

CHAPTER 112 LAWS OF N. J. 1986
APPROVED 9-25-86

SENATE COMMITTEE SUBSTITUTE FOR
SENATE No. 1567, ASSEMBLY No. 2194 (2nd OCR)
and SENATE No. 1829

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 8, 1986

AN ACT to regulate the employment, tenure and discharge of certain State employees and certain employees of political subdivisions; to establish a Department of Personnel as a principal department in the Executive Branch of State government; revising parts of the statutory law; enacting a new title to be known as Title 11A, Civil Service, of the New Jersey Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

TITLE 11A
CIVIL SERVICE
Table of Contents

Chapter

- 1 1. General provisions, 11A:1-1 to 11A:1-2.
- 2 2. Department of Personnel, 11A:2-1 to 11A:2-24.
- 3 Article
- 4 1. Organization, 11A:2-1 and 11A:2-2.
- 5 2. Merit System Board, 11A:2-3 to 11A:2-7.
- 6 3. Commissioner of Personnel, 11A:2-8 to 11A:2-12.
- 7 4. Appeals, 11A:2-13 to 11A:2-22.
- 8 5. Political activity, 11A:2-23.
- 9 6. Employee protection against reprisals, 11A:2-24.
- 10 3. Classification, services and compensation, 11A:3-1 to 11A:3-8.
- 11 4. Selection and appointment, 11A:4-1 to 11A:4-16.

- 12 5. Veterans preference, 11A:5-1 to 11A:5-15.
 13 6. Leaves, hours of work, and employee development, 11A:6-1 to
 14 11A:6-32.
 15 Article
 16 1. Leaves of absence, supplemental compensation, and hours
 17 of work, 11A:6-1 to 11A:6-24.
 18 2. Employee programs, 11A:6-25 to 11A:6-28.
 19 3. Awards, 11A:6-29 to 11A:6-32.
 20 7. Equal employment opportunity, 11A:7-1 to 11A:7-13.
 21 8. Layoffs, 11A:8-1 to 11A:8-4.
 22 9. Political subdivisions, 11A:9-1 to 11A:9-10.
 23 10. Violations and penalties, 11A:10-1 to 11A:10-5.
 24 11. Agency transfer, 11A:11-1 to 11A:11-6.
 25 12. Miscellaneous, 11A:12-1 to 11A:12-6.

CHAPTER 1

GENERAL PROVISIONS

Section

- 1 11A:1-1 Short title.
 2 11A:1-2 Declaration of policy.
 1 11A:1-1. Short title. This title shall be known and may be cited
 2 as the "Civil Service Act."
 1 11A:1-2. Declaration of policy. The Legislature finds and
 2 declares that:
 3 a. It is the public policy of this State to select and advance em-
 4 ployees on the basis of their relative knowledge, skills and abilities;
 5 b. It is the public policy of this State to provide public officials
 6 with appropriate appointment, supervisory and other personnel
 7 authority to execute properly their constitutional and statutory
 8 responsibilities;
 9 c. It is the public policy of this State to encourage and reward
 10 meritorious performance by employees in the public service and
 11 to retain and separate employees on the basis of the adequacy of
 12 their performance;
 13 d. It is the public policy of this State to ensure equal employment
 14 opportunity at all levels of the public service; and
 15 e. It is the public policy of this State to protect career public
 16 employees from political coercion and to ensure the recognition
 17 of such bargaining and other rights as are secured pursuant to
 18 other statutes and the collective negotiations law.

CHAPTER 2

DEPARTMENT OF PERSONNEL

ARTICLE 1

Organization

Section

- 1 11A:2-1 Department of Personnel created.
 2 11A:2-2 Implementation.

ARTICLE 2

Merit System Board

- 1 11A:2-3 Members; term; quorum; vacancies.
 2 11A:2-4 Removal of a board member other than commissioner.
 3 11A:2-5 Compensation.
 4 11A:2-6 Powers and duties.
 5 11A:2-7 Subpenas; oaths.

ARTICLE 3

Commissioner of Personnel

- 1 11A:2-8 Commissioner of Personnel.
 2 11A:2-9 Term.
 3 11A:2-10 Compensation.
 4 11A:2-11 Powers and duties of the commissioner.
 5 11A:2-12 Delegation.

ARTICLE 4

Appeals

- 1 11A:2-13 Opportunity for appointing authority hearing.
 2 11A:2-14 Notice to employee of right to appeal.
 3 11A:2-15 Appeal procedure.
 4 11A:2-16 Appeal procedure for suspension or fine of five days or
 5 less.
 6 11A:2-17 Use Immunity.
 7 11A:2-18 Representation.
 8 11A:2-19 Authority to increase or decrease penalty imposed.
 9 11A:2-20 Forms of disciplinary action.
 10 11A:2-21 Burden of proof.
 11 11A:2-22 Back pay, benefits, seniority and reasonable attorney
 12 fees.

ARTICLE 5

Political Activity

- 1 11A:2-23 Political activity limited.

ARTICLE 6

Employee Protection Against Reprisals

- 1 11A:2-24 Protection against reprisals.

ARTICLE 1
Organization

1 11A:2-1. Department of Personnel created. There is established
2 in the Executive Branch of State government a principal depart-
3 ment which shall be known as the Department of Personnel which
4 shall consist of a Merit System Board, a Commissioner of Per-
5 sonnel, subdivisions and officers and employees as specifically
6 referred to in this title and as may be constituted or employed by
7 virtue of the authority conferred by this title or any other law.
8 For the purpose of this title, "board" means Merit System Board,
9 "commissioner" means the Commissioner of Personnel and "de-
10 partment" means the Department of Personnel.

1 11A:2-2. Implementation. The department shall implement and
2 enforce this title.

ARTICLE 2
Merit System Board

1 11A:2-3. Members; term; quorum; vacancies. The Merit System
2 Board shall consist of five members, one of whom shall be the Com-
3 missioner of Personnel who shall serve as the chairperson. The
4 other members shall be appointed by the Governor with the advice
5 and consent of the Senate for staggered terms of four years and
6 until the appointment and qualification of their successors. No
7 more than three of the five members shall be of the same political
8 party. Three members of the board shall constitute a quorum.

9 The holding over of an incumbent beyond the expiration of the
10 term of office shall reduce, in commensurate length, the term of
11 office of a successor. Vacancies shall be filled for the unexpired
12 term in the same manner as original appointments. No member
13 shall hold any other State or federal office or position.

1 11A:2-4. Removal of a board member other than commissioner.
2 A board member other than the commissioner may be removed
3 from office by the Governor for cause, upon notice and an oppor-
4 tunity to be heard. A board member removed from office shall be
5 entitled to receive compensation only up to the date of removal.

