

CHAPTER 6

STATE COLLEGE PERSONNEL SYSTEM

Authority

N.J.S.A. 18A:3-14(h) and 18A:64-6(h).

Source and Effective Date

R.1995 d.335, effective May 26, 1995.
See: 27 N.J.R. 1392(a), 1395(a), 27 N.J.R. 2403(a).

Executive Order No. 66(1978) Expiration Date

Chapter 6, State College Personnel System, expires on May 26, 1996.

Chapter Historical Note

Chapter 6, State College Personnel System, was originally adopted as R.1988 d.14 and codified at N.J.A.C. 9:6A, effective January 4, 1988. See: 19 N.J.R. 1613(a), 20 N.J.R. 89(c). Pursuant to Executive Order No. 66(1978), Chapter 6A expired on January 4, 1993, and subsequently was adopted as new rules by R.1993 d.118, effective March 15, 1993. See: 24 N.J.R. 3052(a), 25 N.J.R. 1221(b). Pursuant to Executive Order No. 66(1978), Chapter 6A was readopted as R.1995 d.335, effective May 26, 1995, and recodified as N.J.A.C. 9A:6, effective June 19, 1995. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

9A:6-1.1 Purpose

The purpose of this chapter is to prescribe rules and procedures to provide an effective and efficient personnel system for employees in the State colleges unit and to ensure that employees are treated fairly and impartially.

Recodified from 9:6A-1.1 and amended by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-1.2 Compliance

All State colleges and their full- or part-time employees in the State colleges unit, including but not limited to all faculty, librarians, and nonteaching professional staff shall comply with these rules provided, however, that career service employees covered by the provisions of Title 11A, Civil Service, New Jersey Statutes, and all employees not included in the State colleges unit shall not be subject to these rules.

Recodified from 9:6A-1.2 and amended by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-1.3 Severability

If a rule or part of a rule is declared invalid for any reason, the validity of the remainder of the rules in this chapter shall not be affected by such determination.

Recodified from 9:6A-1.3 by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 27 N.J.R. 2403(a).

SUBCHAPTER 2. DEFINITIONS

9A:6-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings and are defined solely for the purposes of this chapter, unless the context clearly indicates otherwise:

“Academic year” means the period of time commencing as set forth in the official academic calendar adopted by each state college and concluding June 30 of the succeeding calendar year.

“Anniversary date” means the date in each fiscal year on which the individual employee is eligible for consideration for an annual increase to his or her salary based upon length of service and an assessment of performance.

“Classification of position” means the assignment by the college of a position to a title in the State College Classification Plan.

“Classification of title” means the determination of the specification of an individual title.

“Class” or “class of positions” means a position or group of positions sufficiently alike in duties, authority and responsibilities to require similar qualifications and have the same title.

“Class title” means a descriptive name that identifies a class or class of positions.

“Commission” means the New Jersey Commission on Higher Education, created by the Higher Education Restructuring Act of 1994, N.J.S.A. 18A:3B et seq.

“Employee” means all employees at a state college included in the State colleges unit.

“Executive Director” means the Executive Director of the Commission on Higher Education.

“Faculty” means any full-time member of the teaching staff appointed with academic rank including faculty at the A. Harry Moore School.

“Fiscal year” means the period of time commencing July 1 of each calendar year and concluding June 30 of the succeeding calendar year.

“Full time employee” means an employee assigned to a title under the State College Classification Plan who meets the standards for exempt status as defined under the Fair Labor Standards Act, 29 U.S.C. 201 et seq.

“Immediate family” means father, mother, mother-in-law, father-in-law, grandmother, grandfather, grandchild, spouse, child, stepchild, foster child, sister or brother of the employee. “Immediate family” shall also include other relatives of the employees residing in the employee’s household.

“Librarian” means employees serving in the titles Librarian I, II, and III, which carry concurrent academic rank.

“Managerial employees” means all employees who are not entitled to representation by a negotiations agent under the provisions of the New Jersey Employer–Employee Relations Act, N.J.S.A. 34:13A-1 et seq. including confidential employees, as set forth in N.J.A.C. 9:6A-3.7.

“Non-teaching professional” means an employee at a state college, other than a faculty member or Librarian I, II, or III, who is entitled to representation by the recognized majority representative for non-teaching professional staff and faculty at the state colleges.

“Part-time employee” means an employee in the State colleges unit who is employed on less than a full-time basis.

“Position” means an employment assignment with an authorized set of specific duties and responsibilities requiring the full or part-time employment of an individual(s).

“Reclassification” means the change by the college of an individual position from one title to a different title within the State College Classification Plan.

“Reevaluation” means the adjustment of the salary range assigned to a specific title.

“Regular title” means a title within the State College Classification Plan which has a corresponding salary range established by the Commission on Higher Education and carries eligibility for holiday and other leave benefits.

