

Committee Meeting

of

ASSEMBLY REGULATORY OVERSIGHT COMMITTEE

Assembly Concurrent Resolution 155

*"Declares that Civil Service Commission's new rule concerning job banding
is not consistent with legislative intent"*

LOCATION: Committee Room 14
State House Annex
Trenton, New Jersey

DATE: June 5, 2014
2:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Reed Gusciora, Chair
Assemblyman Timothy J. Eustace, Vice Chair
Assemblywoman Cleopatra G. Tucker
Assemblyman Chris A. Brown
Assemblyman Samuel L. Fiocchi



ALSO PRESENT

Tracey F. Pino Murphy
*Office of Legislative Services
Committee Aide*

Queen Stewart
*Assembly Majority
Committee Aide*

Benjamin Forrest
*Assembly Republican
Committee Aide*

*Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey*



REED GUSCIORA
Chairman

TIMOTHY J. EUSTACE
Vice-Chairman

CLEOPATRA G. TUCKER
CHRIS A. BROWN
SAMUEL L. FIOCCHI

TRACEY F. PINO MURPHY
Office of Legislative Services
Committee Aide
(609) 847-3890
(609) 777-2998 fax

New Jersey State Legislature
ASSEMBLY REGULATORY OVERSIGHT COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

COMMITTEE NOTICE

TO: MEMBERS OF THE ASSEMBLY REGULATORY OVERSIGHT COMMITTEE
FROM: ASSEMBLYMAN REED GUSCIORA, CHAIRMAN
SUBJECT: COMMITTEE MEETING - JUNE 5, 2014

The public may address comments and questions to Tracey F. Pino Murphy, Committee Aide, or make bill status and scheduling inquiries to Sophia Love, Secretary, at (609)847-3890, fax (609)777-2998, or e-mail: OLSAideARO@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Assembly Regulatory Oversight Committee will meet on Thursday, June 5, 2014 at 2:00 PM in Committee Room 14, 4th Floor, State House Annex, Trenton, New Jersey.

The following bill will be considered:

ACR-155 Stender/Benson	Declares that Civil Service Commission's new rule concerning job banding is not consistent with legislative intent.
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Issued 5/30/14

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ASSEMBLY CONCURRENT RESOLUTION No. 155

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 22, 2014

Sponsored by:

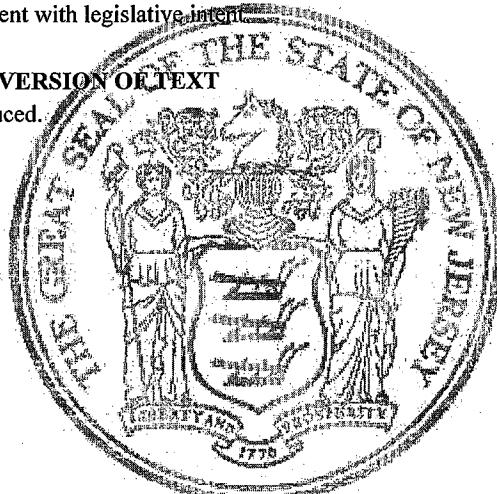
Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblyman GORDON M. JOHNSON
District 37 (Bergen)
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)
Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS

Declares that Civil Service Commission's new rule concerning job banding is not consistent with legislative intent.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/6/2014)

ACR155 STENDER, BENSON

2

1 **A CONCURRENT RESOLUTION** concerning the review of certain
2 Civil Service Commission regulations by the Legislature
3 pursuant to Article V, Section IV, paragraph 6 of the
4 Constitution of the State of New Jersey.
5

6 **WHEREAS**, On March 18, 2013 the Civil Service Commission
7 proposed a new rule, N.J.A.C.4A:3-3.2A, entitled "Job Banding
8 Program" and on May 7, 2014 it adopted that rule with
9 amendments; and

10 **WHEREAS**, The new rule will have the effect of eliminating
11 promotional examinations for thousands of State government
12 positions, excluding job titles in the Police and Firemen's
13 Retirement System, that are currently subject to a formal
14 examination process; and

15 **WHEREAS**, The civil service examination process reduces
16 discrimination and patronage in the selection of candidates for
17 promotions; and

