportunity to submit argument concerning the appeal.

6. Internal staff communications, not considered as material in making a decision on a suggestion, are not available to the suggester.

7. If a suggestion is disapproved, and within the two year period from notice of disapproval the suggestion appears to be implemented and the suggester appeals the determination, eligibility will be maintained throughout the appeal procedure.

8. Eligibility will likewise be maintained through out the appeal process if an appeal is made to reopen a case within 20 calendar days after the suggester is notified of the final decision by the Committee on a previously appealed action.

9. An appeal involving a question of interpretation of program regulations or a ruling in special cases may, at the discretion of the Secretary, be referred directly to the Committee without referral to the departmental committee.

10. The Committee shall render a final administrative determination; any further appeal should be pursued in a judicial forum.

11. The Committee may order a hearing concerning a suggestion where the suggestion raises disputed material, factual issues unsolved by the usual suggestion review procedures. The hearing may be presided over by a hearing officer or the Committee.

12. The Committee will reopen a decision if new evidence and/or new argument is presented which, if accepted, would change the outcome. Before reopening is considered, the suggester must satisfy the Committee that it was impossible to present these matters during the original appeal.

13. The Civil Service Commission does not exercise jurisdiction in these appeals.

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22-1.103i Evaluation of Intangible Benefits of a Suggestion:

Where the value of a suggestion cannot be measured entirely or precisely in actual dollar savings, the following guide may be used to set a full or complementary dollar amount. Cognizance will be taken of cost of implementation with relation to values derived, especially where there is little or no savings.

1.	EFFECTIVENESS OF SOLUTION OFFERED BY SUGGESTER	a. complete solution to problem	$18 - $25
		b. solves problem in most cases	$10 - $17
		c. solves problem in some cases	$ 2 - $ 9
2.	SERIOUSNESS OF PRESENT PROBLEM IN TERMS OF MONEY OR OTHER FACTORS	a. critical or very serious problem	$18 - $25
		b. significant problem	$10 - $17
		c. minor problem	$ 2 - $ 9
3.	EXTENT OF THE PROBLEM	a. affects all of the general public or at least several hundred employees	$18 - $25
		b. affects many employees or members of the general public	$10 - $17
		c. affects few individuals	$ 2 - $ 9
4.	PROBABILITY OF PROBLEM ACTUALLY HAPPENING	a. is happening or will happen	$12 - $15
		b. good chance of happening	$ 7 - $11
		c. remote possibility of happening	$ 2 - $ 6
5.	INGENUITY OF THE SOLUTION	a. required extensive research and/or very complex solution	$ 8 - $10
		b. required some basic research and/or somewhat complex solution	$ 5 - $ 7
		c. simple and obvious solution	$ 2 - $ 4

Awards for suggestions with an intangible value may exceed the guide shown above in exceptional situations providing sufficient justification is supplied. (It is possible that an intangible award would be of such import that it would warrant an award of up to the maximum award limit.)

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22-1.103j Awards:

(a) The following regulations will apply to awards for those employees in salary range A-29 and below at the time of submission:

1. Awards for suggestions shall be in cash or additional paid vacation time off in lieu of the cash under certain circumstances.

2. Cash awards will be no less than $25 or more than $10,000 for each approved suggestion.

3. The "time off option" in lieu of a cash award will be calculated as follows:

- one day of additional time off in lieu of an award from $25 - $49.
- two days of additional time off in lieu of an award from $50 - $100.

4. When a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be 10% of the estimated net annual savings in the first year of operation. Under exceptional conditions the Committee may select a typical year, or may average several years, to determine a fair award.

5. In those cases where the program award limit changes between the time the suggestion is received and the payment date, the limit in effect at time of submission will govern the award.

6. When a suggestion is adopted primarily upon the basis of improvements in such areas of safety, health, welfare, morale, etc. or if it is otherwise impossible to determine a dollar savings, the Committee, after consideration of the departmental committee's recommendations, shall determine the amount of the award, commensurate with the benefits anticipated from the suggestion. The guide shown in part 22-1.103i will be used by the Committee to determine the award for intangible suggestions. In certain exceptional cases, the Committee may authorize an award which exceeds the guidelines. An award may be made, when justified, on the basis of both monetary savings and intangible benefits.

(b) The following regulations will apply to awards for those employees in salary ranges A-30 and above at the time of submission:

1. For those suggestions involving first year savings to the State of $10,000 to $100,000, the award will be $500.

2. For those suggestions involving first year savings to the State of over $100,000, the award will be $1,000.

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NOTE: For those employees at range A-30 and above at the time of submission, there will be no cash award for suggestions covering savings of less than $10,000 for the first year of implementation. In those cases, the Committee may authorize some other from of recognition.

(c) The following regulations apply to employees in all salary ranges:

1. A suggester shall receive the full amount of the award, after deductions for taxes, when the suggestion is implemented. Where implementation is not complete but specific steps have been taken, a token, partial, or full award may be paid at the Committee's discretion. It shall be the responsibility of the departmental committee to inform the Secretary when a suggestion has been placed into operation. When there is a question regarding date of implementation, the Committee shall make the final determination.

2. A cash or other award shall be in addition to the regular compensation of the recipient. The acceptance of such award shall constitute an agreement that the use of the suggestion by the State or any other public jurisdiction with which New Jersey has a reciprocal relationship shall not form the basis of a further claim of any nature upon the State of New Jersey by the employee, heirs, or assigns.

3. Persons who leave the State service after having submitted a suggestion are still eligible for an award. In the case of death, the award will be paid to the next of kin or estate.

4. Departmental awards consisting of plaques will be presented to the department, office, commission, branch, or authority with the best record of employee participation during the fiscal year for the:

- highest number of suggestions approved per one hundred employees.
- highest dollar savings to the State realized through implementation of suggestions from their employees.

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

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

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- importance of the suggestion on a State and national level.
- savings and/or other benefits.
- public relations aspects and compatibility of the selection with the character and goals of the program.

7. Departmental "Suggester of the Year" may be nominated by each department, office, commission, branch, or authority listed in these regulations. The nomination of one individual from each participating agency will be made by the departmental committee with confirmation of the chief executive officer. The nomination must be approved by the Committee which will designate a uniform award and arrange for its procurement and presentation. Standards in selecting the nomination will be:

- the suggestion(s) must have been from the previous calendar year.
- importance or value of the suggestion to the department.
- the suggester must be an employee of the department as of the date nominated.

22-1.103k Procedure for Making Awards:

1. After approval by the Committee or Secretary, a check will be authorized by the State Treasurer and Budget Director to be drawn upon the fund appropriated to the Department of Civil Service for the payment of awards and prepared to the order of the suggester for the net amount of the award.

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

3. Awards involving "vacation options" will be arranged between the employees' Personnel Officer and the Secretary on a case by case basis.

4. Appropriate payroll deductions for taxes will be made before payment of checks to suggesters.

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Subpart 22-1.103 Awards for Suggestions

22-1.103a Program:

An award for a suggestion shall be made to any eligible employee whose constructive proposal has been implemented or ordered implemented by competent authority, in accordance with regulations established by the Committee and approved by the President.

22-1.103b Definition of a Suggestion:

A suggestion is a written proposal which will produce notable economy or improvement in an operation of State government or one which will improve service to the public, employee safety, public safety or employee welfare. It must be original, or propose a new application of an old idea. There must be a causal relationship between the suggestion and the implementation of the improvement. (If an organization maintains that there is no causal relationship between the suggestion and implementation, it is incumbent on the organization involved in the evaluation to substantiate the absence of a relationship.) A suggestion shall include:

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

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

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

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

22-1.103c Procedure for Submitting Suggestions:

1. Option No. 1 suggestions require completion of a Suggestion Form CS-73 (or plain paper with same content) which is sent directly to the New Jersey State Employees' Awards Program for processing and evaluation. Upon receipt, the suggestion is acknowledged and within 60 days of receipt - if the departmental evaluation and recommendation is received and the State Committee has acted upon it - the suggester is advised of the results.