1 11A:2-5. Compensation. A board member, other than the com-
2 missioner, shall receive a salary as fixed by law and shall also be
3 entitled to sums incurred for necessary expenses.

1 11A:2-6. Powers and duties. In addition to other powers and
2 duties vested in it by this title or by any other law, the board shall:

3 a. After a hearing, render the final administrative decision on
4 appeals concerning permanent career service employees or those
5 in their working test period in the following categories:

- 6 (1) Removal,
- 7 (2) Suspension or fine as prescribed in N. J. S. 11A:2-14,
- 8 (3) Disciplinary demotion, and
- 9 (4) Termination at the end of the work test period for un-
- 10 satisfactory performance;
- 11 b. On a review of the written record, render the final administra-
- 12 tive decision on other appeals except for those matters listed or
- 13 delegated to the commissioner pursuant to subsection h. of N. J. S.
- 14 11A:2-11;
- 15 c. Provide for interim remedies or relief in a pending appeal
- 16 where warranted;
- 17 d. Adopt and enforce rules to carry out this title and to effec-
- 18 tively implement a comprehensive personnel management system;
- 19 e. Interpret and application of this title to any public body or
- 20 entity; and
- 21 f. Authorize and conduct such studies, inquiries, investigations
- 22 or hearings in the operation of this title as it deems necessary.
- 1 11A:2-7. Subpenas; oaths. The commissioner or the board
- 2 may subpoena and require the attendance of witnesses in this State
- 3 and the production of evidence or documents relevant to any
- 4 proceeding under this title. Those persons may also administer
- 5 oaths and take testimony. Subpenas issued under this section shall
- 6 be enforceable by order of the Superior Court.

ARTICLE 3

Commissioner of Personnel

- 1 11A:2-8. Commissioner of Personnel. The Governor shall, with
- 2 the advice and consent of the Senate, appoint a Commissioner of
- 3 Personnel who shall be the chief executive of the department. The
- 4 commissioner shall give full-time to the duties of this office and
- 5 shall hold no other public office or position.
- 1 11A:2-9. Term. The commissioner shall serve at the pleasure
- 2 of the Governor.
- 1 11A:2-10. Compensation. The commissioner shall receive a
- 2 salary as fixed by law and shall also be entitled to sums incurred
- 3 for necessary expenses.
- 1 11A:2-11. Powers and duties of the commissioner. In addition
- 2 to other powers and duties vested in the commissioner by this
- 3 title or any other law, the commissioner:
- 4 a. Shall be the principal executive and request officer of the
- 5 department, allocating the functions and activities of the depart-

6 ment among departmental subdivisions as the commissioner may
7 establish;

8 b. May appoint one deputy commissioner, who shall be in the
9 unclassified service, and may appoint other necessary employees.
10 All employees shall be confidential employees for the purposes of
11 the "New Jersey Employer-Employee Relations Act," P. L. 1941,
12 c. 100 (C. 34:13A-1 et seq.);

13 c. Shall maintain a management information system necessary
14 to carry out the provisions of this title;

15 d. Shall have the authority to audit payrolls, reports or trans-
16 actions for conformity with the provisions of this title;

17 e. Shall plan, evaluate, administer and implement personnel
18 programs and policies in State government and political subdivi-
19 sions operating under this title.

20 f. Shall establish and supervise the selection process and em-
21 ployee performance evaluation procedures;

22 g. Shall develop programs to improve efficiency and effectiveness
23 of the public service, including, but not limited to, employee
24 training, development, assistance and incentives;

25 h. Shall set standards and procedures for review and render
26 the final administrative decision on a written record or after
27 recommendation by an independent reviewer assigned by the
28 commissioner of appeals from classification, salary, layoff rights
29 and in the State service noncontractual grievances;

30 i. May establish pilot programs and other projects for a maxi-
31 mum of one year outside of the provisions of this title;

32 j. Shall provide for a public employee interchange program
33 pursuant to the "Government Employee Interchange Act of 1967,"
34 P. L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide for an
35 employee interchange program between public and private sector
36 employees;

37 k. May establish an internship program;

38 l. Shall assist the Governor in general work force planning,
39 personnel matters and labor relations;

40 m. Shall establish and consult with advisory boards representing
41 political subdivisions, personnel officers, labor organizations and
42 other appropriate groups;

43 n. Shall make an annual report to the Governor and Legislature
44 and all other special or periodic reports as may be required. The
45 annual report shall indicate the number of persons, by title, who,
46 on March 31, June 30, September 30, and December 31 of each
47 year, held appointments to positions in the senior executive service

48 and the number of noncareer employees by title, who, on those
 49 same dates, held appointments in positions in the senior executive
 50 service;

51 o. Shall have the authority to assess costs for special or other
 52 services; and

53 p. Shall recommend rules to the board for the implementation
 54 of this title.

1 11A:2-12. Delegation. The commissioner may delegate to an
 2 appointing authority the responsibility for classifying positions,
 3 administering examinations and other technical personnel functions
 4 according to prescribed standards, but the commissioner may not
 5 delegate any function of the board.

6 This delegation shall be written and shall conform to the provi-
 7 sions of this title. The commissioner may assign staff of the
 8 department to an appointing authority to assist the appointing
 9 authority in its delegated personnel duties. The employees shall
 10 continue as employees of the department. All delegation shall be
 11 subject to supervision by the commissioner and post-audit and
 12 may be cancelled, modified or limited at any time by the commis-
 13 sioner. Such delegation is to be performed in consultation with
 14 the advisory board representing political subdivisions, and ap-
 15 proved by an affected appointing authority when the delegation
 16 requires substantial costs. The commissioner, in consultation with
 17 the advisory board representing political subdivisions, shall rec-
 18 ommend rules to the Merit System Board to define substantial costs.

ARTICLE 4

Appeals

1 11A:2-13. Opportunity for appointing authority hearing. Before
 2 any disciplinary action in subsection a. (1), (2) and (3) of N. J. S.
 3 11A:2-6 is taken against a permanent employee in the career
 4 service or a person serving a working test period, the employee
 5 shall be notified in writing and shall have the opportunity for a
 6 hearing before the appointing authority or its designated repre-
 7 sentative. The hearing shall be held within 30 days of the notice
 8 of disciplinary action unless waived by the employee. Both parties
 9 may consent to an adjournment to a later date.

10 This section shall not prohibit the immediate suspension of an
 11 employee without a hearing if the appointing authority determines
 12 that the employee is unfit for duty or is a hazard to any person if
 13 allowed to remain on the job or that an immediate suspension is
 14 necessary to maintain safety, health, order or effective direction

15 of public services. In addition, where a suspension is based on a
16 formal charge of a crime of the first, second or third degree, or a
17 crime of the fourth degree if committed on the job or directly
18 related to the job, the suspension may be immediate and continue
19 until a disposition of the charge. The board shall establish, by rule,
20 procedures for hearings and suspensions with or without pay.