“Salary range” means a schedule of compensation with a minimum and maximum salary and intermediate steps.

“Special title” means a title included in the State College Classification Plan which does not have a salary range established by the Board of Higher Education, does not carry eligibility for holidays and other leave benefits, and is of a temporary nature in that it may not be more than six months in duration on a full-time basis nor half-time or more on a continuing basis.

“Specification” means the written compilation of all the elements of a particular title including but not limited to the salary range, scope, duties and responsibilities, unit designation, examples of work and minimum qualifications.

“State College Classification Plan” means the comprehensive system of titles, title series, and specifications for positions in the State colleges unit at the state colleges.

Recodified from 9:6A-2.1 and amended by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

SUBCHAPTER 3. STATE COLLEGE CLASSIFICATION PLAN

9A:6-3.1 Classification of titles

(a) The Commission on Higher Education shall establish and maintain a State College Classification Plan for all employees in the State colleges unit at the State colleges, as defined in N.J.A.C. 9A:6-2.1, which shall consist of:

1. A system of titles and title series; and
2. Specifications for each title which shall include:

- i. A definition of the class of positions indicating the scope of work performed and the organizational relationships involved;
- ii. A statement of duties and responsibilities;
- iii. Examples of work which illustrate the nature and extent of the duties and responsibilities, which examples shall be considered descriptive and not restrictive;
- iv. Minimum requirements and qualifications essential to the performance of the work of the class;
- v. Assignment to a salary range;
- vi. Such other information as may be necessary.

(b) The college shall assign each position to an appropriate title based on an analysis of the work to be performed and consistent with the specification for that title.

- 1. No employee shall be appointed or employed under a title not appropriate to the duties to be performed nor be required to routinely perform duties unrelated to the assigned title.
- 2. Should the employee disagree with the classification of a position, an appeal may be made in accordance with N.J.A.C. 9A:6-3.5.

(c) The scope of work, duties, and responsibilities of any full-time employee assigned to a regular title under the State College Classification Plan shall as a whole meet the standards for exempt status as defined under the Fair Labor Standards Act, 29 U.S.C. 201 et seq.

Recodified from 9:6A-3.1 and amended by R.1995 d.335, effective June 19, 1995.
See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-3.2 Administration of State College Classification Plan

(a) The Executive Director shall enforce and administer the State College Classification Plan approved by the Commission on Higher Education and shall:

- 1. Require that approved class titles be used in all official records and communications relating to personnel, including payrolls and budget provided, however, the colleges shall not be precluded from utilizing functional local titles;
- 2. With the consent of the Commission on Higher Education approve:
 - i. New titles to be added within the State College Classification Plan;
 - ii. Specifications for new titles and modification of specifications for existing titles to ensure their accuracy;
 - iii. Deletion of existing titles;
 - iv. Changes in the wording of existing titles; and

v. Assignment and reassignment of salary ranges to titles.

3. Notify the state colleges of changes in the State College Classification Plan; and

4. Recommend to the Commission on Higher Education any other changes deemed necessary to accurately reflect current conditions.

(b) The president of each college shall be responsible for the administration of the State College Classification Plan on his or her campus.

Recodified from 9:6A-3.2 and amended by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-3.3 Requests for changes within the State College Classification Plan

(a) State colleges proposing changes within the State College Classification Plan shall initiate requests by letter from the president of the college, or his or her designee, addressed to the Executive Director, setting forth the nature of the requested change and appropriate justification.

(b) There shall be established a State College Classification Advisory Board which shall consist of one representative from each state college as designated by the president of each state college.

1. The chairperson of the State College Classification Advisory Board shall serve for a period of one year.

2. The State College Classification Advisory Board shall be convened whenever necessary to review requests for substantive changes within the State College Classification Plan.

(c) Upon receipt of a letter requesting a substantive change within the State College Classification Plan, the Executive Director shall submit all pertinent information to the State College Classification Advisory Board.

(d) The State College Classification Advisory Board shall, within 60 calendar days, make a written recommendation to the Executive Director.

(e) At either of the succeeding two meetings of the Commission on Higher Education after receipt of the recommendation from the State College Classification Advisory Board, the Executive Director shall present a recommendation to the Commission on Higher Education.

(f) Nothing in this section shall preclude the Executive Director from utilizing the services of an outside consultant(s) to assist in evaluating such requests.

1. If a consultant is utilized the Executive Director shall refer any such matters to the consultant(s) within 30 days of the recommendation from the State College Classification Advisory Board.

2. The time limit set forth in (e) above shall run from the time the Executive Director receives the report from the consultant.

Recodified from 9:6A-3.3 and amended by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

Case Notes

Regulations establishing appeal procedures for classification and reclassification determinations were valid. Council of New Jersey State College Locals NJSFT, AFT/AFL-CIO v. State, 251 N.J.Super. 577, 598 A.2d 1237 (A.D.1991).