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22-1.103c (cont'd)

2. Option No. 2 suggestions involve ideas relating to the suggester's own area of work where the suggester elects to "stay with" the suggestion almost all the way through the process. As in Option No. 1, a Suggestion Form is completed and a copy is submitted to the New Jersey State Employees' Awards Program to insure that the suggestion is recorded as the property of the suggester. The suggester then contacts the departmental awards committee chairperson for arrangements to work directly with departmental supervisors and the committee on development and refinement of the suggestion. Upon completion, the departmental committee makes its recommendation to the State Committee for their determination. The suggester is advised of the results within 30 days of submission of the recommendation to the State Committee.

22-1.103d Awards:

1. Awards for suggestions shall be in cash or additional paid vacation time off in lieu of the cash under certain circumstances.

2. Cash awards will be no less than $25 or more than $5,000 for each approved suggestion.

3. The "time off option" in lieu of a cash award will be calculated as follows:

- one day of additional time off in lieu of an award from $25 - $49.
- two days of additional time off in lieu of an award from $50 - $100.

4. When a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be 10% of the estimated net annual savings in the first year of operation. Under exceptional conditions the Committee may select a typical year, or may average several years, to determine a fair award.

5. In those cases where the program award limit changes between the time the suggestion is received and the payment date, the limit in effect on the actual implementation date will be used in determining the award amount.

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22-1.103d (cont'd)

6. When a suggestion is adopted primarily upon the basis of improvement in such areas of safety, health, welfare, morale, etc. or if it is otherwise impossible to determine a dollar savings, the Committee, after considerati of the departmental committee's recommendations, shall determine the amount of the award, commensurate with the benefits anticipated from the suggestion. The guide shown in part 22-1.103k will be used by the Committee to determine the award for intangible suggestions. In certain exceptional cases, the Committee may authorize an award which exceeds the guidelines. An award may be made, when justified, on the basis of both monetary savings and intangible benefits.

7. A suggester shall receive the full amount of the award, after deductions for taxes, when the suggestion is implemented. Where implementation is not complete but specific steps have been taken, a token, partial, or full award may be paid at the Committee's discretion. It shall be the responsibility of the departmental committee to inform the Secretary when a suggestion has been placed into operation. Where there is a question regarding date of implementation, the Committee shall make the final determination.

8. A cash or other award shall be in addition to the regular compensation of the recipient, and the acceptance of such award shall constitute an agreement that the use by the State of New Jersey of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the State of New Jersey by the employee, heirs, or assigns.

9. Persons who leave the State service after having submitted a suggestion are still eligible for an award. In the case of death, the award will be paid to the next of kin or estate.

10. Departmental awards consisting of plaques will be presented to the department, office, commission, branch, or authority with the best record of employee participation during the fiscal year for the:

- highest number of suggestions approved per one hundred employees.
- highest dollar savings to the State realized through implementation of suggestions from their employees.

11. Special awards consisting of plaques will be presented to suggesters whose accumulated awards total $5,000 or result in savings to the State of $50,000. In addition, they become members of an Advisory Board to the Committee. The Advisory will be called upon to comment and make recommendations on policy and program promotion.

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22-1.103d (cont'd)

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

- importance of the suggestion on a State and National level.
- savings and/or other benefits.
- public relations aspects and compatibility of the selection with the character and goals of the program.

13. Departmental "Suggester of the Year" may be nominated by each department, office, commission, branch, or authority listed in these regulations. The nomination of one individual from each participating agency will be made by the departmental committee with confirmation of the department head to the Secretary. The nomination must be approved by the Committee which will designate a uniform award and arrange for its procurement and presentation. Standards in selecting the nomination will be:

- the suggestion(s) must have been from the previous calendar year.
- importance or value of the suggestion to the department.
- the suggester must be an employee of the department as of the date nominated.

22-1.103e Processing of Suggestions:

1. There are two distinct methods of processing a suggestion depending on the option chosen by the suggester (designated Option No. 1 and Option No. 2).

2. Option No. 1 suggestions received by the Committee will be reviewed by the Secretary and acknowledged.

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22-1.103e (cont'd)

3. These Option No. 1 suggestions which appear to have an incorrect scope of applicability as shown on the Suggestion Form, will be corrected by the Secretary so that the proper agency(s) are shown which will benefit from the suggestion and the suggester is notified of the change. In these cases recommendatic and evaluations will be sought from the departments included in the revised scope, after which the Committee will then decide on whether or not to adopt the suggestion and make an award. The award would be based on the value of the idea as affected by the number of departments covered, importance, ingenuity, and presentation, and payment of the award would be from each of these departments on a shared basis.

4. Copies of the Option No. 1 suggestion and attachments are then forwarded to the appropriate departmental committee(s) for an evaluation and recommendation.

5. Following investigation, the departmental committee shall meet and, by majority vote, recommend approval or disapproval of a suggestion on a prescribed form.

6. Under ordinary circumstances, departmental committees will return suggestions with their recommendations and all supportive evidence and documentation and, for those which are approved, the department head's endorsement and implementation date as well as an eligiblity certification (if the suggester is from the department making the recommendation to approve the suggestion) within 45 days after receipt from the program staff. Upon receipt, the Secretary will ensure that approved suggestions are on the agenda of the next State Committee meeting. NOTE: If the suggester is not an employee of the organization making the recommendation to approve the suggestion, a copy of the suggestion and an eligibility certification will be submitted to the suggester's department for this determination.

7. If the recommended award is for $500 or more, the full report will be forwarded to the Director of the Division of Budget and Accounting for review and recommendation before final action by the Committee.

8. Disapproved suggestions will be reviewed by the Secretary who, if the disapproval is upheld, will notify the suggester and advise him/her of the right to appeal.

9. Suggesters will ordinarily be notified of whether or not their Option No. 1 suggestion is approved within 60 days of the submission date unless there are complications, such as the need for a trial period or unavoidable delays in implementation or evaluation. In these cases, however, the suggester, upon request, will be given a periodic status report on the progress of the suggestion. Extensions of processing time to departmental committees will be granted by the Secretary only for valid reasons.

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22-1.103e (cont'd)

10. Any Option No. 1 suggestion, for which an extension has not been granted, which is not processed within the stated timeframes by the departmental committee will be identified and a "delinquent notice" will be forwarded to the departmental committee chairperson. If this notice is ignored, the Executive Secretary will refer the matter to the department head with a request that the suggestion be resolved.

11. The Committee shall review the departmental committee's report and recommendation, and decide by majority vote whether or not an award is merited and the amount of the award.

12. Awards approved by the Committee will be processed for payment by the Executive Secretary.

13. The Secretary is authorized to approve for the Committee all awards of $100 or less (or the equivalent in time off).

14. If it is determined by the Committee that it is necessary to use outside consultants in either the development or evaluation of a suggestion, the costs involved, if any, may be added to the implementation costs and the award reduced accordingly.

15. Option No. 2 suggestions, which must ordinarily concern only the general area of work to which the suggester is regularly assigned, are those where the suggester elects to work directly with the departmental committee and supervisory staff of his/her agency. A copy of the suggestion is sent to the New Jersey State Employees' Awards Program to protect the employee's rights, and the employee then participates directly in the development and refinement of the suggestion. When completed, the departmental committee submits to the State Employees' Awards Committee a copy of the suggestion, their recommendation and evaluation, and, in the cases where adoption of the suggestion is recommended, the endorsement of the department head and an eligiblity certification. All other pertinent provisions of the regulations apply equally to these suggestions.

16. Suggestions (Option No. 1 or No. 2) which are disapproved by the departmental committee may, for cause, be referred back for reconsideration and in the event of an impasse, referred directly to the department head by the Committee. If referred to the department head, the Committee will include justification as to why the suggestion should be reconsidered.

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22-1.103f Eligiblity:

Most employees are eligible to participate in the program and nearly all suggestions which improve State government operations can be considered for an award except:

1. No award shall be paid to any employee for any suggestion which represents a part of the duties of his/her position and which he/she has the authority to change or the responsibility for bringing the existing state or improvement to the attention of his/her supervisor.