1 11A:2-14. Notice to employee of right to appeal. Within 20 days
2 of the hearing provided in N. J. S. 11A:2-13, the appointing
3 authority shall make a final disposition of the charges against the
4 employee and shall furnish the employee with written notice. If
5 the appointing authority determines that the employee is to be
6 removed, demoted or receive a suspension or a fine greater than
7 five days, the employee shall have a right to appeal to the board.
8 The suspension or fine of an employee for five days or less shall be
9 appealable if an employee's aggregate number of days suspended
10 or fined in any one calendar year is 15 days or more. Where an
11 employee receives more than three suspensions or fines of five or
12 less days in a calendar year, the last suspension or fine is appeal-
13 able.

1 11A:2-15. Appeal procedure. Any appeal from adverse actions
2 specified in N. J. S. 11A:2-13 and subsection a. (4) of N. J. S.
3 11A:2-6 shall be made in writing to the board no later than 20 days
4 from receipt of the final written determination of the appointing
5 authority. If the appointing authority fails to provide a written
6 determination, an appeal may be made directly to the board within
7 reasonable time.

1 11A:2-16. Appeal procedure for suspension or fine of five days
2 or less. If a State employee receives a suspension or fine of five
3 days or less, the employee may request review by the board under
4 standards and procedures established by the board or appeal
5 pursuant to an alternate appeal procedure where provided by a
6 negotiated contract provision. If an employee of a political sub-
7 division receives a suspension or fine of five days or less, the
8 employee may request review under standards and procedures
9 established by the political subdivision or appeal pursuant to an
10 alternate appeal procedure where provided by a negotiated contract
11 provision.

1 11A:2-17. Use immunity. A person shall not be excused from
2 testifying or producing evidence on the ground that the testimony
3 or the evidence might tend to incriminate the person, but an answer
4 shall not be used or admitted in any proceeding against the person,
5 except in a prosecution for perjury. The foregoing use immunity

6 shall not be granted without prior written approval by the Attorney
7 General.

1 11A:2-18. Representation. An employee may be represented at
2 any hearing before an appointing authority or the board by an
3 attorney or authorized union representative..

1 11A:2-19. Authority to increase or decrease penalty imposed.
2 The board may increase or decrease the penalty imposed by the
3 appointing authority, but removal shall not be substituted for a
4 lesser penalty.

1 11A:2-20. Forms of disciplinary action. The board shall esta-
2 blish by rule the general causes which constitute grounds for
3 disciplinary action and the kinds of disciplinary action which may
4 be taken by appointing authorities against permanent career ser-
5 vice employees or those serving in their working test period.
6 Unless offered by the appointing authority and selected by an
7 employee as a disciplinary option, a fine may only be imposed by
8 an appointing authority as a form of restitution or in lieu of a
9 suspension when a suspension would be detrimental to the public
10 health, safety or welfare. When a fine is assessed, it may either
11 be paid in a lump sum or deducted from the employee's salary
12 over time as provided by board rule. Except as provided for in
13 N. J. S. 11A:2-13, an appointing authority may not impose a
14 suspension or fine greater than six months.

1 11:2-21. Burden of proof. In categories listed in subsection
2 a. (1), (2) and (3) of N. J. S. 11A:2-6, the employer shall have
3 the burden of proof while in category (4), the employee shall have
4 the burden of proof.

1 11A:2-22. Back pay, benefits, seniority and reasonable attorney
2 fees. The board may award back pay, benefits, seniority and reason-
3 able attorney fees to an employee as provided by rule.

ARTICLE 5

Political Activity

1 11A:2-23. Political activity limited. A person holding a position
2 in the career service or senior executive service shall not directly
3 or indirectly use or seek to use the position to control or affect the
4 political action of another person or engage in political activity
5 during working hours.

ARTICLE 6

Employee Protection Against Reprisals

1 11A:2-24. Protection against reprisals. An appointing authority
2 shall not take or threaten to take any action against an employee

3 in the career, senior executive or unclassified service in retaliation
 4 for an employee's lawful disclosure of information on the violation
 5 of any law or rule, governmental mismanagement or abuse of
 6 authority. An employee who is the subject of a reprisal action by
 7 an appointing authority for the lawful disclosure of information
 8 may appeal such action to the board.

CHAPTER 3

CLASSIFICATION, SERVICES AND COMPENSATION

- 1 11A:3-1 Classification.
 2 11A:3-2 Career service.
 3 11A:3-3 Senior executive service.
 4 11A:3-4 State unclassified service.
 5 11A:3-5 Political subdivision unclassified service.
 6 11A:3-6 Public hearing required when moving title from career
 7 to unclassified service.
 8 11A:3-7 Employee compensation.
 9 11A:3-8 Payroll audits.

1 11A:3-1. Classification. The board shall assign and reassign
 2 titles among the career service, senior executive service and un-
 3 classified service. The commissioner shall:

- 4 a. Establish, administer, amend and continuously review a State
 5 classification plan governing all positions in State service and
 6 similar plans for political subdivisions;
 7 b. Establish, consolidate and abolish titles;
 8 c. Ensure the grouping in a single title of positions with similar
 9 qualifications, authority and responsibility;
 10 d. Assign and reassign titles to appropriate positions; and
 11 e. Provide a specification for each title.

1 11A:3-2. Career service. The career service shall have two
 2 divisions, the competitive division and the noncompetitive division.
 3 The commissioner shall assign and reassign such titles to each
 4 division and may provide for movement, including promotion, of
 5 employees from one division to the other.

1 11A:3-3. Senior executive service. A senior executive service
 2 shall be established in State government and include those posi-
 3 tions having substantial managerial, policy influencing or policy
 4 executing responsibilities as determined by the board. Titles in-
 5 cluded in a collective negotiations unit shall not be included in the
 6 senior executive service. The total number of senior executive
 7 service employees shall not exceed 1,200. The board shall adopt
 8 rules providing for the selection, placement, transfer, development,

9 compensation, separation and performance appraisal of senior
10 executive service employees, and for the reinstatement of career
11 service employees to the career service. The senior executive ser-
12 vice shall not be subject to the provisions of this title unless other-
13 wise specified. The senior executive service shall include noncareer
14 and career service employees. The number of noncareer employees
15 shall not exceed 15% of the entire senior executive service work-
16 force.