Where public employer's regulation does not expressly fix term and condition of employment, there may be need for negotiations. Council of New Jersey State College Locals NJSFT, AFT/AFL-CIO v. State, 251 N.J.Super. 577, 598 A.2d 1237 (A.D.1991).

Regulations dealing with procedural mechanism to challenge objectionable classification determinations vested discretion in employer insofar as they related to employer's use of outside consultant. Council of New Jersey State College Locals NJSFT, AFT/AFL-CIO v. State, 251 N.J.Super. 577, 598 A.2d 1237 (A.D.1991).

Whether subject matter of public employer's regulation is mandatorily negotiable requires determination of employer's substantive decision. Council of New Jersey State College Locals NJSFT, AFT/AFL-CIO v. State, 251 N.J.Super. 577, 598 A.2d 1237 (A.D.1991).

9A:6-3.4 Classification and reclassification of positions

(a) The college shall, after review of the duties and responsibilities assigned to a position, classify the position to a title within the State College Classification Plan, pursuant to N.J.A.C. 9:6A-3.1(b).

(b) When the college, an affected employee, or the recognized negotiations agent claims, in writing, that the assigned duties and responsibilities of a position have changed to the extent that they are no longer similar to the duties and responsibilities of other positions in the same title, and that the title is no longer appropriate, the college shall after review of the claim:

1. Reclassify the position to a more appropriate existing title; or
2. Recommend to the Commission on Higher Education that a new title be established to which the position shall be reclassified; or
3. Remove all out-of-title duties and responsibilities; or
4. Determine that the position is properly classified.

(c) The effective date of a reclassification is the date of written notification by the college to any affected managerial employee.

(d) An employee whose position is affected by a reclassification decision may appeal in accordance with N.J.A.C. 9:6A-3.5.

Recodified from 9:6A-3.4 and amended by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-3.5 Reclassification appeal procedures

(a) An appeal of a reclassification decision is a request for review of a managerial determination as to whether the duties of a specific position conform to the specification for the title assigned to that position.

(b) An appeal from an employee, or the recognized negotiations agent, shall be submitted in writing to the appropriate college office.

1. The appeal must identify the specific duties that do not conform to the specification for the title and be signed by the employee.

2. If the appellant proposes a different title for the position, he or she must explain how the different title more accurately describes the duties of the position than the current or proposed title.

(c) The president of the college or his or her designee shall appoint a hearing officer to conduct a review of the appeal. The parties shall present their arguments before the hearing officer.

1. All parties shall be advised of the review date.

2. An employee is entitled to self-representation, representation by counsel or by the recognized negotiations agent. Reasonable prior notice shall be given to the hearing officer as to the form of representation.

(d) The hearing officer shall submit a written report to the president of the college or the president's designee within 15 working days of the review.

1. The report shall include an analysis of the duties of the position as they relate to the specification, findings, conclusions, and a recommendation.

2. A copy of the report shall be sent to all parties.

(e) The president or his or her designee shall review the report and notify the appellant of his or her decision within 20 working days of receipt of the report of the hearing officer. This decision letter must include the duties of the position, findings of fact, appeal rights and procedures, conclusions, and the determination that:

1. The position is properly classified; or

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

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

Recodified from 9:6A-3.5 and amended by R.1995 d.335, effective June 19, 1995.

See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

3. Librarian I: A master's degree in Library Science or its historical antecedent from a then-ALA-accredited library school, a second master's degree in another subject area or ABD status in an approved doctoral program, and five years' professional library experience, with demonstrated and/or potential administrative and coordinating ability. Reading competence in one foreign language is desirable, but not required. A minimum of five additional years' professional library experience may be considered in substitution for the second master's degree or ABD status in an approved doctoral program, depending upon the quality of the experience.

4. The requirement for a master's degree in Library Science or its historical antecedent from a then-ALA-accredited library school may be met by substituting a master's degree in a related field relevant to an individual's duties. The Library Personnel Committee, where appropriate, may consider and make recommendations on whether such other master's degrees should be so substituted.

(d) The academic attainment level and professional experience requirements for the A. Harry Moore School Faculty are as follows:

1. Demonstration Teacher: New Jersey Certification in Special Education and a master's degree and two years' teaching experience in special education; or a bachelor's degree and five years' teaching experience in special education; or a master's degree and two years' teaching experience in a specialized vocational area; or a master's degree and two years' appropriate experience in a specialized vocational area; or a bachelor's degree and five years' teaching experience in a specialized vocational area; or possession of appropriate credentials in such fields as, but not limited to, occupational therapy, physical therapy and learning disabilities, and a master's degree and five years' experience in an appropriate field.