2. No award for any suggestion shall be made to any employee whose primary duty is research and planning unless the suggestion concerns a matter which is clearly unrelated to the employee's assignment or primary duty.

3. No award shall be made to any member of the Committee, departmental committee, Executive Secretary, or the staff of the Awards Program. Under special circumstances, the Committee may authorize exceptions.

4. No award shall be made for a disapproved suggestion unless the idea appears to be implemented within two years from the date of notice of disapproval and is subsequently approved by the Committee.

5. No award shall be made for a suggestion which is received by the Committee more than six months (excluding necessary trial period) after it has been placed into use.

6. No award shall be made for any suggestion concerning routine maintenance of buildings, equipment, or grounds, which should be normally reported through regularly established channels. Where sustained complaints have not resulted in correction, the Committee may consider such a suggestion for an award.

7. No award shall be made for suggestions involving new structures, equipment, materials, and procedures during the initial period of trial, experiment or development, the length of which is considered reasonable by the Committee.

8. No award shall be paid to an employee for any suggestion which simply involves instituting or raising fees or taxes levied by the State.

9. No award shall be paid to an employee for any suggestion to transfer programs or activities from one level of government to another unless the transfer of the program or activity effectuates a savings or improvement of services, in which case the award would be based only on the saving or value of the improvement in having one level of government, as opposed to another, perform the program or activity.

10. No award shall be paid to an employee for any suggestion to recoup owed funds from another agency or political sub-division of the State.

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22-1.103f (cont'd)

11. No award shall be paid to anyone not employed in one of the departments, offices, commissions, branches, or authorities listed in these regulations or for any idea or improvement in an operation other than one performed or eligible to be performed by one of the listed participating agencies.

12. To continue the eligibility of a disapproved suggestion it shall be the responsibility of the suggester to resubmit the suggestion within two years of the date of notice of final disapproval.

NOTE: The above does not necessarily represent an exclusive or complete list concerning eligible employees or eligible suggestions.

22-1.103g Records Maintained by the State Committee:

1. Official copies of the minutes of all meetings and all other official actions which shall be public information.

2. Copies of all suggestions received, with supporting documents and recommendations from departmental committees.

3. Records will be retained for a three year period after final action.

22-1.103h Records Maintained by Departmental Committees:

1. Official copies of the minutes of all meetings and all other official actions.

2. Copies of each suggestion referred by the Committee and a copy of its report with supportive documentation to the Committee.

3. Records of all transactions and supportive documentation for Option No. 2 suggestions.

4. Records will be retained for a three year period after final action by the State Committee.

22-1.103i Procedure for Making Awards:

1. After approval by the Committee or Executive Secretary, a check will be authorized by the State Treasurer and Budget Director to be drawn upon the proper State appropriation and prepared to the order of the suggester for the gross amount of the award.

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

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22-1.103i (cont'd)

3. Awards involving "vacation options" will be arranged between the employees' Personnel Officer and the Secretary on a case by case basis.

4. Appropriate payroll deductions for taxes will be made before payment of checks to suggesters.

22-1.103j Appeals Procedure:

1. In cases of disapproval, the suggester will be notified of his/her right to appeal the action in writing to the Secretary within 20 calendar days of the notice of disapproval.

2. Any determinations concerning a suggestion which are objected to by the suggester, can be appealed in writing to the Secretary and shall contain any new or expanded information to support such an appeal.

3. The Secretary will acknowledge the appeal and request the departmental committee involved to review its initial recommendation, considering the new information. The departmental committee will then furnish the suggestion to the State Committee along with their recommendation and all supportive data. The suggestion will be reviewed by the Committee, a determination made and the suggester will be notified of the subsequent findings.

4. In reviewing appealed rejections, the State Committee will notify suggesters of the time and place of the meeting and afford them an opportunity to appear in person.

5. If a suggestion is being appealed, the suggester and when appropriate, the departmental committee, will have the right to review and copy any part of the file concerning the suggestion and will be given the opportunity to submit argument concerning the appeal.

6. If a suggestion is disapproved, and within the two year period from notice of disapproval the suggestion appears to be implemented and the suggester appeals the determination, eligibility will be maintained throughout the appeal procedure.

7. Eligiblity will likewise be maintained throughout the appeal process if an appeal is made to re-open a case within 20 calendar days after the suggester is notified of the final decision by the Committee on a previously appealed action.

8. An appeal involving a question of interpretation of program regulations or a ruling in special cases may, at the discretion of the Secretary, be referred directly to the State Committee without referral to the departmental committee.

9. The State Committee shall render a final administrative determination, any further appeal should be pursued in a judicial forum.

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22-1.103j (cont'd)

10. The State Committee may order a hearing concerning a suggestion where the suggestion raises disputed material factual issues unsolved by the usual suggestion review procedures. The hearing may be presided over by a hearing officer or the Committee itself.

11. The State Committee will reopen a decision if new evidence and/or new argument is presented which, if accepted, would change the outcome. Before reopening is considered, the proponent must satisfy the Committee that it was impossible to present these matters during the original appeal.

12. The Civil Service Commission does not exercise jurisdiction in these appeals.

13. Internal staff communications not considered as material in making a decision on a suggestion, are not available to the suggester.

22-1.103k Evaluation of Intangible Benefits of a Suggestion:

Where the value of a suggestion cannot be measured entirely or precisely in actual savings, the following guide will be used to set a full or complementary dollar amount. Cognizance will be taken of cost of implementation with relation to values derived, especially where there is little or no savings.

1.	EFFECTIVENESS OF SOLUTION OFFERED BY SUGGESTER	a. complete solution to problem	$18 - $25
		b. solves problem in most cases	$10 - $17
		c. solves problem in some cases	$ 2 - $ 9
2.	SERIOUSNESS OF PRESENT PROBLEM IN TERMS OF MONEY OR OTHER FACTORS	a. critical or very serious problem	$18 - $25
		b. significant problem	$10 - $17
		c. minor problem	$ 2 - $ 9
3.	EXTENT OF THE PROBLEM	a. affects all of the general public or at least several hundred employees	$18 - $25
		b. affects many employees or members of the general public	$10 - $17
		c. affects few individuals	$ 2 - $ 9
4.	PROBABILITY OF PROBLEM ACTUALLY HAPPENING	a. is happening or will happen	$12 - $15
		b. good chance of happening	$ 7 - $11
		c. remote possibility of happening	$ 2 - $ 6

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SUPERSEDED

22-1.103k (cont'd)

5. INGENUITY OF THE SOLUTION	a.	required extensive research and/or very complex solution $ 8 - $10
	b.	required some basic research and/or somewhat complex solution $ 5 - $ 7
	c.	simple and obvious solution $ 2 - $ 4

Awards for suggestions with an intangible value may exceed the guide shown above in exceptional situations providing sufficient justification is supplied. Ordinarily, however, the amount calculated should be between $25 - $100. Where more than $100 is recommended the departmental report must justify the exception, providing sufficient information for the Committee to support the action.

Form CS-75 will be used for intangible evaluations.

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Subpart 22-1.103 Awards for Suggestions

22-1.103a Program:

An award for a suggestion shall be made to any eligible employee whose constructive proposal has been implemented or ordered implemented by competent authority, in accordance with regulations established by the Committee and approved by the President.

22-1.103b Definition of a Suggestion:

A suggestion is a written proposal which will produce notable economy or improvement in an operation of State government or one which will improve service to the public, employee safety, public safety or employee welfare. It must be original, or propose a new application of an old idea. There must be a causal relationship between the suggestion and the implementation of the improvement. (If an organization maintains that there is no causal relationship between the suggestion and implementation, it is incumbent on the agency involved in the evaluation to provide documented proof demonstrating the absence of a relationship.) The suggestion shall include:

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

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

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

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

22-1.103c Procedure for Submitting Suggestions:

1. Option No. 1 suggestions require completion of a Suggestion Form CS-73 (or plain paper with same content) which is sent directly to the New Jersey State Employees' Awards Program for processing and evaluation. Upon receipt, the suggestion is immediately acknowledged and within 60 days of receipt - if the departmental evaluation and recommendation are received and the State Committee has acted upon it - the suggester is advised of the results.