17 Where an employee holds permanent career service status in a
18 position in a title that is assigned to the senior executive service,
19 the employee, with appointing authority approval, shall be provided
20 the option of joining the senior executive service. Permanent career
21 service employees who opt not to join the senior executive service
21A or who do not receive approval to join the senior executive service
22 shall have the right to reinstatement to the career service to a level
23 directly under the senior executive service. Permanent career ser-
24 vice employees who join the senior executive service and who are
25 later separated from the senior executive service shall have a right
26 of reinstatement to the career service to a level held prior to entry
27 in the senior executive service unless the employee has been sepa-
28 rated, after opportunity for hearing, from the senior executive
29 service for reasons which constitute cause for removal from the
30 career service.

1 11A:3-4. State unclassified service. The State unclassified ser-
2 vice shall not be subject to the provisions of this title unless other-
3 wise specified and shall include the following:

4 a. Appointments of the Governor;

5 b. Department heads and members of boards and commissions
6 authorized by law;

7 c. Employees in the legislative branch of State government;

8 d. Heads of institutions;

9 e. Superintendents, teachers and instructors in the public schools,
10 the agricultural experiment station and State institutions, where
11 certified teachers are employed under the supervision of and quali-
12 fied by the State Department of Education, and other institutions
13 maintained wholly or in part by the State;

14 f. Physicians, surgeons and dentists;

15 g. Assistant and Deputy Attorneys General and legal assistants
16 appointed by the Attorney General;

17 h. One secretary and one confidential assistant to each depart-
18 ment head, board, principal executive officer and commission. Each
19 certification and appointment hereunder shall be recorded in the
20 minutes of the board;

- 21 i. Employees in the military or naval service of the State;
- 22 j. Student assistants;
- 23 k. Domestic employees in the Governor's household; and
- 24 l. All other titles as provided by law or as the board may deter-
- 25 mine.

1 11A:3-5. Political subdivision unclassified service. The political
2 subdivision unclassified service shall not be subject to the provi-
3 sions of this title unless otherwise specified and shall include the
4 following:

- 5 a. Elected officials;
- 6 b. One secretary and one confidential assistant to each mayor;
- 7 c. Members of boards and commissions authorized by law;
- 8 d. Heads of institutions;
- 9 e. Physicians, surgeons and dentists;
- 10 f. Attorneys of a county, municipality or school district operat-
- 11 ing under this title;
- 12 g. Teaching staff as defined in N. J. S. 18A:1-1 in the public
- 13 schools and county superintendents and members and business
- 14 managers of boards of education;
- 15 h. Principal executive officers;
- 16 i. One secretary, clerk or executive director to each department,
- 17 board and commission authorized by law to make the appointment;
- 18 j. One secretary or clerk to each county constitutional officer,
- 18a principal executive officer, and judge;
- 19 k. One deputy or first assistant to a principal executive officer
- 20 who is authorized by statute to act for and in place of the principal
- 21 executive officer;
- 22 l. No more than 12 county department heads and the heads of
- 23 divisions within such departments provided that the total number
- 24 of unclassified positions created by the county administrative code
- 25 pursuant to this subsection shall not exceed 20;
- 26 m. One secretary or confidential assistant to each unclassified
- 27 department or division head established in subsection l;
- 28 n. Employees of county park commissions appointed pursuant to
- 29 R. S. 40:37-96 through R. S. 40:37-174 in counties of the second
- 30 class;
- 31 o. Directors of free public libraries in cities of the first class
- 32 having a population of more than 300,000;
- 33 p. One secretary to the municipal council in cities of the first
- 34 class having a population of less than 300,000;
- 35 q. One secretary and one confidential aide for each member of
- 36 the board of freeholders other than the director, and one secretary
- 37 and two confidential aides for the freeholder director, of any county

38 of the second class with a population of at least 470,000 which has
 39 not adopted the provisions of the "Optional County Charter Law,"
 40 P. L. 1972, c. 154 (C. 40:41A-1 et seq.) and one secretary or con-
 41 fidential aide for each member of the board of freeholders of any
 42 other county which has not adopted the provisions of the "Optional
 43 County Charter Law";

44 r. In school districts organized pursuant to N. J. S. 18A:17-1
 45 et seq., the executive controller, public information officer and the
 46 executive directors of board affairs, personnel, budget, purchasing,
 47 physical facilities, data processing, financial affairs, and internal
 48 audits;

49 s. The executive director, assistant executive director, director
 50 of staff operations, director of administration, director of rede-
 51 velopment and the urban initiatives coordinator of a local housing
 52 authority; and

53 t. All other titles as provided by statute or as the board may
 54 determine in accordance with criteria established by rule.

1 11A:3-6. Public hearing required when moving title from career
 2 to unclassified service. Whenever the board considers moving a
 3 title from the career service to the unclassified service, the board
 4 shall first hold a public hearing before reaching a determination.

1 11A:3-7. Employee compensation. The commissioner shall
 2 establish, administer and amend an equitable State employee com-
 3 pensation plan which shall include pay schedules, the assignment
 4 and reassignment of salaries for all State titles, and standards
 5 and procedures for salary adjustments other than as provided for
 6 in the State compensation plan for the career, senior executive and
 7 unclassified services. When an employee has erroneously received
 8 a salary overpayment, the commissioner may waive repayment
 9 based on a review of the case. Employees of political subdivisions
 10 are to be paid in reasonable relationship to titles and shall not be
 11 paid a base salary below the minimum or above the maximum
 12 established salary for an employee's title.

1 11A:3-8. Payroll audits. The commissioner may audit State
 2 payrolls and the payrolls of political subdivisions to determine
 3 compliance with this title. The commissioner may order and
 4 enforce immediate compliance as necessary.

CHAPTER 4

Selection and Appointment

- 1 11A:4-1 Examinations.
 2 11A:4-2 Holding of examinations.
 3 11A:4-3 Admission to examinations.

