

CHAPTER 7
COMMUNITY COLLEGE
PERSONNEL REGULATIONS

Authority

N.J.S.A. 18A:3B-15.

Source and Effective Date

R.2006 d.390, effective October 16, 2006.
See: 38 N.J.R. 2782(a), 38 N.J.R. 4865(a).

Chapter Expiration Date

Chapter 7, Community College Personnel Regulations, expires on October 16, 2011.

Chapter Historical Note

Pursuant to Executive Order No. 66(1978), Chapter 7, Community College Personnel Regulations, was readopted as R.1995 d.334, effective May 26, 1995. See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a). As part of R.1995 d.334, Subchapter 2, Community College Reduction in Force Policies, was recodified from N.J.A.C. 9:4-5, Subchapter 3, Tenure Policies, was recodified from N.J.A.C. 9:4-6, and Subchapter 4, Professional Employees Policies, was recodified from N.J.A.C. 9:4-7, effective June 19, 1995. Pursuant to Executive Order No. 66(1978), Chapter 7, Community College Personnel Regulations, expired on May 26, 1996.

Chapter 7, Community College Personnel Regulations, was adopted as new rules by R.1996 d.310, effective July 1, 1996. See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).

Pursuant to Executive Order No. 66(1978), Chapter 7, Community College Personnel Regulations, was readopted as R.2001 d.255, effective June 22, 2001. See: 33 N.J.R. 1552(a), 33 N.J.R. 2498(a).

Chapter 7, Community College Personnel Regulations, was readopted as R.2006 d.390, effective October 16, 2006. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL RULES**9A:7-1.1 Appointments**

All personnel appointments in a county community college shall be made upon the written recommendation of the president to the board of trustees with the exceptions of the presidency itself, the board attorney, and an external auditor or auditing firm. All personnel appointments must be approved by the board of trustees.

Recodified from 9:4-1.9 and amended by R.1995 d.334, effective June 19, 1995.

- See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).
- Amended by R.1996 d.310, effective July 1, 1996.
- See: 28 N.J.R. 1588(a), 28 N.J.R. 3302(a).
- Amended by R.2001 d.255, effective July 16, 2001.
- See: 33 N.J.R. 1552(a), 33 N.J.R. 2498(a).
- Deleted (a).

Case Notes

Request to raise final grade given student at local college involved an essentially subjective academic appraisal and was properly denied. *Nussbaum v. Board of Trustees of Ramapo*, 95 N.J.A.R.2d (HED) 23.

Substantially proven charges of sexual harassment warranted dismissal of tenured community college teacher. *Matter of Tenure Charges Against Zaleski*, 95 N.J.A.R.2d (HED) 1, affirmed 96 N.J.A.R.2d (HED) 1, certification denied 143 N.J. 518, 673 A.2d 277.

SUBCHAPTER 2. COMMUNITY COLLEGE REDUCTION IN FORCE POLICIES**9A:7-2.1 Scope and purpose**

These policies govern the procedures to be used by the county colleges when it becomes necessary to reduce the number of tenured faculty or multi-year contract employees of a college due to a fiscal crisis, a natural diminution in the number of students in a program or at the institution or a reduction of programs. The policies address the rights of employees at the county colleges of New Jersey under such circumstances. These regulations shall not apply to those persons laid off pursuant to non-renewal of contracts or early termination provisions.

9A:7-2.2 Declaration of need for a reduction in force

The board of trustees of any county college may declare the need for a reduction in force for the county college by a majority vote of the voting members of the board.

9A:7-2.3 Plans and recommendations

Once the need for a reduction in force is declared, the board of trustees shall direct the president to present a plan and recommendation to implement the reduction in force.

9A:7-2.4 Consultation with college community

The president shall consult with the college community in developing the plan and recommendations to be presented to the board of trustees. Representatives of the college community shall, upon request, be provided with class enrollment and financial data in a timely manner pursuant to the Right to Know Law (N.J.S.A. 47:1A-1). Nothing herein shall require a college to prepare such information in a format not routinely used by the college. Representatives of the college community may present alternative plans to modify or avoid the reduction in force to the college president, provided that such plans are submitted within the time permitted the president to submit a plan to the trustees. The president shall forward any suggested alternative plans to the board of trustees along with his or her own recommendations.

Amended by R.1995 d.334, effective June 19, 1995.
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

9A:7-2.5 Affirmative action

The president's plan and recommendations shall be developed in accordance with the State's commitment to affirmative action. The affirmative action officer of the college shall prepare an analysis of the affirmative action impact of any recommended personnel layoffs to assist the president in developing the recommendations.

9A:7-2.6 Review of recommendations

(a) The board of trustees shall review the president's recommendations, which shall include the affirmative action officer's assessment of their impact, and may accept, reject, or modify such recommendations.

(b) If such recommendations as noted in (a) above include the layoff of employees, the board shall be guided by the following principles:

1. The determination by the board of trustees as to which areas are to be reduced shall be based on academic or administrative considerations.
2. If the board modifies the president's recommendations, it shall request an affirmative action analysis of its proposed action.
3. Consideration shall be given to foster those programs and functions which are of major instructional significance at the college.
4. Layoff units need not be coincident with established departments or other subdivisions or units, but may include

identifiable programs or further subdivisions or specialties within academic programs or administrative functions as the board may determine appropriate.

5. To the extent it is not inconsistent with N.J.S.A. 18A:60-3 and the preservation of the institution's academic integrity and educational purpose, layoffs of tenured faculty within a faculty layoff unit shall be made in order of years of service within the layoff unit excluding unpaid leaves of absence, laying off tenured faculty with the fewest years of service first.

6. Where a reduction in force is caused by a natural diminution in enrollment and a partial academic teaching load is available for which a laid-off faculty member is qualified, then such a faculty member shall be given the first opportunity to teach such a partial load, at a salary proportionate to his or her full-time compensation.

7. The use of adjuncts or full-time faculty on overload to assume the equivalent of the full-time academic load in the discipline of faculty who are to be laid off shall not be permitted. Nothing herein shall prevent a college from using adjunct or overload faculty if no laid-off faculty are qualified to teach the scheduled courses, in the academic judgement of the president.

8. The qualifications of laid-off faculty members shall be reviewed by the president of the college. If in the academic judgment of the president the faculty member is qualified to teach in another discipline, and a vacancy exists, or courses are being taught by an adjunct faculty member or by another full-time faculty member on an overload assignment, then the laid-off faculty member shall be employed to fill the vacancy or to assume the courses taught by the adjunct or by the full-time faculty member on an overload basis.

Amended by R.1995 d.334, effective June 19, 1995.
See: 27 N.J.R. 1388(a), 27 N.J.R. 2400(a).

9A:7-2.7 Reemployment lists; generally

(a) With respect to reemployment rights of tenured faculty and multi-year contract employees, the college president shall establish separate reemployment lists for academic and administrative positions, including the names and qualifications of all tenured faculty and multi-year contract employees on layoff status.

(b) The college shall not fill a vacancy in any faculty position in any layoff unit in which a layoff has occurred without first making a written offer of reemployment to those persons on the academic reemployment list whom the president believes, as a result of his academic judgment confirmed by the board of trustees, are qualified to fill the position.