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SUPERSEDED

22-1.103c (cont'd)

2. Option No. 2 suggestions involve ideas relating to the suggester's own area of work where the suggester elects to "stay with" the suggestion almost all the way through the process. As in Option No. 1, a Suggestion Form is completed and a copy is submitted to the New Jersey State Employees' Awards Program to insure that the suggestion is recorded as the property of the suggester. The suggester then contacts the departmental awards committee chairperson for arrangements to work directly with departmental supervisors and the committee on development and refinement of the suggestion. Upon completion, the departmental committee makes its recommendation to the State Committee for their determination. The suggester is advised of the results within 30 days of submission to the State Committee.

22-1.103d Awards:

1. Awards for suggestions shall be in cash or additional paid vacation time off in lieu of the cash under certain circumstances.

2. Cash awards will be no less than $10 or more than $5,000 for each approved suggestion.

3. The "time off option" in lieu of a cash award will be calculated as follows:

- one day of additional time off in lieu of an award from $25 - $49.
- two days of additional time off in lieu of an award from $50 - $100.

4. When a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be 10% of the estimated net annual savings in the first year of operation. Under exceptional conditions the Committee may select a typical year, or may average several years, to determine a fair award.

5. In those cases where the program award limit changes between the time the suggestion is received and the payment date, the limit in effect on the actual implementation date will be used in determining the award amount.

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SUPERSEDED

22-1.103d (cont'd)

6. When a suggestion is adopted primarily upon the basis of improvement in such areas of safety, health, welfare, morale, etc. or if it is otherwise impossible to determine a dollar savings, the Committee, after consideration of the departmental committee's recommendations, shall determine the amount of the award, commensurate with the benefits anticipated from the suggestion. The chart in Appendix I will be used by the Committee to determine the award for intangible suggestions. In certain exceptional cases, the Committee may authorize an award which exceeds the guidelines in Appendix I. An award may be made, when justified, on the basis of both monetary savings and intangible benefits.

7. A suggester shall receive the full amount of the award when the suggestion is implemented. Where implementation is not complete but specific steps have been taken, a token, partial, or full award may be paid at the Committee's discretion. It shall be the responsibility of the departmental committee to inform the Secretary when a suggestion has been placed into operation. Where there is a question regarding date of implementation, the Committee's determination shall prevail.

8. A cash or other award shall be in addition to the regular compensation of the recipient, and the acceptance of such award shall constitute an agreement that the use by the State of New Jersey of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the State of New Jersey by the employee, heirs, or assigns.

9. Persons who leave the State service after having submitted a suggestion are still eligible for an award. In the case of death, the award will be paid to the next of kin or estate.

10. Departmental awards consisting of plaques will be presented to the department, office, commission, branch, or authority with the best record of employee participation during the fiscal year for the:

- highest number of suggestions approved per one hundred employees.
- highest dollar savings to the State realized through implementation of suggestions from their employees.

11. Special awards consisting of plaques will be presented to suggesters whose accumulated awards total $5,000 or result in savings to the State of $50,000. In addition, they become lifetime members of an Advisory Board to the Committee. However, to preserve their eligibility to continue submitting suggestions, they will neither evaluate nor pass judgment on suggestions being considered for an award.

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SUPERSEDED

22-1.103d (cont'd)

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

- importance of the suggestion on a State and National level.
- savings and/or other benefits.
- public relations aspects and compatibility of the selection with the character and goals of the program.

13. Departmental "Suggester of the Year" may be nominated by each department, office, commission, branch, or authority listed in these regulations. The nomination of one individual from each participating agency will be made by the departmental committee with confirmation of the department head to the Secretary. The nomination must be approved by the Committee which will designate a uniform award and arrange for its procurement and presentation. Standards in selecting the nomination will be:

- the suggestion(s) must have been from the previous calendar year.
- importance or value of the suggestion to the department.
- the suggester must be an employee of the department as of the date nominated.

22-1.103e Processing of Suggestions:

1. There are two distinct methods of processing a suggestion depending on the option chosen by the suggester (designated Option No. 1 and Option No. 2).

2. Option No. 1 suggestions received by the Committee will be reviewed by the Secretary and acknowledged.

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SUPERSEDED

22-1.103e (cont'd)

3. These Option No. 1 suggestions which appear to have an incorrect scope of applicability as shown on the Suggestion Form, will be corrected by the Secretary so that the proper agency(s) are shown which will benefit from the suggestion and the suggester is notified of the change. In these cases recommendation and evaluations will be sought from the departments included in the revised scope, after which the Committee will then decide on whether or not to adopt the suggestion and make an award. In deciding, the Committee may, or may not, extend the applicability of the suggestion to all or a specified number of the departments included in the scope of the suggestion, departmental rejection recommendations notwithstanding. The award would be based on the value of the idea as affected by the number of departments covered, importance, ingenuity, and presentation, whether the department recommended approval or not, and payment of the award would be from each of these departments on a shared basis.

4. Copies of the Option No. 1 suggestion and attachments are then forwarded to the appropriate departmental committee(s) for an evaluation and recommendation.

5. Following investigation, the departmental committee shall meet and, by majority vote, recommend approval or disapproval of a suggestion on a prescribed form.

6. Under ordinary circumstances, departmental committees will return suggestions with their recommendations and all supportive evidence and documentation and, for those which are approved, the department head's endorsement and implementation date as well as an eligiblity certification (if the suggester is from the department making the recommendation to approve the suggestion) within 45 days after receipt from the program staff. Upon receipt, the Secretary will ensure that approved suggestions are on the agenda of the next State Committee meeting. NOTE: If the suggester is not an employee of the organization making the recommendation to approve the suggestion, a copy of the suggestion and an eligibility certification will be submitted to the suggester's department for this determination as soon as the suggestion determination is received by the awards staff.

7. If the recommended award is for $500 or more, the full report will be forwarded to the Director of the Division of Budget and Accounting for review and recommendation before final action by the Committee.

8. Disapproved suggestions will be reviewed by the Secretary who, if the disapproval is upheld, will notify the suggester and advise him/her of the right to appeal.

9. Suggesters will ordinarily be notified of whether or not their Option No. 1 suggestion is approved within 60 days of the submission date unless there are complications, such as the need for a trial period or unavoidable delays in implementation. In these cases, however, the suggester, upon request, will be given a periodic status report on the progress of the suggestion. Extensions of processing time to departmental committees will be granted by the Secretary only for valid reasons.

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SUPERSEDED

22-1.103e (cont'd)

10. Any Option No. 1 suggestion, for which an extension has not been granted, which is not processed within the stated timeframes by the department will be referred to the Personnel Officer of the department for appropriate action. If the issue remains unresolved beyond two additional weeks, it may be referred to the department head and the President for appropriate action.

11. The Committee shall review the departmental committee's report and recommendation, and decide by majority vote whether or not an award is merited and the amount of the award.

12. Awards approved by the Committee will be processed for payment by the Executive Secretary.

13. The Secretary is authorized to approve for the Committee all awards of $50 or less (or the equivalent in time off).

14. If it is determined by the Committee that it is necessary to use State personnel or outside consultants in either the development or evaluation of a suggestion, the costs involved, if any, may be added to the implementation costs and the award reduced accordingly.

15. Option No. 2 suggestions, which must ordinarily concern only the general area of work to which the suggester is regularly assigned, are those where the suggester elects to work directly with the departmental committee and supervisory staff of his/her agency. A copy of the suggestion is sent to the New Jersey State Employees' Awards Program to protect the employee's rights, and the employee then participates directly in the development and refinement of the suggestion. When completed, the departmental committee submits to the State Employees' Awards Committee a copy of the suggestion, their recommendation and evaluation, and, in the cases where adoption of the suggestion is recommended, the endorsement of the department head and an eligiblity certification. All other pertinent provisions of the regulations apply equally to Option No. 2 suggestions.