- 4 11A:4-4 Eligible lists and certifications.
5 11A:4-5 Use of eligible list.
6 11A:4-6 Duration of lists.
7 11A:4-7 Exceptions to duration of a list.
8 11A:4-8 Certification and appointment.
9 11A:4-9 Types of eligible lists.
10 11A:4-10 Arrests and criminal records.
11 11A:4-11 Removal on criminal record.
12 11A:4-12 Priority of lists.
13 11A:4-13 Types of appointment.
14 11A:4-14 Promotion.
15 11A:4-15 Working test period.
16 11A:4-16 Transfer, reassignment and lateral title change.
- 1 11A:4-1. Examinations. The commissioner shall provide for:
2 a. The announcement and administration of examinations which
3 shall test fairly the knowledge, skills and abilities required to
4 satisfactorily perform the duties of a title or group of titles. The
5 examinations may include, but are not limited to, written, oral,
6 performance and evaluation of education and experience;
7 b. The rating of examinations;
8 c. The security of the examination process and appropriate
9 sanctions for a breach of security;
10 d. The selection of special examiners to act as subject matter
11 specialists or to provide other assistance. Employees of the State
12 or political subdivisions may be so engaged as part of their official
13 duties during normal working hours with the approval of their
14 appointing authority. Extra compensation may be provided for
15 such service outside normal working hours; and
16 e. The right to appeal adverse actions relating to the examina-
17 tion and appointment process which shall include but not be limited
18 to rejection of an application, failure of an examination and
19 removal from an eligible list.
- 1 11A:4-2. Holding of examinations. A vacancy shall be filled by a
2 promotional examination when considered by the commissioner to
3 be in the best interest of the career service.
- 1 11A:4-3. Admission to examinations. If it appears that an
2 eligible list is not likely to provide full certification for existing or
3 anticipated vacancies from among qualified residents of this State,
4 or of political subdivisions where required by law, the commis-
5 sioner may admit other qualified nonresident applicants. Where
6 residency preference is provided pursuant to any other statute,

7 the commissioner may limit applicants to such classes as are
8 necessary to establish a sufficient pool of eligibles.

1 11A:4-4. Eligible lists and certifications. The commissioner
2 shall provide for:

3 a. The establishment and cancellation of eligible lists;

4 b. The certification of an eligible list to positions in other
5 appropriate titles; and

6 c. The consolidation of eligible lists which may include, but is
7 not limited to, the combining of names of eligibles by scores.

1 11A:4-5. Use of eligible list. Once the examination process has
2 been initiated due to the appointment of a provisional or an
3 appointing authority's request for a list to fill a vacancy, the
4 affected appointing authority shall be required to make appoint-
5 ments from the list if there is a complete certification unless
6 otherwise permitted by the commissioner for valid reason such as
7 fiscal constraints. If the commissioner permits an appointing
8 authority to leave a position vacant in the face of a complete list,
9 the commissioner may order the appointing authority to reimburse
10 the department for the costs of the selection process.

1 11A:4-6. Duration of lists. The commissioner shall set the dura-
2 tion of an eligible list which shall not be more than three years
3 from the date of its establishment, except that it may be extended
4 by the commissioner for good cause and a list shall not have a
5 duration of more than four years. Notwithstanding the duration
6 of a list, the commissioner may revive a list to implement a court
7 order or decision of the board or commissioner in the event of a
8 successful appeal instituted during the life of the list or to correct
9 an administrative error. The commissioner may revive a list to
10 effect the appointment of an eligible whose working test period
11 was terminated by a layoff.

1 11A:4-7. Exceptions to duration of a list. Notwithstanding the
2 provisions of N. J. S. 11A:4-6, a special reemployment list, a
3 police reemployment list and a fire reemployment list shall have
4 unlimited duration.

1 11A:4-8. Certification and appointment. The commissioner shall
2 certify the three eligibles who have received the highest ranking
3 on an open competitive or promotional list against the first provi-
4 sional or vacancy. For each additional provisional or vacancy
5 against whom a certification is issued at that time, the commis-
6 sioner shall certify the next ranked eligible. If more than one
7 eligible has the same score, the tie shall not be broken and they
8 shall have the same rank. If three or more eligibles can be certified

9 as the result of the ranking without resorting to all three highest
10 scores, only those eligibles shall be so certified.

11 A certification that contains the names of at least three interested
12 eligibles shall be complete and a regular appointment shall be
13 made from among those eligibles. An eligible on an incomplete
14 list shall be entitled to a provisional appointment if a permanent
15 appointment is not made.

16 Eligibles on any type of reemployment list shall be certified and
17 appointed in the order of their ranking and the certification shall
18 not be considered incomplete.

1 11A:4-9. Types of eligible lists. The commissioner may esta-
2 blish the following types of eligible lists:

3 a. Open competitive, which shall include all qualified eligibles
4 without regard to whether they are currently employed by the
5 State or a political subdivision;

6 b. Promotional, which shall include qualified permanent eligibles;

7 c. Regular reemployment, which shall include former permanent
8 employees who resigned in good standing and whose reemployment
9 is certified by the appointing authority as in the best interest of the
10 service. The name of any such employee shall not remain on a
11 reemployment list for more than three years from the date of
12 resignation, unless otherwise extended pursuant to N. J. S.
13 11A:4-6;

14 d. Police or fire reemployment, which shall include former per-
15 manent uniformed members of a police or fire department who have
16 resigned in good standing and whose reemployment is certified by
17 the appointing authority as in the best interest of the service; and

18 e. Special reemployment, which shall include permanent em-
19 ployees laid off or demoted in lieu of layoff from permanent titles.

1 11A:4-10. Arrests and criminal records. Eligibles may be ques-
2 tioned as to criminal convictions and pending criminal charges.
3 Eligibles for a law enforcement, firefighter or correction officer
4 title may also be questioned as to any arrest.

1 11A:4-11. Removal on criminal record. Upon the request of an
2 appointing authority, the commissioner may remove an eligible
3 with a criminal record from a list when the criminal record includes
4 a conviction for a crime which adversely relates to the employment
5 sought. The following factors may be considered in such deter-
6 mination:

7 a. Nature and seriousness of the crime;

8 b. Circumstances under which the crime occurred;

9 c. Date of the crime and age of the eligible when the crime was
10 committed;

11 d. Whether the crime was an isolated event; and

12 e. Evidence of rehabilitation.

13 The presentation to an appointing authority of a pardon or
14 expungent shall prohibit an appointing authority from rejecting an
15 eligible based on such criminal conviction except for law enforce-
16 ment, firefighter or correction officer and other titles as determined
17 by the commissioner.

1 11A:4-12. Priority of lists. When more than one list exists, the
2 priority of lists shall be as follows:

3 a. Special reemployment when the available position is in the
4 department from which the eligible was laid off or demoted in lieu
5 of layoff;

6 b. Promotional;

7 c. Special reemployment when the available position is located
8 in a department other than that from which the eligible was laid
9 off or demoted;

10 d. Regular reemployment, police reemployment or fire reemploy-
11 ment; and

12 e. Open competitive.