18 **WHEREAS**, Article VII, Section I, paragraph 2 of the New Jersey
19 Constitution provides that appointments and promotions in the civil
20 service of the State, and of such political subdivisions as may be
21 provided by law, shall be made according to merit and fitness to be
22 ascertained, as far as practicable, by examination, which, as far as
23 practicable, shall be competitive; except that preference in
24 appointments by reason of active service in any branch of the
25 military or naval forces of the United States in time of war may be
26 provided by law; and

27 **WHEREAS**, Title 11A of the New Jersey Statutes, the "Civil Service
28 Act," provides that it is the public policy of this State to: select
29 and advance employees on the basis of their relative knowledge,
30 skills and abilities; ensure equal employment opportunity at all
31 levels of public service; and protect career public employees
32 from political coercion. N.J.S.A.11A:1-2; and

33 **WHEREAS**, Pursuant to Title 11A, it is the responsibility of the Civil
34 Service Commission to establish and maintain a classification
35 system that establishes titles, assigns titles to appropriate
36 positions and provides a specification for each title.
37 N.J.S.A.11A:3-1; and

38 **WHEREAS**, Pursuant to Title 11A, it is the responsibility of the Civil
39 Service Commission to provide for the announcement and
40 administration of examinations, which shall test fairly
41 knowledge, skills and abilities required to satisfactorily perform
42 the duties of any title or group of titles. N.J.S.A.11A:4-1; and

43 **WHEREAS**, Pursuant to Title 11A, it is the responsibility of the Civil
44 Service Commission to administer promotional examinations
45 and certify the three eligibles who have received the highest
46 ranking on a promotional list for purposes of filling vacant
47 positions. N.J.S.A.11A:4-8; and

ACR155 STENDER, BENSON

3

1 WHEREAS, Article V, Section IV, paragraph 6 of the New Jersey
2 Constitution provides that upon a finding that an existing or
3 proposed rule or regulation is not consistent with legislative
4 intent, the Legislature shall transmit this finding in the form of a
5 concurrent resolution to the Governor and the head of the
6 Executive Branch agency which promulgated or plans to
7 promulgate, the rule or regulation; now, therefore,

8

9 **BE IT RESOLVED** by the General Assembly of the State of New
10 Jersey (the Senate concurring):

11

12 1. Pursuant to Article V, Section IV, paragraph 6 of the
13 Constitution of the State of New Jersey, the Legislature may review
14 any rule or regulation of an administrative agency to determine if
15 the rule or regulation is consistent with the intent of the Legislature
16 as expressed in the language of the statute that the rule or regulation
17 is intended to implement.

18

19 2. The new Job Banding Rule, N.J.A.C.4A:3-3.2A, as adopted
20 by the Civil Service Commission on May 7, 2014, is contrary to the
21 spirit, intent, and plain meaning of the provision in the New Jersey
22 Constitution that requires that promotions be based on merit and
23 fitness to be ascertained, as far as practicable, by examination,
24 which, as far as practicable, shall be competitive.

25

26 3. The fact that the new rule would eliminate competitive
27 promotional examinations for multiple positions for which such
28 exams have been administered for decades is compelling evidence
29 that it is practicable to continue to determine the merit and fitness
30 of candidates for such promotional positions by competitive
31 examination in accordance with the New Jersey Constitution.

32

33 4. The new rule is not consistent with the legislative intent that
34 the public policy of this State is to select and advance employees on
35 the basis of their relative knowledge, skills and abilities, ensure
36 equal employment opportunity at all levels of public service, and
37 protect career public employees from political coercion.

38

39 5. The new rule is not consistent with the legislative intent that
40 a competitive promotional examination process be established,
41 maintained, and administered by the Civil Service Commission to
42 ensure that promotions are based on merit and fitness and are not
43 based on patronage or discriminatory reasons.

44

45 6. The new rule is not consistent with the intent of the
46 Legislature as expressed in the language of the Civil Service Act,
47 including the spirit, intent, or plain meaning of N.J.S.A.11A:3-1,
48 N.J.S.A.11A:4-1, or N.J.S.A.11A:4-8.

