

SUBCHAPTER 3. ORGANIZATION

4A:1-3.1 General provisions

(a) The Civil Service Commission is established in, but not of, the Department of Labor and Workforce Development in the Executive Branch of State Government, and consists of the:

1. Chairperson;
2. Civil Service Commission; and
3. Such subdivisions as the Chairperson may deem necessary.

Amended by R.2011 d.158, effective June 6, 2011.
See: 43 N.J.R. 336(a), 43 N.J.R. 1331(a).

Rewrote the introductory paragraph of (a) and (a)1 and (a)2; and in (a)3, substituted "Chairperson" for "Commissioner".

4A:1-3.2 Chairperson

(a) The Chairperson shall:

1. Serve as chairperson of the Civil Service Commission; and
2. Serve as the administrator, the chief executive officer and the appointing authority of the Commission, as well as the request officer of the Commission, within the meaning of such term as defined in P.L. 1944, c. 112, §1.

(b) The Chairperson, on behalf of the Commission, shall:

1. Maintain a management information system to implement Title 11A, New Jersey Statutes;
2. Establish necessary programs and policies for the State and local service;
3. Between meetings of the Commission, provide for interim remedies or relief in a pending appeal where warranted, and review requests for interlocutory review of an order or ruling by an administrative law judge;
4. Establish and consult with advisory board representing political subdivisions, personnel officers, labor organizations and other appropriate groups;
5. Make required reports to the Governor and Legislature;
6. Approve appointments in the State and local service; and
7. Perform such other duties as prescribed by law and these rules.

Amended by R.2011 d.158, effective June 6, 2011.
See: 43 N.J.R. 336(a), 43 N.J.R. 1331(a).

Section was "Commissioner of Personnel". In the introductory paragraph of (a), substituted "Chairperson" for "Commissioner of Personnel"; in (a)1, substituted "Civil Service Commission; and" for "Merit System Board."; rewrote (a)2; added the introductory paragraph of (b) and (b)3; recodified former (a)3 and (a)4 as (b)1 and (b)2; deleted former (a)5 and (a)6; and recodified former (a)7 through (a)10 as (b)4 through (b)7.

Case Notes

Powers and duties; approval of classification plans. Gloucester Cty. Welfare Bd. v. N.J. Civ. Serv. Comm'n., 93 N.J. 384, 461 A.2d 575 (1983) and (dissenting opinions).

4A:1-3.3 Civil Service Commission

(a) The Civil Service Commission shall:

1. Hold a public meeting at least once each month, except August, at which three members shall constitute a quorum;
2. Render final administrative decisions on appeals and on other matters referred by the Chairperson;
3. Adopt rules for implementing Title 11A, New Jersey Statutes after public hearing, except that a public hearing shall not be required for the adoption of emergency rules. See N.J.A.C. 1:30-4.5 for Office of Administrative Law emergency rule adoption procedures;
4. Interpret the application of Title 11A, New Jersey Statutes, to any public body or entity;
5. Perform such other duties as prescribed by law and these rules.

Amended by R.1992 d.416, effective October 19, 1992.

See: 24 N.J.R. 2490(a), 24 N.J.R. 3715(a).

Revised (a)2.

Amended by R.2011 d.158, effective June 6, 2011.

See: 43 N.J.R. 336(a), 43 N.J.R. 1331(a).

Section was "Merit System Board". In the introductory paragraph of (a), substituted "Civil Service Commission" for "Merit System Board"; and in (a)2, substituted "Chairperson" for "Commissioner, except for those matters listed in N.J.A.C. 4A:1-3.2(a)6 or delegated to the Commissioner".

Case Notes

Police officer hired after completing the required police training course under the alternate route authorized by a 1998 amendment to the Police Training Act, N.J.S.A. 52:17B-66 through 52:17B-77.6, may be subject to a one-year probationary period prescribed by a municipal ordinance, during which the officer can be terminated without cause. Azzara v. Township of Waterford, 392 N.J. Super. 322, 920 A.2d 725, 2007 N.J. Super. LEXIS 120 (App.Div. 2007).

Autonomous political subdivisions; relationship of Civil Service Act to firemen. Oughton v. Board of Fire Comm'rs, etc., 168 N.J. Super. 434, 403 A.2d 69 (Law Div.1979) on reconsideration 178 N.J. Super. 633, 429 A.2d 1096 (Law Div.1980) affirmed in part, reversed in part 178 N.J. Super. 565, 429 A.2d 1059, certification denied 87 N.J. 367, 434 A.2d 1055.

Discretion of Civil Service Commission to hold open competitive exams. State v. State Supervisory Employees Association, 78 N.J. 54, 393 A.2d 233 (1978).

Jurisdiction. City of Hackensack v. Winner, 162 N.J. Super. 1, 392 A.2d 187 (App.Div.1978) mod. on other ground 82 N.J. 1, 410 A.2d 1146 (1980).

Power of local service employer to effect out of class temporary transfer. In re Appeal of Lembo, 151 N.J. Super. 242, 376 A.2d 971 (App.Div.1977).