16. Suggestions (Option No. 1 or No. 2) which are disapproved by the departmental committee may, for cause, be referred back for reconsideration and in the event of an impasse, referred directly to the department head by the Committee. If referred to the department head, the Committee will include justification as to why the suggestion should be reconsidered. If the impasse continues after referral to the department head, the Committee may refer the suggestion with supportive data and recommendation to the President for appropriate action.

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SUPERSEDED

22-1.103f Eligiblity:

Most employees are eligible to participate in the program and nearly all ideas which improve State government operations can be considered for an award except:

1. No award shall be paid to any employee for any suggestion which represents a part of the duties of his/her position and which he/she has the authority to change or the responsibility for bringing the existing state or improvement to the attention of his/her supervisor.

2. No award for any suggestion shall be made to any employee whose primary duty is research and planning unless the suggestion concerns a matter which is clearly unrelated to the employee's assignment or primary duty.

3. No award shall be made to any member of the Committee, departmental committee, Executive Secretary, or the staff of the Awards Program. Under special circumstances, the Committee may authorize exceptions.

4. No award shall be made for a disapproved suggestion unless the idea appears to be implemented within two years from the date of notice of disapproval and is subsequently approved by the Committee.

5. No award shall be made for a suggestion which is received by the Committee more than six months (excluding necessary trial period) after it has been placed into use.

6. To continue the eligiblity of a disapproved suggestion it shall be the responsibility of the suggester to resubmit the suggestion within two years of the date of notice of final disapproval.

7. No award shall be made for any suggestion concerning routine maintenance of buildings, equipment, or grounds, which should be normally reported through regularly established channels. Where sustained complaints have not resulted in correction, the Committee may consider such a suggestion for an award.

8. No award shall be made for suggestions involving new structures, equipment, materials, and procedures during the initial period of trial, experiment or development, the length of which is considered reasonable by the Committee.

9. No award shall be paid to an employee for any suggestion which simply involves instituting or raising fees or taxes levied by the State.

10. No award shall be paid to anyone not employed in one of the departments, offices, commissions, branches, or authorities listed in these regulations or for any idea or improvement in an operation other than one performed or eligible to be performed by one of the listed participating agencies.

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SUPERSEDED

22-1.103g Records to be Maintained by the Committee:

1. Official copies of the minutes of all meetings and all other official actions which shall be public information.

2. Copies of all suggestions received, with supporting documents and recommendations from departmental committees.

3. Records will be retained for a three year period after final action.

22-1.103h Records to be Maintained by Departmental Committees:

1. Official copies of the minutes of all meetings and all other official actions.

2. Copies of each suggestion referred by the Committee and a copy of its report with supportive documentation to the Committee.

3. Records of all transactions and supportive documentation for Option No. 2 suggestions.

4. Records will be retained for a three year period after final action by the Committee.

22-1.103i Procedure for Making Awards:

1. After approval by the Committee or Executive Secretary, a check will be authorized by the State Treasurer and Budget Director to be drawn upon the proper State appropriation and prepared to the order of the suggester for the gross amount of the award.

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

3. Awards involving "vacation options" will be arranged between the employees' Personnel Officer and the Secretary on a case by case basis.

4. At the end of each calendar year every award recipient will be given a Form 1099 indicating total earnings for Federal and State tax purposes.

22-1.103j Appeals Procedure:

1. In cases of disapproval, the suggester will be notified of his/her right to appeal the action in writing to the Secretary.

2. Any determinations concerning a suggestion which are objected to by the suggester, can be appealed in writing to the Secretary and shall contain any new or expanded information to support such an appeal.

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SUPERSEDED

22-1.103j (cont'd)

3. The Secretary will acknowledge the appeal and request the departmental committee involved to review its initial recommendation, considering the new information. The departmental committee will then furnish the suggestion to the State Committee along with their recommendation and all supportive data. The suggestion will be reviewed by the Committee, a determination made and the suggester will be notified of the subsequent findings.

4. In reviewing appealed rejections, the State Committee will notify suggesters of the time and place of the meeting and afford them an opportunity to appear in person.

5. If a suggestion is being appealed, the suggester and when appropriate, the departmental committee, will have the right to review and copy any part of the file concerning the suggestion.

6. If a suggestion is disapproved, and within the two year period from notice of disapproval, the suggester appeals the determination, eligibility will be maintained throughout the appeal procedure.

7. Eligiblity will likewise be maintained throughout the appeal process if an appeal is made to re-open a case within 45 days after the suggester is notified of the final decision by the Committee on a previously appealed action.

8. An appeal involving a question of interpretation of program regulations or a ruling in special cases, may at the discretion of the Secretary be referred directly to the State Committee without referral to the departmental committee.

9. The State Committee shall render a final judgment on appeals, subject to the suggesters' inherent legal right to appeal to the Superior Court, Appellate Division. In every case the suggester shall be notified of the results of the appeal.

10. The State Committee may, if it deems necessary, order a hearing to be held in order to determine the facts concerning a suggestion. The hearing may be presided over by a hearing officer or the Committee itself.

11. The State Committee will reopen a decision if new evidence and/or new argument is presented which, if accepted, would change the outcome. Before reopening is considered, the proponent must satisfy the Committee that it was impossible to present these matters during the original appeal.

12. The Civil Service Commission does not exercise jurisdiction in these appeals.

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SUPERSEDED

22-1.103k Evaluation of Intangible Benefits of a Suggestion:

Where the value of a suggestion cannot be measured entirely or precisely in actual savings, the following guide will be used to set a full or complementary dollar amount. Cognizance will be taken of cost of implementation with relation to values derived, especially where there is little or no savings.

1.	APPLICABILITY	Limited operation or application ---to	$ 8
		Several operations or divisions-----to	$15
		Entire department or Statewide------to	$25
2.	IMPORTANCE	Minor----------to	$ 8
		Considerable----------to	$15
		Very important----------to	$25
3.	INGENUITY	Exceptional----------to	$ 5
4.	PRESENTATION	Exceptional----------to	$ 5

One or more of the above categories may be used by the recommending departmental committee. Ordinarily, however, the last two categories will not be involved but are intended only to provide for suggestions which are exceptional in these areas. Amounts used should total at least $10. Where more than $60 is recommended the departmental report must justify the exception, providing sufficient information for the Committee to verify the total.

Form CS-75 will be used for intangible evaluations.

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Subpart 22-1.104 Awards for Heroism

22-1.104a Program:

Awards for heroism may be made to an employee who performs an act of bravery or heroism which is above and beyond the duties or responsibility of the awardee's position and which reflects credit upon the State service.

22-1.104b Eligibility:

Any State employee, or group of State employees, are eligible for this award whether or not the act was performed during or after work hours.

22-1.104c Procedure for Processing:

1. A nomination for an award of heroism may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and, by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department's chief executive officer for his/her information. The original nomination with recommendations and supporting documents shall then be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized by the Committee, it shall be the responsibility of the Secretary to advise the nominator, in writing, of the action of the Committee.

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22-1.104d Awards:

1. Awards for heroism shall be letters of commendation, certificates, citations, plaques, medals, or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Presentation ceremonies shall be arranged by the Secretary.

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2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. The original nomination with recommendations and supporting documents shall then be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized, it shall be the responsibility of the Secretary to advise the nominator in writing, of the action of the Committee.

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2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. The original nomination with recommendations and supporting documents shall then be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized, it shall be the responsibility of the Committee to advise the nominator in writing, of the action of the Committee.

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SUPERSEDED

22-1.104d Awards:

1. Awards for heroism shall be letters of commendation, certificates, citations, plaques or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Presentation ceremonies shall be arranged by the Executive Secretary.

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Subpart 22-1.105 Awards for Professional Accomplishment

22-1.105a Program:

Awards for professional accomplishment may be made to an employee in recognition of meritorious or distinguished accomplishments. The accomplishments need not fall entirely within the scope of normal duties, but shall be in the nature of a major contribution in a specific field, vocation, or profession, or personal outstanding act as conduct reflecting credit on the individual and the State service.