ACR155 STENDER, BENSON

4

1 7. Any amended rule that contains a job banding provision or
2 elimination of competitive promotional examinations shall be
3 deemed by the Legislature as violating Article VII, Section I,
4 paragraph 2 of the Constitution of the State of New Jersey and the
5 Civil Service Act, including the spirit, intent, or plain meaning of
6 N.J.S.A.11A:3-1, N.J.S.A.11A:4-1, or N.J.S.A.11A:4-8.

7

8 8. Copies of this resolution, as filed with the Secretary of State,
9 shall be transmitted by the Clerk of the General Assembly or the
10 Secretary of the Senate to the Governor and the Civil Service
11 Commission.

12

13 9. The Civil Service Commission, pursuant to Article V,
14 Section IV, paragraph 6 of the Constitution of the State of New
15 Jersey, shall have 30 days following transmittal of this resolution to
16 amend or withdraw this new rule or the Legislature may, by passage
17 of another concurrent resolution, exercise its authority under the
18 Constitution to invalidate the regulations in whole or in part.

19

20

STATEMENT

22

23 This concurrent resolution specifies that a new rule adopted by
24 the Civil Service Commission on May 7, 2014 concerning a job
25 banding program is not consistent with the legislative intent of the
26 "Civil Service Act," P.L.1986, c.112 (C.11A:1-1 et seq.), or the
27 supplementary statutes thereof.

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ASSEMBLYMAN REED GUSCIORA (Chair): All right.

Welcome to the Regulatory Oversight Committee.

Can we have the Pledge of Allegiance?

(all rise and recite the pledge)

Welcome, everyone. Today we have a Stender/Benson Bill, ACR-155. And I see the lead sponsor Linda Stender, is here; and we have quite a few people who are signed up to testify.

So if we can call the roll, and read the Bill into the record.

MS. MURPHY (Committee Aide): Assemblyman Fiocchi.

ASSEMBLYMAN FIOCCHI: Here.

MS. MURPHY: Assemblyman Brown.

ASSMEBLYMAN BROWN: Here.

MS. MURPHY: Assemblywoman Tucker.

ASSEMBLYWOMAN TUCKER: Here.

MS. MURPHY: Vice Chairman Eustace.

ASSEMBLYMAN TIMOHY J. EUSTACE (Vice Chair):
Here.

MS. MURPHY: And Chairman Gusciora.

ASSEMBLYMAN GUSCIORA: Here.

MS. MURPHY: We have a quorum.

ACR-155: This Concurrent Resolution specifies that a new rule adopted by the Civil Service Commission on May 7, 2014, concerning the job banding program is not consistent with the legislative intent of the Civil Service Act 11A 1-1 et seq., or the supplementary statutes thereof.

As reported, this Concurrent Resolution is identical to SCR-116 of 2014.

ASSEMBLYMAN GUSCIORA: Assemblywoman Stender, welcome, and if you could tell us about the Bill.

A S S E M B L Y W O M A N L I N D A S T E N D E R: Thank you very much, Mr. Chairman and members of the Committee. And thank you for putting this Resolution on your agenda today.

This is an important step for us to take to preserve Civil Service and the access that it provides to the public for a competent, professional work environment and employee base for government service.

The Civil Service Commission, despite the efforts on our part to object, did pass a new rule -- the job banding rule -- and as adopted, I believe, is contrary to the spirit and intent, because it eliminates the need to take competitive tests for advancement.

People need to remember that the reason that we have Civil Service is because of the nepotism, because of the patronage, because of the corruption that existed within government service prior to the adoption of Civil Service. We know that when there is not a requirement for an open, competitive process that it is far too easy for patronage, nepotism, and corruption to become the norm.

It's in the best interest of the residents and of this State to preserve the professional, competent nature of our government service.

So the steps of the Civil Service Commission, as this Resolution states, is contrary to the intent and contrary to the requirement of our State Constitution for competitive testing for job advancement.

So I'm asking for support of this because of the responsibilities we have as a Legislature to preserve and protect the legislative intent of the law of the State.