2. Teacher: New Jersey Certification in Special Education and a bachelor's degree and proficiency in a specialized vocational area or possession of appropriate credentials in such fields as, but not limited to, occupational therapy, physical therapy, and learning disabilities.

Recodified from 9:6-3.5 by R.1995 d.335, effective June 19, 1995.
See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-5.3 Criteria for promotions

(a) Criteria for granting academic rank are set forth in N.J.A.C. 9A:6-5.2 (Qualifications for rank). These criteria are important indicators of academic achievement. Such achievement is usually accompanied by intellectual growth and maturity. Most important, the academic achievement record is a reasonable objective measure. While this objective measure should be given weight in promotion decisions, it should not necessarily be the dominant factor. Decisions about promotions shall be governed by at least three broad and interrelated factors:

1. Effective teaching,
2. Scholarly achievement, and
3. Contributions to college and community.

(b) Regarding librarians, the major criteria upon which the Personnel Committee will make promotion recommendations are as follows:

1. High quality of performance in the area of assigned responsibility;
2. Professional contributions and scholarly activity;
3. Additional academic preparation as evidenced by advanced degree or other relevant course work;
4. Administrative and/or coordinating ability; and
5. Participation in library, college, and community affairs.

Recodified from 9:6-3.6 by R.1995 d.335, effective June 19, 1995.
See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

SUBCHAPTER 6. NONTEACHING PROFESSIONAL STAFF POLICIES

9A:6-6.1 Academic rank for nonteaching personnel

(a) Professional staff who meet appropriate qualification requirements for academic rank and serve as presidents for academic affairs, and academic deans are eligible for concurrent academic rank. Nothing shall be construed herein to require a concurrent academic rank appointment by a board of trustees, to an eligible professional staff member.

(b) Librarians who meet appropriate qualification requirements and hold State College Classification Plan titles of librarian I, librarian II, and librarian III are eligible for concurrent academic rank. Concurrent academic rank equivalencies for librarians I, II, and III shall be the following:

State College Classification Plan Title—Concurrent Academic Rank

1. Librarian I—Assistant professor in the library,
2. Librarian II—Assistant professor in the library,
3. Librarian III—Instructor in the library.

(c) Professional staff holding concurrent rank appointments may be reassigned by a president to any college position within his or her area of professional competence and appropriate qualifications for rank.

(d) Employees holding concurrent academic rank appointments shall not be eligible for multi-year contracts or

administrative appointment for a term of more than one year, although reappointments may be made without limit.

(e) Under no circumstances may tenure be earned in any administrative position.

Recodified from 9:6-4.5 by R.1995 d.335, effective June 19, 1995.
See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-6.2 Nonteaching professional

Those members of the professional staff who are not eligible for concurrent academic rank or continuation of concurrent academic rank under the provisions of these regulations shall be eligible for multi-year contracts.

Recodified from 9:6-4.6 by R.1995 d.335, effective June 19, 1995.
See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).

9A:6-6.3 Contracts for professional staff (nonfaculty)

(a) Members of the professional staff not holding faculty rank may be appointed for one-year terms concurrent with the academic year. After completion of five years of probationary service, such employees may be eligible for a multi-year contract. For professional staff who are members of the State college negotiating unit, each initial appointment to a multi-year contract shall be for three academic years in length. Subsequent reappointments shall be for four years, and then five years. All subsequent contracts shall be for five academic years in length.

(b) For the purposes of this section the academic year shall be from July 1 to June 30. Contracts for professional staff members shall be concurrent with the academic year. In order for the initial term of employment to qualify as a full academic year for purposes of the multi-year contract probationary period, employment under the contract must begin no later than December 31.

(c) Eligible professional staff members must be notified by the president no later than December 15 in their fifth academic year of service of their reappointment or nonreappointment to a contract of from two to five academic years in length.

(d) Notwithstanding (a) above, professional staff members serving under multi-year contracts who are promoted in title shall, at minimum, serve one year in his or her new position before becoming eligible for consideration of a multi-year contract in that new position.

(e) Professional staff members serving under a multi-year contract may be assigned by the president to any professional position within their area of competence and qualifications during the term of the contract, but their salary may not be reduced during the duration of the contract below that which they would have received had they continued in their original position, and they may be dismissed from the college during the term of the contract only for cause consistent with appropriate statutory provisions.

(f) Prior to the implementation of these guidelines, the board of each college shall establish a formal procedure for considering and approving the offering of multi-year contracts. This procedure should, at minimum, encompass a thorough review of all personnel records including the reports of regular, systematic, and formal evaluations conducted during the employment of the individual.

Recodified from 9:6-4.7 by R.1995 d.335, effective June 19, 1995.
See: 27 N.J.R. 1395(a), 1392(a), 27 N.J.R. 2403(a).