22-1.105b Eligibility:

Any State employee, or group of State employees, are eligible for this award if one or more of the following conditions are met:

1. Through study and investigation have initiated and successfully established new and outstanding methods, practices, plans or designs having fundamental values. (Such as pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as organization, employee relations, humanities, vocation, etc.)

3. Have achieved honors from professional societies, institutions of learning, or recognized groups for outstanding performance encompassed in the fields of work of State departments.

4. Have assisted and who have been intimately associated with the recipient of an award. Such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

22-1.105c Procedure for Processing:

1. A nomination for an award for professional accomplishment may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

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22-1.105c (cont'd)

2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and, by majority vote, recommed approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the chief executive officer for his/her information. Then the original nomination with recommendation and supporting documents shall be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide, by majority vote, whether or not an award should be made and the type of award. When an award is not authorized, it shall be the responsibility of the Secretary to advise the nominator, in writing, of the action of the Committee.

22-1.105d Awards:

1. Awards for professional accomplishment shall be letters of commendation, certificates, citations, plaques, medals or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Presentation ceremonies shall be arranged by the departmental committees.

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Subpart 22-1.105 Awards for Professional Accomplishment

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22-1.105b Eligibility:

Any State employee or group of State employees are eligible for this award if one or more of the following conditions are met:

1. Through fruitful study and investigation have initiated and successfully established new and outstanding methods, practices, plans or designs having fundamental values. (Such as - pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as - organization, employee relations, humanities, vocation, etc.)

3. Have achieved honors from professional societies, institutions of learning, or recognized groups for outstanding performance encompassed in the fields of work of State departments.

4. Have assisted and who have been intimately associated with the recipient of an award. Such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

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1. A nomination for an award for professional accomplishment may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

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SUPERSEDED

22-1.105c (cont'd)

2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. Then the original nomination with recommendations and supporting documents shall be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized, it shall be the responsibility of the Secretary to advise the nominator in writing, of the action of the Committee.

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3. Presentation ceremonies shall be arranged by the Executive Secretary.

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Subpart 22-1.105 Awards for Professional Accomplishment

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Any State employee or group of State employees are eligible for this award if one or more of the following conditions are met:

1. Through fruitful study and investigation have initiated and successfully established new and outstanding methods, practices, plans or designs having fundamental values. (Such as - pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. Through unselfish devotion to duty, far and above normal requirements, have contributed significantly to the advancement of the State service on a professional or sub-professional level. (Such as - organization, employee relations, humanities, vocation, etc.)

3. Have achieved honors from professional societies, institutions of learning, or recognized groups for outstanding performance encompassed in the fields of work of State departments.

4. Have assisted and who have been intimately associated with the recipient of an award. Such award shall be a letter of commendation or a citation, presented at the time of the award for distinguished accomplishment.

22-1.105c Procedure for Processing:

1. A nomination for an award for professional accomplishment may be initiated by an employee or by any resident of New Jersey. The nomination shall be submitted in writing to the Committee and shall include data substantiating the proposal. When the nomination is received by the Committee it will be reviewed by the Secretary and a letter of acknowledgement sent to the nominator. Copies of the nomination shall then be forwarded to the appropriate departmental committee(s) for investigation and recommendation.

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SUPERSEDED

22-1.105c (cont'd)

2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination with recommendations and supporting documents shall be forwarded to the department head for his/her information. Then the original nomination with recommendations and supporting documents shall be forwarded to the Secretary for action by the Committee.

3. The Committee shall consider the nomination and the departmental committee's recommendations and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized, it shall be the responsibility of the Committee to advise the nominator in writing, of the action of the Committee.

22-1.105d Awards:

1. Awards for professional accomplishment shall be letters of commendation, certificates, citations, plaques or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Presentation ceremonies shall be arranged by the Executive Secretary.

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Subpart 22-1.106 Awards for Service

22-1.106a Program:

Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey.

22-1.106b Eligibility:

1. Service shall include employment in the classified or unclassified service in either a regular, provisional, or temporary capacity.

2. In determining years of employment, the same basis will be used as is used for computing annual vacation leave (N.J.A.C. 4:1-17.10). Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

22-1.106c Procedure for Processing:

1. Review personnel records prior to fiscal year to determine employees who will be eligible in the coming fiscal year.

2. By July 15, request of Secretary service awards cards and 5 year certificates.

22-1.106d Awards:

1. Awards for service shall be letters of commendation, certificates, citations, plaques, medals or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Awards will be made in 5 year service increments beginning at 5 years of service and ending with 50 years of service.

4. Presentation ceremonies shall be the responsibility of the departmental committees and shall be conducted on a yearly basis.

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SUPERSEDED

Subpart 22-1.106 Awards for Service

22-1.106a Longevity of Service:

1. Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey.

2. Service shall include employment in the classified or unclassified service in either a regular or temporary capacity.

3. In determining years of employment the same basis will be used as is used for computing annual vacation leave (N.J.A.C. 4:1-17.10). Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

4. The awards shall be emblems and jewelry of uniform design which is approved by the Committee as follows:

Years of Service	Awards (plus certificate)
5 Year Award	Emblem only
10 Year Award	Jewelry with one ruby
15 Year Award	Jewelry with two rubies
20 Year Award	Jewelry with three rubies
25 Year Award	Jewelry with one 3-point diamond, two rubies
30 Year Award	Jewelry with one 3-point diamond, two blue sapphires
35 Year Award	Jewelry with one 6-point diamond, two emeralds
40 Year Award	Jewelry with two 6-point diamonds, one emerald
45 Year Award	Jewelry with three 6-point diamonds
50 Year Award	Jewelry with one 12-point diamond, two 6-point diamonds

22-1.106b Retiring Employees:

1. Awards for retiring State employees shall be given at the time of retirement, exclusive of vested retirement, to all those who have retired with pension from the State.

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SUPERSEDED

22-1.106b (cont'd)

2. Service shall include employment in the classified or unclassified service in either a regular or temporary capacity. Any dispute or question regarding eligibility shall be referred to the Committee for resolution.

3. The awards shall consist of a "Certificate of Appreciation" for service to the State and a Retirement Recognition Award.

4. The "Certificate of Appreciation", signed by the Governor, will be supplied by the Awards Program staff upon request by the departmental Personnel Officer.

5. Only one Retirement Recognition Award will be presented to any employee.

6. The Retirement Recognition Awards will be mementos of uniform design which are approved by the Committee.

22-1.106c Awards Presentation:

1. It shall be the responsibility of each department to determine the employees who will be eligible for awards.

2. The presentation of awards to eligible employees at suitable ceremonies shall be the responsibility of departmental committees. The presentations will be made by the department head or his/her representative.

3. Departments will be responsible for any personalized markings desired on awards or certificates.

Procedure for Operating Agencies in Obtaining Awards:

1. For service awards - review personnel records prior to July 1 to determine employees who will be eligible in the coming fiscal year.

2. For service awards - distribute awards brochure (supplied by Secretary) to eligible employees for 10 to 50 year awards.

3. For service awards - by July 1, have eligible employees indicate choice of items to personnel office.

4. For service awards - summarize all departmental requests for awards and certificates, and report to the Secretary by July 15.

5. For retiring employees - distribute brochure illustrating mementos to prospective retiree, have him/her make selection and report to the Secretary as soon as possible.

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22-1.106c (cont'd)

6. Place order directly with the contract vendor at least 30 days prior to anticipated date of presentation. Set up funds on Form PB-77 followed by using agency Form PB-2 or confirming agency order invoice Form PB-82 direct to the contractor.

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Subpart 22-1.106 Awards for Service

22-1.106a Longevity of Service:

1. Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey.