ASSEMBLYMAN GUSCIORA: Thank you, Assemblywoman.
Does anyone have any questions? (no response)
Hearing none, if you could stick close by,
And if we could invite up Eric Richard from the New Jersey
AFL-CIO.

Welcome, Mr. Richard.

E R I C R I C H A R D: Good afternoon, Chairman. Good afternoon, members of the Committee. Thank you very much for the opportunity to come before you and, Chairman, thank you for posting this Resolution today.

First and foremost we just want to thank Assemblywoman Stender and Assemblyman Benson for their leadership on this matter. This Resolution before you is a long time coming, so to speak, and the AFL-CIO respectfully asks for your support of it this afternoon.

Our organization is extremely concerned about the lack of very fundamental information from the Civil Service Commission regarding how this regulation is going to be implemented. In fact, we would categorize the information exchange on this issue between the Commission, the Legislature, and the public to be virtually nonexistent during the 14 month-long rule making process.

And trust me, Chairman, it's not due to a lack of trying on behalf of our elected officials and public employee unions. Time after time, at multiple public hearings and legislative hearings, this type of information has been requested and, unfortunately, has fallen on deaf ears within the Civil Service Commission.

Seven different committees or forums have now had this Resolution before them; and with this Committee this afternoon, it is now eight times that this Resolution has been debated. And not a single time has any member of the Civil Service Commission come before any of these bodies to either respond to questions, to provide information, or to answer any questions from Legislators or public employee representatives on this rule. And I would simply say that if this is so good for the taxpayers, if this is so good for the State, what are we ashamed of? Can't we simply have a representative from the Civil Service Commission come before you and answer any questions, as our elected officials, that you may have?

Very quickly: On April 10, 2013, the public hearing before the Civil Service Commission -- not a single representative of that Commission attended the hearing. In fact, four members of the Legislature came to speak on it and spoke to an empty room and a tape recorder.

May 13, public hearing of the Assembly State Government Committee chaired by Assemblywoman Stender. The Assemblywoman invited the Civil Service Commission to attend; not a single representative even bothered to respond.

December 5, 2013, public hearing held by the Senate Appropriations Committee. Again, not a single representative from the Civil Service Commission attends.

The list goes on and on.

December 12, Assembly Labor Committee, no participation.

February 6, 2014, Civil Service Commission public hearing. Not a single question answered by a single member of the board.

May 19, Senate Appropriations Committee, where this Resolution was released. Again, not a single member or staff of the Commission bothered to show up and answer any of our elected officials' questions.

So I mean, I think the process as outlined -- I would simply categorize as a railroad. Here we are being asked to accept a standard being developed by the Civil Service Commission with no input, or no questions, or any opportunity to get any feedback from them whatsoever.

And then, of course, here we are today. And, Chairman, I don't know if you invited anyone from the Commission to come and speak--

ASSEMBLYMAN GUSCIORA: They were invited.

MR. RICHARD: --but obviously, I don't see anyone here to come and answer any of your questions either.

So the AFL-CIO really has the same concerns that we had 14 months ago. The most basic questions still remain in regard to this regulation. What type of criteria is going to be used to develop these bands? Is there going to be any criteria at all? Is the rule intended to simply give broad discretion to management to develop these bands and achieve the desired human resource goal? We don't know. How significantly is the rule going to impact testing? We don't know. How are promotions going to be handled with these bands? We don't know. What safeguards are in place to ensure this banding doesn't open the door to patronage in promotions, since merit-based testing is being eliminated? We don't know.

The process has consistently been void of any meaningful dialogue or information exchange and, frankly, flies in the face of good

government and open government. The State AFL-CIO commends this Committee for considering the Resolution this afternoon, declaring that the proposal is not consistent with legislative intent. And we respectfully ask for your support.

Thank you.

ASSEMBLYMAN GUSCIORA: Thank you, Eric.

I see our co-prime sponsor Daniel Benson is here -- if you would like to testify.

A S S E M B L Y M A N D A N I E L R . B E N S O N : I want to thank the sponsor, and Chairman, and members of the Committee.