1 11A:4-13. Types of appointment. The commissioner shall pro-
2 vide for the following types of appointment:

3 a. Regular appointments shall be to a title in the competitive
4 division of the career service upon examination and certification
5 or to a title in the noncompetitive division of the career service
6 upon appointment. The appointments shall be permanent after
7 satisfactory completion of a working test period;

8 b. Provisional appointments shall be made only in the competi-
9 tive division of the career service and only in the absence of a
10 complete certification if the appointing authority certifies that in
11 each individual case the appointee meets the minimum qualifica-
12 tions for the title at the time of appointment and that failure to
13 make a provisional appointment will seriously impair the work of
14 the appointing authority. In no case shall any provisional appoint-
15 ment exceed a period of 12 months;

16 c. Temporary appointments may be made, without regard to the
17 provisions of this chapter, to temporary positions established for a
18 period aggregating not more than six months in a 12-month period
19 as approved by the commissioner. These positions include, but are
20 not limited to, seasonal positions. Positions established as a result
21 of a short term grant may be established for a maximum of 12
22 months. Appointees to temporary positions shall meet the mini-
23 mum qualifications of a title;

24 d. Emergency appointments shall not exceed 30 days and shall
25 only be permitted where nonappointment will result in harm to
26 persons or property;

27 e. Senior executive service appointments shall be made pursuant
28 to N. J. S. 11A:3-3; and

29 f. Unclassified appointments shall be made pursuant to N. J. S.
30 11A:3-4 and N. J. S. 11A:3-5.

1 11A:4-14. Promotion. The commissioner shall establish the
2 minimum qualifications for promotion and shall provide for the
3 granting of credit for performance and seniority where appro-
4 priate.

1 11A:4-15. Working test period. The purpose of the working
2 test period is to permit an appointing authority to determine
3 whether an employee satisfactorily performs the duties of a title.
4 A working test period is part of the examination process which
5 shall be served in the title to which the certification was issued and
6 appointment made. The commissioner shall provide for:

7 a. A working test period following regular appointment of four
8 months, which may be extended to six months at the discretion of
9 the commissioner, except that the working test period for political
10 subdivision employees shall be three months and the working test
11 period for entry level law enforcement, correction officer, and fire-
12 fighter titles shall be 12 months;

13 b. Progress reports to be made by the appointing authority and
14 provided to the employee at such times during the working test
15 period as provided by rules of the board and a final progress report
16 at the end of the entire working test period shall be provided to the
17 employee and the commissioner;

18 c. Termination of an employee at the end of the working test
19 period and termination of an employee for cause during the work-
20 ing test period; and

21 d. The retention of permanent status in the lower title by a
22 promoted employee during the working test period in the higher
23 title and the right to return to such permanent title if the employee
24 does not satisfactorily complete the working test period, but em-
25 ployees removed for cause during a working test period shall not
26 be so returned.

1 11A:4-16. Transfer, reassignment and lateral title change. The
2 rules of the board shall define and establish the procedures for
3 transfer, reassignment and lateral title change. Employees shall
4 be granted no less than 30 days' notice of transfer, except with
5 employee consent or under emergent circumstances as established

6 by rules of the board. The commissioner shall provide for reloca-
 7 tion assistance for State employees who are transferred or re-
 8 assigned to a new work location due to a phasedown or closing of a
 9 State operation subject to available appropriations. Transfers,
 10 reassignments, or lateral title changes shall not be utilized as part
 11 of a disciplinary action, except following an opportunity for hear-
 12 ing. Nothing herein shall prohibit transfers, reassignments, or
 13 lateral title changes made in good faith. The burden of proof
 14 demonstrating lack of good faith shall be on the employee.

CHAPTER 5

VETERANS PREFERENCE

- 1 11A:5-1 Definitions.
- 2 11A:5-2 Spouse of disabled veteran or deceased veteran.
- 3 11A:5-3 Parent and spouse of veteran who has died in service.
- 4 11A:5-4 Disabled veterans preference.
- 5 11A:5-5 Veterans preference.
- 6 11A:5-6 Appointment of veterans.
- 7 11A:5-7 Inapplication of statutes to promotions.
- 8 11A:5-8 Preference in appointment in noncompetitive division.
- 9 11A:5-9 Preference to veteran in layoffs.
- 10 11A:5-10 Hearing on dismissal of veteran.
- 11 11A:5-11 Veterans not to be discriminated against because of
 12 physical defects.
- 13 11A:5-12 Employment or promotion of persons awarded Con-
 14 gressional Medal of Honor, Distinguished Service
 15 Cross, Air Force Cross or Navy Cross.
- 16 11A:5-13 World War soldiers in employment of a county,
 17 municipality or school district; promotion.
- 18 11:5-14 Veteran police officer or firefighter in city of first class;
 19 examination and promotion.
- 20 11:5-15 Enforcement.
- 1 11A:5-1. Definitions. As used in this chapter:
- 2 a. "Disabled veteran" means any veteran who is eligible to be
 3 compensated for a service-connected disability from war service
 4 by the United States Veterans Administration or who receives or
 5 is entitled to receive equivalent compensation for a service-con-
 6 nected disability which arises out of military or naval service as set
 7 forth in this chapter and who has submitted sufficient evidence of
 8 the record of disability incurred in the line of duty to the commis-
 9 sioner on or before the closing date for filing an application for an
 10 examination;

11 b. "Veteran" means any honorably discharged soldier, sailor,
12 marine or nurse who served in any army or navy of the allies of the
13 United States in World War I, between July 14, 1914 and November
14 11, 1918, or who served in any army or navy of the allies of the
15 United States in World War II, between September 1, 1939 and
16 September 2, 1945 and who was inducted into that service through
17 voluntary enlistment, and was a citizen of the United States at the
18 time of the enlistment, and who did not renounce or lose his or her
19 United States citizenship; or any soldier, sailor, marine, airman,
20 nurse or army field clerk, who has served in the active military or
21 naval service of the United States and has been discharged or
22 released under other than dishonorable conditions from that service
23 in any of the following wars or conflicts and who has presented to
24 the commissioner sufficient evidence of the record of service on or
25 before the closing date for filing an application for an examination:
26 (1) World War I, between April 6, 1917 and November 11, 1918;
27 (2) World War II, after September 16, 1940, who shall have
28 served at least 90 days beginning on or before September 2, 1945
29 in such active service, exclusive of any period assigned for a course
30 of education or training under the Army Specialized Training Pro-
31 gram or the Navy College Training Program, which course was a
32 continuation of a civilian course and was pursued to completion,
33 or as a cadet or midshipman at one of the service academies; except
34 that any person receiving an actual service-incurred injury or dis-
35 ability shall be classed a veteran whether or not that person has
36 completed the 90-day service;
37 (3) Korean conflict, after June 23, 1950, who shall have served
38 at least 90 days beginning on or before July 27, 1953, in active
39 service, exclusive of any period assigned for a course in education
40 or training under the Army Specialized Training Program or the
41 Navy College Training Program, which course was a continuation
42 of a civilian course and was pursued to completion, or as a cadet or
43 midshipman at one of the service academies; except that any person
44 receiving an actual service-incurred injury or disability shall be
45 classed as a veteran whether or not that person has completed the
46 90-day service;
47 (4) Vietnam conflict, after December 31, 1960, who shall have
48 served at least 90 days beginning on or before August 1, 1974, in
49 active service, exclusive of any period assigned for a course of
50 education or training under the Army Specialized Training Pro-
51 gram or the Navy College Training Program, which course was a
52 continuation of a civilian course and was pursued to completion, or