2. Service shall include employment in the classified or unclassified service in either a regular or temporary capacity.

3. In determining years of employment the same basis will be used as is used for computing annual vacation leave (N.J.A.C. 4:1-17.10). Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

4. The awards shall be emblems and jewelry of uniform design which is approved by the Committee as follows:

Years of Service	Awards (plus certificate)
5 Year Award	Emblem only
10 Year Award	Jewelry with one ruby
15 Year Award	Jewelry with two rubies
20 Year Award	Jewelry with three rubies
25 Year Award	Jewelry with one 3-point diamond, two rubies
30 Year Award	Jewelry with one 3-point diamond, two blue sapphires
35 Year Award	Jewelry with one 6-point diamond, two emeralds
40 Year Award	Jewelry with two 6-point diamonds, one emerald
45 Year Award	Jewelry with three 6-point diamonds
50 Year Award	Jewelry with one 12-point diamond, two 6-point diamonds

22-1.106b Retiring Employees:

1. Awards for retiring State employees shall be given at the time of retirement, exclusive of vested retirement, to all those who have completed the required number of years of employment with the State of New Jersey.

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22-1.106b (cont'd)

2. Service shall include employment in the classified or unclassified service in either a regular or temporary capacity. Any dispute or question regarding eligibility shall be referred to the Committee for resolution.

3. The awards shall consist of a "Certificate of Appreciation" for service to the State and a Retirement Recognition Award.

4. The "Certificate of Appreciation", signed by the Governor, will be supplied by the Awards Program staff upon request by the departmental Personnel Officer.

5. Only one Retirement Recognition Award will be presented to any employee.

6. The Retirement Recognition Awards will be mementos of uniform design which are approved by the Committee.

22-1.106c Awards Presentation:

1. It shall be the responsibility of each department to determine the employees who will be eligible for awards.

2. The presentation of awards to eligible employees at suitable ceremonies shall be the responsibility of departmental committees. The presentations will be made by the department head or his/her representative.

3. Departments will be responsible for any personalized markings desired on awards or certificates.

Procedure for Operating Agencies in Obtaining Awards:

1. For service awards - review personnel records prior to July 1 to determine employees who will be eligible in the coming fiscal year.

2. For service awards - distribute awards brochure (supplied by Secretary) to eligible employees for 10 to 50 year awards.

3. For service awards - by July 1, have eligible employees indicate choice of items to personnel office.

4. For service awards - summarize all departmental requests for awards and certificates, and report to the Secretary by July 15.

5. For retiring employees - distribute brochure illustrating mementos to prospective retiree, have him/her make selection and report to the Secretary as soon as possible.

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22-1.106c (cont'd)

6. Place order directly with the contract vendor at least 30 days prior to anticipated date of presentation. Set up funds on Form PB-77 followed by using agency Form PB-2 or confirming agency order invoice Form PB-82 direct to the contractor.

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Subpart 22-1.107 Retirement Recognition Awards

22-1.107a Program:

Awards for retiring State employees shall be given at the time of retirement, exclusive of vested retirement, to all those who have retired with pension from the State regardless of the amount of service time.

Only one Retirement Recognition Award will be presented to any employee.

22-1.107b Eligibility:

1. Service shall include employment in the classified or unclassified service in either a regular, provisional, or temporary capacity. Any dispute or question regarding eligibility shall be referred to the Committee for resolution.

2. It shall be the responsibility of each department to determine the employees who will be eligible for awards.

22-1.107c Procedure for Processing:

1. Distribute brochure illustrating mementos to prospective retirees. Have them make selections and report to the Secretary as soon as possible.

22-1.107d Awards:

1. The awards shall consist of a "Certificate of Appreciation" for service to the State and a Retirement Recognition Award.

2. The "Certification of Appreciation," signed by the Governor, will be supplied by the Awards Program staff upon request from the department.

3. The Retirement Recognition Awards will be of uniform design which are approved by the Committee.

4. Departments will be responsible for any personalized markings desired on awards or certificates.

5. The presentation of awards to eligible employees at suitable ceremonies shall be the responsibility of departmental committees. The presentations will be made by the chief executive officer or his/her representative.

6. Place order directly with the contract vendor in accordance with contract terms regarding delivery dates.

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Series 23

Employer-Employee Relations (State Service)

NEW JERSEY DEPARTMENT OF CIVIL SERVICE

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PART 23-2 GRIEVANCE PROCEDURE ESTABLISHED

Subpart 23-2.101 Implementation Of Departmental Grievance Procedure

23-2.101a Subject:

This subpart will prescribe a procedure which shall be established within each department so that grievances of employees in the classified division of state service will be resolved on an equitable basis.

These regulations are revisions of regulations established by the Civil Service Commission on January 1, 1958 and are subject to such amendment as shall appear to be desirable depending upon experience gained from their operation. It is suggested that they serve as a guide in considering grievances which may be received from employees who are in the unclassified division.

23-2.101b Responsibilities Of The Civil Service Commission:

R.S. 11:5-1 requires that the Commission, in addition to the other duties imposed upon it by law, shall, as a body, establish procedures for maintaining adequate employer-employee relations, and for the orderly consideration of disputes, grievances, complaints and proposals relating to the employer-employee relationship in the classified service of the state; make investigations, conduct hearings, and make rulings with respect thereto.

23-2.101c Purpose Of Regulations; Limitations Of Grievance Area; Departmental Program:

The purposes of these regulations shall be as follows:

1. They shall create a more harmonious and cooperative relationship between the state government and its classified employees by providing for the settlement of differences through an orderly grievance procedure.

2. They shall also provide a frimework within which each operating department shall create a program geared to its own personnel structure.

3. It shall be the responsibility of each department head tc implement the grievance procedure outlined in this subpart.

4. The departmental grievance procedure shall not serve as an avenue of litigation from which appeals as of right lie to the Civil Service Commission or to the courts.

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23-2.101c (cont'd)

5. The grievance procedure is designated to terminate at the 4th step which shall be the head of the operating department or agency, however;

The Commission reserves the right, based on its statutory powers of investigation, hearing and ruling, to certify, on its own motion, and solely within its discretion, cases which the Commission deems to be of such major importance as to warrant hearing by it or designated members. In such instances the Civil Service Commission's decision shall be final.

23-2.101d Definition Of Grievance:

A grievance is any combination of circumstances because of which an employee is dissatisfied with working conditions which are beyond his control, but which may be subject to remedy by his superior.

23-2.101e Causes For Employee Complaints:

A grievance may result from: alleged safety or health hazards; unsatisfactory physical facilities, surroundings, materials or equipment; unfair or discriminatory supervisory and disciplinary practices; unjust treatment by fellow employees, unreasonable assignment of working hours or personal time allowances; unfair or unreasonable work quotas; and other situations relating to conditions of employment.

23-2.101f Employees' Rights And Responsibilities:

1. An aggrieved employee will not be required to have counsel or an employee representative, however, he may be represented if he so wishes.

2. The term "employee representative" shall mean the agent selected by the employee, or by a group of employees in the case of a group grievance, to act in his or their behalf in the processing of a grievance.

3. The aggrieved employee shall identify by name and title his representative, if any, on the CS-251.

4. The representative, if he is a state employee shall notify his immediate supervisor of his designation, stating the name of the aggrieved, and the time and place of the grievance hearing or discussion.

23-2.101h Time Off For Processing Of Grievances:

1. An employee and his designated representative shall be allowed such time off from their regular duties, or compensatory time off for time spent in excess of their normal working hours, and such travel time as may be necessary and reasonable for processing of a grievance without loss of pay, vacation, or any other time credits.

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PART 23-1 EMPLOYEE ORGANIZATION RECOMMENDATIONS

Subpart 23-1.101 The New Jersey Employer-Employee Relations Act

23-1.101a Subject:

This subpart will describe the purpose of the New Jersey Employer-Employee Relations Act: Chapter 303 of the Laws of 1968 (34:13A-1 et seq.).

23-1.101b Purpose:

The purpose of the Employer-Employee Relations Act is to carry cut the public policy of the State of New Jersey that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes in the public sector; and that the voluntary mediation of public employer-employee disputes under the guidance and supervision of a governmental agency will tend to promote permanent employer-employee peace as well as the health, comfort and safety of the people of the State of New Jersey.