I'm not going to repeat what was just said, I'm going to add kind of a personal note to it. I think the concerns are very valid -- that if we don't have those protections there can be abuse. I come from a State worker family -- my great aunt and grandmother, as well as my father all worked for the State. And the story that I've often told both to the Civil Service Commission and when we first tried to attempt a legislative veto before, and why I think it's so important now -- I can remember my great aunt telling stories; she was not married, had no children, but she did care for her parents. And oftentimes when a promotion would be coming up her bosses and other co-workers would come to her and say, "Well, you know you really shouldn't take that Civil Service test because there are other men here who have families they have to take care of, and you shouldn't take that test."

Well, with broad banding, they could just make that decision without even having the test. Thankfully, she was an early feminist and she

said, "I have just as many needs as everybody else," and took the test and often scored top in the test, and was able to advance because of that.

My father didn't go to college; he served in the military during Vietnam. Oftentimes he'd hear from people that they were surprised that he scored top on the test. And, again, supervisors could have easily passed over him -- just assuming that because he didn't have a college degree he shouldn't advance. But he beat out most of the folks on tests oftentimes, because he had that opportunity. And again those veterans' preferences are important.

So my concern with broad banding -- and I've seen it just from co-workers and other constituents. As you know, your District and my District contain a large portion of our State workforce.

ASSEMBLYMAN GUSCIORA: Who has more?

ASSEMBLYMAN BENSON: What's that?

ASSEMBLYMAN GUSCIORA: Who has more?

ASSEMBLYMAN BENSON: I defer to the Chairman.
(laughter)

ASSEMBLYMAN GUSCIORA: That's not what I hear when I go into Hamilton. (laughter)

ASSEMBLYMAN BENSON: By township, maybe, probably Hamilton has more than any other town; by District, I'm not sure.

But again, I hear from my colleagues quite often that even under the system there are concerns about cronyism and patronage. Eliminating it through this process here would just make that even worse and make it legal without recourse. And so we're asking for this move again

to try to make sure that we can insert ourselves to get those questions answered and to really stop this, I think, pernicious process.

ASSEMBLYMAN GUSCIORA: Assemblyman, we had staff discussion about the effect on veterans' preference, and is it affected -- of your reading?

ASSEMBLYMAN BENSON: Yes, I believe the changes that -- what minimal changes were made, I think veterans' preferences still are going to be affected. Because if you don't have the test, again, when they're making that decision, who knows what's going to happen? And it's even more important now that we have more young people coming home, they are going back into the workforce -- many of them entering into the State, the State House, and State representatives in our State departments. So we really need to make sure that those public employees, no matter what level -- local, county, elsewhere -- are protected. And I really am concerned about the effect to our veterans. And I've spoken to some of the veterans' councils; they're still concerned, too.

ASSEMBLYMAN GUSCIORA: Thanks so much.

Are there any questions from any of the Committee members?

Assemblyman Brown.

ASSEMBLYMAN BROWN: Well, thank you for your testimony.

I have one question. If you could explain with more specificity how this may affect veterans adversely?

ASSEMBLYMAN BENSON: Well, again, you have-- When you're doing the tests-- And if there is no test now, any longer, and you're looking to move people -- say across departments or in an area -- what

happens then with-- Say you have a veteran versus someone who's not, and you're making that choice; you may not even have the veteran -- you know, are they going to let veterans even know that that option for advancement is available? Is there a requirement? What are the standards for making that move -- improvement? Some of those questions haven't been answered.

So I think a lot of the unknowns is where our concerns are in affecting the veterans. I mean, a lot of the questions that you just heard from Eric and from the previous speaker, until we have those answers, one can only assume that there can be a detrimental effect. And so our whole point here is, let's get all the answers and let's try to see, to make sure that we can eliminate all abuses. And until we have that, we need to make sure we stop the process.

ASSEMBLYMAN BROWN: Thank you.

ASSEMBLYMAN GUSCIORA: Any other questions for the sponsors? (no response)

Thank you both for being here.

ASSEMBLYWOMAN STENDER: Thank you.

ASSEMBLYMAN BENSON: Thank you.

ASSEMBLYMAN GUSCIORA: I'd like to next bring up Seth Hahn from CWA.

