

**SUPERSEDED**

**SUPERSEDED**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.

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 comparison of work weeks of the two positions. If necessary, refer to the following chart to determine the adjusted salary range.

		WORKWEEK OF POSITION TO BE APPOINTED TO		
		35	NL	40 or NL4
WORKWEEK OF EMPLOYEES CURRENT POSITION	35		+1	+2
		SALARY RANGE	SALARY RANGE	SALARY RANGES
	NL	-1		+1
		SALARY RANGE	SALARY RANGE	SALARY RANGE
	40 or NL4	-2	-1	
		SALARY RANGES	SALARY RANGE	

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).

**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.

# 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.

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.

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.

**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:

# SUPERSEDED

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.

Subpart 7-3.110 Back Pay For Employees Reinstated Subsequent To Ad-  
judication 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.

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.

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.



**SUPERSEDED**

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;

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.

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".

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

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

7-4.101c

(cont'd)

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.

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.

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

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

7-4.101e (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.

7-4.101f Payroll Procedures:

Procedures for payment of compensable overtime will be published as amendments to the Payroll Manual.

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

**SUPERSEDED**

7-4.101c (cont'd)

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.

EM- PI	WED	SAT	SUN	MON	TUES	WED	THUR	FRI	HOURS CREDITED	HOURS WORKED	TOTAL HOURS	HOURS TO BE PAID	
												STRA- IGHT TIME	PRE- MIUM 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)

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 inmates 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.

Subpart 7-4.102      Overlap Shift Security Overtime

7-4.102a      Subject:

This subpart is an amendment to the Overtime Regulations (re-printed 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.

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 adherence to the following procedures.

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.

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.

**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.

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.

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 comparison of work weeks of the two positions. If necessary, refer to the following chart to determine the adjusted salary range.

		WORKWEEK OF POSITION TO BE APPOINTED TO		
		35	NL	40 or NL4
WORKWEEK OF EMPLOYEES CURRENT POSITION	35	.	.	.
		.	+1	+2
	.	SALARY	SALARY	
	.	RANGE	RANGES	
	NL	.	.	.
		-1	.	+1
	.	SALARY	SALARY	
	.	RANGE	RANGE	
	40 or NL4	.	-2	-1
		.	SALARY	SALARY
.	RANGES	RANGE		

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).

**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.

## 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.

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.

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.

**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:

# SUPERSEDED

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.

Subpart 7-3.110 Back Pay For Employees Reinstated Subsequent To Ad-  
judication 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.

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.

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.

**SUPERSEDED**

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.

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;

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.

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.

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".

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

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

7-4.101c (cont'd)

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.

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.

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

7-4.10ld (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.

7-4.10le 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

7-4.101e (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.

7-4.101f Payroll Procedures:

Procedures for payment of compensable overtime will be published as amendments to the Payroll Manual.

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

# SUPERSEDED

7-4.101c (cont'd)

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.

EM- PI	WED	SAT	SUN	MON	TUES	WED	THUR	FRI	HOURS CREDITED	HOURS WORKED	TOTAL HOURS	HOURS TO BE PAID	
												STRA- IGHT TIME	PRE- MIUM 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)

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 inmates 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.

Subpart 7-4.102      Overlap Shift Security Overtime

7-4.102a      Subject:

This subpart is an amendment to the Overtime Regulations (re-printed 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.

# **Series 8**

# **Examinations and Applications**

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 return 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 permanent 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.

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.

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.

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.

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.

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.

**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.

# **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.

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)

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.

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.

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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Please be advised that the following subparts have been repealed:

<u>Subpart</u>	<u>Issue Date</u>	<u>Repeal Date</u>
8-8.104	10/20/71	7/9/81
8-8.105	10/02/72	7/9/81

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.

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.

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.

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.

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.

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."

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.

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 possesses 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.

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.

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.

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 accommodation 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..)

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.

# **SUPERSEDED**

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Civil Service Personnel Manual  
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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.

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.

**SUPERSEDED**

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.

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  $\frac{1}{2}$  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.

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.

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:

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.



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:

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.

**SUPERSEDED**

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.

# **SUPERSEDED**

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 include 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.

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.

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.

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.

# **Series 9**

# **Examination Scoring**

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).

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, succeeding 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.

# **Series 10**

# **Noncompetitive and Labor Appointments**

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)

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.

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 non-residents 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

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 non-residents 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.

# **Series 11**

# **Eligible Lists**

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.

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.

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.

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.

# **Series 12**

# **Certification and Appointment**

Series 12

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.

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.

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.

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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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.

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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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.

**SUPERSEDED**

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.

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.

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.

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.

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.

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.

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.

**SUPERSEDED**

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.

## **SUPERSEDED**

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 any police background report. Appearances before the Medical Review Board will be possible but not mandatory.

12-11.101c 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.

12-11.101d 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.

12-11.101e 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.

**SUPERSEDED**

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.

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.

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.

**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.

**SUPERSEDED**

**SUPERSEDED**

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.

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.

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.

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.

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.

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.

# **Series 13**

# **Working Test Period**

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.

**SUPERSEDED**

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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# SUPERSEDED

1000-1000 (cont'd)

to the Civil Service Commission and shall pursuant to N.J.A.C. 4:7-13.7 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.

# **Series 14**

# **Provisional and Temporary Appointment**

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 proceeding 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.

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.

# **Series 15**

# **Assignments and Transfers**

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.

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.

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.

# **Series 16**

# **Separations and Demotions**

CIVIL SERVICE PERSONNEL MANUAL

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Please be advised that the following subpart has been rescinded:

<u>Subpart</u>	<u>Issue Date</u>	<u>Rescission Date</u>
16-1.101	7/18/77	8/11/78