23-1.101c Limitations:

This law expressly states that nothing therein shall be construed to deny any individual his rights under Civil Service Law and Regulations. Therefore, no agreement shall be consummated which shall in any way alter or contravene the provisions of Title 11 (the Civil Service Statute) or the Civil Service Rules.

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23-2.101h (cont'd)

2. The above allowance however, shall not include time off for preparation for the presentation of a grievance.

3. The agency shall schedule at a convenient place and time all discussions and hearings between an employee and his supervisors which shall as far as practicable, be conducted during regular working hours, within the agency.

4. Group grievances shall be presented to the appropriate supervisor by a representative chosen by the group.

23-2.101i Procedures - Disposition - Limitations:

Informal Procedure

1. Any employee may at his or her discretion present a complaint to his immediate supervisor on an informal basis.

2. Each department shall implement the following formal procedure:

Step One

(a) In the event an employee feels he has a legitimate grievance he should submit his grievance in writing to his immediate supervisor using the CS-251 form.

(1) The employee shall file the grievance within 15 calendar days from the date on which the alleged act which is the subject of the grievance occurred.

(2) The employee shall be notified in writing of the disposition of his grievance within five days from the date of submittal. As used in this subpart "days" means working days unless otherwise indicated.

Step Two

(a) If the grievant is not satisfied with the decision rendered at step one, he may then submit his grievance to the next in line supervisor within five days from receipt of the decision at step one, again using the CS-251 form.

(1) The supervisor shall hear the grievance and notify the grievant of the disposition of it in writing within five days of the receipt of the appeal from step one.

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23-2.101i (cont'd)

Step Three

(a) If the grievant is not satisfied with the decision at step two, he may within five days submit his grievance to the Division Director in writing using the CS-251 form.

(1) The Division Director will hear the grievance and notify the grievant in writing of the disposition of the grievance within ten days of the receipt of the appeal from step two.

Step Four

(a) If the grievant is not satisfied with the decision of step three, he may within five days appeal to the department head or his designated representative in writing using the CS-251 form.

(1) The department head or his representative will consider the grievance and if it is within his authority resolve the problems and advise the employee of his decision and the reasons therefor within 15 days, by completing the appropriate CS-251 form.

a. The time limit for responding may be extended up to a limit of 30 days provided their is mutual consent of the parties.

3. If the finding or resolution of a grievance at any step in the grievance procedure is not appealed within the prescribed time, said grievance will be considered settled on the basis of the last answer provided, and there shall be no further appeal or review.

4. If a grievance is not satisfactorily resolved or should no decision be forthcoming in the prescribed time at step one, two or three, the grievant may, within five working days submit his grievance to the next step.

23-2.101j Departmental Records:

Each department shall keep complete and accurate records of grievance cases for a two year period, but they shall not become a part of the permanent records of the appellant.

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23-2.101k Departmental Records:

Each department shall submit to the President of the Civil Service Commission monthly reports of grievance activities within 15 calendar days of the end of each month. These reports shall include the number of grievances received from either employees or employer organizations, the nature of subject grieved, and the step at which each grievance was resolved. The report shall also include grievances that as of the last monthly report were not resolved.

23-2.101l Negotiated Grievance Procedures:

This subpart shall stand separate and apart from any grievance procedure that may be negotiated between the state and any union or association; however, no negotiated grievance procedure shall serve as an avenue of appeal for matters which must by law or Civil Service Rule be decided by Civil Service through its exclusive appeal procedures which shall include but not be limited to:

(1) Removals (4:1-16.9)

(2) Suspension, Fine, Demotion (4:1-16.7)

(3) Resignation Not In Good Standing (4:1-16.14)

(4) Layoffs And Demotions (4:1-16.4)

(5) Removal At End Or During Working Test Period (4:1-13.7)

(6) Classification Review (4:1-6.5)

(7) Review Of Determinations By Chief Examiner And Secretary (4:1-8.15)

(8) Removal Of Names From Eligible Lists (4:1-12.12)

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Subpart 23-2.102 Use Of Grievance Procedure Form CS-251

23-2.102a Subject:

This subpart will describe the use of Civil Service Form CS-251 for grievances processed thru (1) the departmental grievance procedure as outlined in Subpart 23-2.101 or (2) a contractual grievance procedure in any agreement negotiated between the state and an employee association or union.

23-2.102b Use Of Form:

(1) This form will be used by all employees to present grievances.

(2) A grievance will be (a) under the departmental grievance procedure any combination of circumstances because of which an employee is dissatisfied with working conditions which are beyond his control, but which may be subject to remedy by his superior, or (b) under a contractual grievance procedure, the definition outlined in the contract shall prevail.

23-2.102c Use Of The CS-251:

(1) Employee completes all four forms, giving the preliminary information concerning the nature of the grievance.

(2) The grievance form is then brought to the supervisor who is to handle the grievance at the first step. This supervisor will keep management's copy, the employee's copy, and the employee representative's copy, if applicable, while forwarding Personnel's copy to the proper authority designated by the Department or Agency. The supervisor will then make arrangements for responding to the grievance.

(3) (a) The supervisor shall record his decision on all three forms. (Management's, employee's, employee representative's).

(b) The supervisor shall forward this decision to the grievant, and if applicable, the employee representative, in the most expedient manner possible.

(c) If the grievance is resolved, the employee signs the CS-251 forms and the employee and employee representative keep their respective copies. The supervisor will forward management's copy to the proper authority designated by the Department or Agency.

(4) If the grievance is not resolved, the employee may appeal the decision by checking off the appropriate block and informing the supervisor within the specified time limits. The supervisor will then forward management's copy of the CS-251 and pertinent records to the next level of management designated by the Agency or Department to conduct the next step hearing.

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23-2.102c (cont'd)

(5) If management fails to respond to the employee's grievance on the CS-251 form within the time alloted for a decision, the employee may proceed to the next step, by informing the management representative who has failed to hear the grievance within the specified time limits. It will then be the responsibility of the management representative to forward management's CS-251 and records to the management representative who will hear the grievance at the next step.

(6) It is the responsibility of the proper authority designated by the Department or Agency to keep accurate records as to the final disposition of each grievance formally submitted.

23-2.102d Taking A Grievance Beyond Step 4:

(1) (a) A departmental or non-contractual grievance processed through step 4 of a grievance procedure shall terminate with the head of the operating Department or Agency. However, the Civil Service Commission under its statutory power, may review, at its discretion, grievances which the Commission considers of such importance as to warrant hearing by it or designated members.

(b) If an employee feels his grievance falls within this category, it may be presented for review by the Department of Civil Service by forwarding the grievance form to:

Department of Civil Service
Division of Personnel Management and
Employee Development
State House
Trenton, New Jersey 08625

1. The employee will notify the management representative at the fourth step of his intention to have a review by checking the appropriate block on the CS-251; the management representative will then forward a copy of the CS-251 to the above address.

2. The employee shall request this review within five days from receipt of the decision at step 4.

3. The Department of Civil Service shall notify the employee of the disposition of his review within 30 days from receipt of the request from step 4.

(2) A grievance processed through step 4 of a contractual grievance may be appealed to step 5 under the contract by so noting in the appropriate box of form CS-251. The fifth step procedure will be in accord with the Employee Policy Guide No. 3 which states generally that after step 4 the union may appeal to fact-finding where they give notice to the Department

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23-2.102d (cont'd)

Head with three copies to the Director, Office of Employee Relations. The Department Head will be responsible for immediately forwarding a copy of the appeal to the Department of Civil Service. The Office of Employee Relations will coordinate, with the Department Head.

23-2.102e Civil Service Jurisdiction:

When a grievance is brought through step 4 of a contractual grievance procedure, there may be no appeal to a fact-finder of matters which must by law or Civil Service Rule be decided by Civil Service through its exclusive appeal procedures. (See Subpart 23-2.1011).

23-2.102f Information To All Employees:

The above information must be made available to all employees by appointing authorities, preferably by excerpting pertinent portions of this subpart.