S E T H H A H N: Mr. Chair or Vice Chair -- I'm not sure what to call you right now; I apologize, Assemblyman.

Chair and members of the Committee, thank you for your work on this. My name is Seth Hahn; I represent CWA. We have 60,000 or so public workers we represent in the State of New Jersey -- both in Civil

Service and not in Civil Service. And so we thank you for hearing this Concurrent Resolution today.

We'd like to thank the Legislature for moving to invalidate the job banding proposal, and for demanding that taxpayer protections from cronyism and political influence remain strong.

I am, however, troubled by the fact that this hearing is even necessary. Every part of what the Administration is doing here is illegal. The rule adopted runs contrary to constitutional provisions that promotions in Civil Service happen by examination and, I'm quoting, "as far as practicable." It runs contrary to a constitutional remedy voters have given the Legislature, and it runs contrary to the clear intent and guidance from the Legislature that the proposal shall not be enacted. And we should all be outraged that the Administration is running through so many roadblocks to enact a proposal that will harm our nation's veterans, and destroy taxpayer protections against political influences in State government.

This is a regulation that would gut more than 100 years of taxpayer protection from corruption in public service, crafted specifically to circumvent the elected Legislature, in which public participation has been discouraged at every step. We've heard unions, workers, elected leaders, veterans, women, people of color, the disabled, and the LGBT community, and more speak about how the proposed regulation would move New Jersey back decades.

The issue is whether promotions in State government jobs should happen according to a transparent process based on objective criteria and merit; or whether they should occur without oversight in an environment that encourages more nepotism, cronyism, and corruption. It

is inconceivable that today, given all that we know about what happened last summer, that the Christie Administration is granting itself permission to promote anyone it wants while getting rid of oversight and objective standards of fairness.

The current system is a constitutionally required one that develops objective criteria for promotions; requires management to post notice of promotional titles; objective criteria such as experience and education are required for eligibility. It then requires a test which is scored, and management can then select someone for promotion according to the rule of three. For example, say 8 people score an 89; 7 score an 88; and 10 score an 87. Management would then get to choose from those top 25 people from which to select a candidate for promotion. The only meaningful restriction on the ability to pick anyone in those top three scores is that a veteran cannot be passed over for someone who scored lower than that veteran. It is quite common for management to have 25 choices or more from which to pick the successful candidate for promotion

This regulation would obliterate that system. It would allow Civil Service executives to place thousands, or even tens of thousands of workers into a broad band of titles; and instead of promotions, workers would be advanced through the broad band. Instead of qualifications and objective measurements, workers would be advanced based on unilateral determinations of competency by management.

With regards to veterans, the Administration has been very careful to say that veterans will still receive preference in promotions. What it is has failed to mention is that this proposal is written so broadly that it could allow Civil Service executives to eliminate 90 percent of the

instances in which promotions, and therefore the very meager veterans' preference we have, will exist. The Civil Service Commission amended its proposal to state that veterans' preference will still exist. The amendment says that management will not basically be on an honor system to protect veterans preference and you will have to trust them without seeing any proof or documentation. In the new process, management will be allowed to advance workers through bands without respect to qualification, and somehow in their own minds they will be tasked with quantifying and implementing some sort of veterans' preference in the advancement process.

The amendment declares that veterans' preference still exists, but it is actually an invitation to trust politically appointed management and never be able to question them ever again. To say that this is an insult to our nation's veterans and to say that those who have fought for our country deserve more than a hollow promise that preference exists, is an understatement; and it is insulting for Civil Service to pretend this is anything different.

I'll skip over some of the transparency issues that my colleague, Eric Richard, mentioned earlier. I will say that we were invited to put some of our concerns about this and some of our questions into our comments last June, and they remain unanswered.

This entire proposal came less than two years after the Legislature and the Governor could not agree to broad changes in the State's Civil Service. The Governor proposed the system in his tool kit; the Legislature passed a different proposal; we couldn't come to an agreement. And so, essentially, since the Executive couldn't get this done through the legislative process, they're now seeking to do it through the regulation. So

not only -- were seeking to circumvent the very idea that the Legislature should exist to provide oversight in the first place.