53 as a cadet or midshipman at one of the service academies, and
54 exclusive of any service performed pursuant to the provisions of
55 section 511(d) of Title 10, United States Code, or exclusive of any
56 service performed pursuant to enlistment in the National Guard
57 or the Army Reserve, Naval Reserve, Air Force Reserve, Marine
58 Corps Reserve, or Coast Guard Reserve; except that any person
59 receiving an actual service-incurred injury or disability shall be
60 classed as a veteran whether or not that person has completed the
61 90-day service as provided;

62 c. "War service" means service by a veteran in any war or con-
63 flict described in this chapter during the periods specified.

1 11A:5-2. Spouse of disabled veteran or deceased veteran. The
2 spouse of any disabled veteran is eligible to receive disabled
3 veterans preference under this chapter, if that veteran is not in the
4 service of the State or any political subdivision which operates
5 under this title and the veteran officially waives, if able to do so,
6 any right to preference for the duration of the spouse's employment.

7 The surviving spouse of any disabled veteran or veteran shall be
8 entitled to receive the same preference under this chapter to which
9 the disabled veteran or deceased veteran would have been entitled
10 to if still living. The preference shall terminate upon the re-
11 marriage of the surviving spouse.

1 11A:5-3. Parent and spouse of veteran who has died in service.
2 A parent and spouse of any veteran who died while in service and
3 who would have qualified under this chapter as a veteran, shall be
4 entitled to a disabled veterans preference. Where both a parent
5 and spouse survive, the exercise of the preference by one shall
6 suspend the right of any other so long as the first individual who
7 exercises preferences remains in the employ of the State or any
8 political subdivision operating under the provisions of this title.

1 11A:5-4. Disabled veterans preference. The names of disabled
2 veterans who receive passing scores on open competitive examina-
3 tions shall be placed at the top of the employment list in the order
4 of their respective final scores.

1 11A:5-5. Veterans preference. The names of veterans who re-
2 ceive passing scores on open competitive examinations shall be
3 placed on the employment list in order of their respective scores
4 immediately after disabled veterans.

1 11A:5-6. Appointment of veterans. Whenever a disabled veteran
2 or veteran shall be certified to an appointing authority from an
3 open competitive employment list under the provisions of N. J. S.
4 11A:4-8, the appointing authority shall appoint the disabled veter-
5 an or veteran in the order of ranking.

1 11A:5-7. Inapplication of statutes to promotions. Nothing
2 contained in N. J. S. 11A:5-4 through 11A:5-6 shall apply to
3 promotions, but whenever a veteran ranks highest on a promotional
4 certification, a nonveteran shall not be appointed unless the
5 appointing authority shall show cause before the board why a veter-
6 an should not receive such promotion.

1 11A:5-8. Preference in appointment in noncompetitive division.
2 From among those eligible for appointment in the noncompetitive
3 division, preference shall be given to a qualified veteran. Before
4 an appointing authority shall select a nonveteran and not appoint
5 a qualified veteran, the appointing authority shall show cause before
6 the board why a veteran should not be appointed. In all cases, a
7 disabled veteran shall have preference over all others.

1 11A:5-9. Preference to veterans in layoffs. When a layoff occurs,
2 preference shall be given first to a disabled veteran and then to a
3 veteran; but the preference shall apply only where the disabled
4 veteran or veteran has seniority in title equal to that of a nonvet-
5 eran also affected by the layoff.

1 11A:5-10. Hearing on dismissal of veteran. Before any depart-
2 ment head shall dismiss any veteran, as provided in N. J. S.
3 11A:5-9, such department head shall show cause before the board
4 why such veteran should not be retained, at which time such veteran
5 or veterans may be privileged to attend. The board shall be the
6 sole judge of the facts constituting such qualification.

1 11A:5-11. Veterans not to be discriminated against because of
2 physical defects. Veterans suffering from any physical defect
3 caused by wounds or injuries received in the line of duty in the
4 military or naval forces of the United States during war service
5 set forth in N. J. S. 11A:5-1 shall not be discriminated against in
6 an examination, classification or appointment because of the defect,
7 unless this defect, in the opinion of the board, would incapacitate
8 the veteran from properly performing the duties of the office,
9 position or employment for which applied.

1 11A:5-12. Employment or promotion of persons awarded Con-
2 gressional Medal of Honor, Distinguished Service Cross, Air
3 Force Cross or Navy Cross. Any individual who has served in the
4 Army, Air Force, Navy, or Marine Corps of the United States and
5 who has been awarded the Congressional Medal of Honor, the
6 Distinguished Service Cross, Air Force Cross or Navy Cross, while
7 a resident of this State, shall be appointed or promoted without
8 complying with the rules of the board. The appointing authority
9 to whom the individual applies for appointment or promotion shall,

10 at its discretion, appoint or promote that person. Upon promotion
 11 or appointment, that person shall become subject to the rules of
 12 the board. A person who qualifies under this section shall not be
 13 limited to only one appointment or promotion.

1 11A:5-13. World War soldiers in employment of a county, mu-
 2 nicipality or school district; promotion. A soldier who served in
 3 the Army of the United States during the war between the United
 4 States and Germany, who holds the French Medaille Militaire, the
 5 croix de guerre with palm, croix de guerre with silver star, croix
 6 de guerre with bronze star and who was on March 26, 1926, em-
 7 ployed by any county, municipality or school district operating
 8 under the provisions of this title shall be eligible for promotion
 9 without complying with any of the rules or regulations of the board.
 10 The head, or person in charge of the office in which the person is
 11 employed, may promote such employee for the good of the service
 12 as may in his judgement seem proper.

1 11A:5-14. Veteran police officer or firefighter in city of first
 2 class; examination and promotion. A member of the police or fire
 3 department in a city of the first class who is a veteran shall be
 4 entitled to be admitted to the examination for promotion to a
 5 superior rank and upon successfully passing such examination shall
 6 be entitled to appointment in such superior rank, notwithstanding
 7 the fact that such person may not have held the position or rank
 8 held or occupied by him at the time of taking the examination for
 9 a period of two years, if the employee has or shall have held or
 10 occupied the same for a period of one year.