So to conclude, I would say, yes, it is harder for those who aren't able to obtain patronage jobs outside of Civil Service to be promoted if they have to obtain basic qualifications and perform well on tests. I have no doubt that it can be annoying when an unelected, politically appointed bureaucrat's hand-selected employee isn't able to obtain a promotion. But it should be hard and annoying to pass over qualified veterans, women, people of color, gay and lesbian, or disabled workers for promotion. The fact that it is hard and annoying is the reason that New Jersey has transformed from a largely white male management in the early 1980s to the broad diversity that reflects the diversity of our communities today. I have no idea why the Administration is going to such lengths to attack veterans' preference and basic oversight in public service, but since it is completely unwilling to listen to the Legislature, the Legislature must take its constitutionally provided authority to strike this regulation down.

Thank you very much, Mr. Chairman. If there are any questions I'd be happy to answer them.

ASSEMBLYMAN EUSTACE: Are there any questions for Mr. Hahn? (no response)

MR. HAHN: Thank you.

ASSEMBLYMAN EUSTACE: Thank you, sir.

I'll read into the record that Michele Liebtag, CWA Local 1036, is in favor, no need to testify.

Beth Schroeder Buonsante, NJEA, in favor, no need to testify.

Anyone in the room interested in testifying? (no response)

Okay, seeing none, I'll entertain a motion.

ASSEMBLYWOMAN TUCKER: Move the resolution.

ASSEMBLYMAN EUSTACE: Moved by Ms. Tucker.

Is there a second?

Am I permitted to second, as the Chair?

ASSEMBLYMAN BROWN: You can second.

ASSEMBLYMAN EUSTACE: I'll second.

We'll do a roll call.

MS. MURPHY: Assemblyman Fiocchi.

Oh, excuse me. On the motion to release ACR-155, Assemblyman Fiocchi.

ASSEMBLYMAN FIOCCHI: Until I have a better understanding, I'm going to abstain from this.

MS. MURPHY: Assemblyman Brown.

ASSEMBLYMAN BROWN: I have conflicting information regarding veterans' preference. And I am disappointed that someone from the Civil Service Commission didn't come down to answer some of these questions and further explain their position. So based upon that, I'm going to abstain.

MS. MURPHY: Assemblywoman Tucker.

ASSEMBLYWOMAN TUCKER: Yes.

MS. MURPHY: Vice Chairman Eustace.

ASSEMBLYMAN EUSTACE: Yes.

MS. MURPHY: Assemblyman Gusciora is in favor.

The Bill passes.

ASSEMBLYMAN EUSTACE: The Bill is reported from Committee.

Thank you.

At this point, we're adjourned. Thank you.

(MEETING CONCLUDED)

APPENDIX



180 West State Street
Post Office Box 1211
Trenton, NJ 08607-1211
Phone 609-599-4561
njea.org

POSITION STATEMENT

ACR-155

"Declares that Civil Service Commission's new rule concerning job banding is not consistent with legislative intent."

NJEA supports ACR-155 (Stender, Benson). This resolution expresses opposition to a new rule that would create a job banding program within the civil service system. While the new rule only applies to State government workers, it is a fundamental change to our Civil Service System that should be opposed at all levels of government.

Under the new regulations, employees of various, similar job titles would be placed into a category or job band. In order to move up or receive a promotion, employees would have to demonstrate competency, as determined by management, rather than the traditional test taking procedures.

The Civil Service system was established to protect public employees from arbitrary and capricious decisions in the hiring, promoting, demoting, and firing of public employees. One of the ways the system works is by allowing objective measures, like promotional exams, to determine an employee's qualifications for advancement. In doing so, it removes personal bias from the decision making process. Examinations also encourage healthy competition among employees in fully comprehending the procedures and issues related to the job.

The new rules fly in the face of these very principles and will give sole discretion to managers to make unilateral decisions on who is qualified for advanced responsibilities and who is not. While management should have some discretion in delegating employee responsibilities, the job banding program will create a system in which managers can easily maneuver to advance the careers of their friends and stifle, for any reason at all, the careers of others.

NJEA urges your support of this resolution.

GGS/BSB/ies
06/05/14

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