1 11A:5-15. Enforcement. The board may promulgate rules for
 2 the proper administration and enforcement of this chapter.

3 Nothing herein contained shall be construed to amend, modify or
 4 supersede N. J. S. 40A:14-25, N. J. S. 40A:14-115 or N. J. S.
 5 40A:14-143.

CHAPTER 6

LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT

ARTICLE 1

Leaves of Absence, Supplemental Compensation and Hours of Work

- 1 11A:6-1 Leaves.
 2 11A:6-2 Vacation leave; full-time State employees.
 3 11A:6-3 Vacation leave; full-time political subdivision em-
 4 ployees.
 5 11A:6-4 Death of employee having vacation credit.

- 6 11A:6-5 Sick leave.
- 7 11A:6-6 State administrative leave.
- 8 11A:6-7 Leaves for part-time employees.
- 9 11A:6-8 Sick leave injury in State service.
- 10 11A:6-9 Leaves of absence for police officers and firefighters.
- 11 11A:6-10 Convention leave for poice officers and firefighters.
- 12 11A:6-11 Leave for athletic competition.
- 13 11A:6-12 Leaves of absence for elected and appointed union
14 officials.
- 15 11A:6-13 Appointment by Governor; leave of absence without
16 pay.
- 17 11A:6-14 Elective office; leave of absence without pay; appoint-
18 ments to position; reemployment list.
- 19 11A:6-15 Eligibility for promotions during leave of absence.
- 20 11A:6-16 Supplemental compensation upon retirement in State
21 employment.
- 22 11A:6-17 Supplemental compensation; employees of Rutgers,
23 The State University, New Jersey Institute of Tech-
24 nology and the University of Medicine and Dentistry
25 of New Jersey.
- 26 11A:6-18 Supplemental compensation; deferred retirement.
- 27 11A:6-19 Supplemental compensation; computation; limitation.
- 28 11A:6-20 Supplemental compensation; certification of accumu-
29 lated sick leave.
- 30 11A:6-21 Supplemental compensation; break in service.
- 31 11A:6-22 Supplemental compensation; inapplicability to other
32 pension retirement benefits.
- 33 11A:6-23 Supplemental compensation; rules.
- 34 11A:6-24 Hours of work, overtime and holiday pay.

ARTICLE 2

Employee Programs

- 1 11A:6-25 State training programs.
- 2 11A:6-26 Employee career development.
- 3 11A:6-27 Political subdivisions.
- 4 11A:6-28 Employee performance evaluations.

ARTICLE 3

Awards

- 1 11A:6-29 Awards Committee.
- 2 11A:6-30 Awards.
- 3 11A:6-31 Powers and duties of the committee.
- 4 11A:6-32 Payment of awards.

ARTICLE 1

Leaves of Absence, Supplemental Compensation and
Hours of Work

1 11A:6-1. Leaves. The board shall designate the types of leaves
2 and adopt rules for State employees in the career and senior ex-
3 ecutive services regarding procedures for sick leave, vacation leave
4 and other designated leaves with or without pay as the board may
5 designate. Any political subdivision subject to the provisions of
6 this title shall prepare procedures regarding these items.

7 In all cases, a leave of absence with or without pay shall not
8 exceed a period of one year at any one time unless renewal or ex-
9 tension is granted upon written approval of the commissioner.

1 11A:6-2. Vacation leave; full-time State employees. Vacation
2 leave for full-time State employees in the career and senior ex-
3 ecutive service shall be at least:

4 a. Up to one year of service, one working day for each month of
5 service;

6 b. After one year and up to five years of continuous service,
7 12 working days;

8 c. After five years and up to 12 years of continuous service,
9 15 working days;

10 d. After 12 years and up to 20 years of continuous service, 20
11 working days;

12 e. Over 20 years of continuous service, 25 working days; and

13 f. Vacation not taken in a given because of business demands
14 shall accumulate and be granted during the next succeeding year
15 only.

1 11A:6-3. Vacation leave; full-time political subdivision em-
2 ployees. Vacation leave for full-time political subdivision em-
3 ployees shall be at least:

4 a. Up to one year of service, one working day for each month of
5 service;

6 b. After one year and up to 10 years of continuous service, 12
7 working days;

8 c. After 10 years and up to 20 years of continuous service, 15
9 working days;

10 d. After 20 years of continuous service, 20 working days; and

11 e. Vacation not taken in a given year because of business
12 demands shall accumulate and be granted during the next suc-
13 ceeding year only.

1 11A:6-4. Death of employee having vacation credit. The estate
2 of a deceased employee covered by this title who had accumulated

3 annual vacation leave. shall be paid a sum equal to the compensa-
4 ~~tion~~ ~~of~~ ~~the~~ ~~employee~~.

1 11A:6-5. Sick leave. Full-time State and political subdivision
2 employees shall receive a sick leave credit of no less than one
3 working day for each completed month of service during the
4 remainder of the first calendar year of service and 15 working
5 days in every year thereafter. Unused sick leave shall accumulate
6 without limit.

1 11A:6-6. State administrative leave. Administrative leave for
2 personal reasons including religious observances for full-time State
3 employees or those employees of Rutgers, The State University,
4 New Jersey Institute of Technology and the University of Medi-
5 cine and Dentistry of New Jersey who perform services similar to
6 those performed by employees of the New Jersey State colleges
7 who are in the career service shall be three working days per
8 calendar year. Administrative leave shall not be cumulative and
9 any administrative leave unused by an employee at the end of any
10 year shall be cancelled.

1 11A:6-7. Leaves for part-time employees. Part-time employees
2 shall receive proportionate vacation, sick and administrative leave.

1 11A:6-8. Sick leave injury in State service. Leaves of absence
2 for career, senior executive and unclassified employees in State
3 service due to injury or illness directly caused by and arising from
4 State employment shall be governed by rules of the board. Leaves
5 of absence for career and unclassified employees of a political
6 subdivision directly caused by or arising from employment shall
7 be governed by rules of the political subdivision. Any sick leave
8 with pay shall be reduced by the amount of worker's compensation
9 or disability benefits, if any, received for the same injury or illness.

1 11A:6-9. Leaves of absence for police officers and firefighters.
2 Leaves of absence for police officers and firefighters titles shall be
3 governed by the applicable provisions of Title 40A of the New
4 Jersey Statutes and N. J. S. 11A:6-10.

1 11A:6-10. Convention leave for police officers and firefighters.
2 A leave of absence with pay shall be given to every employee who
3 is a duly authorized representative of the New Jersey Patrolmen's
4 Benevolent Association, Inc., Fraternal Order of Police, Firemen's
5 Mutual Benevolent Association, Inc., the Fire Fighters Association
6 of New Jersey or the New Jersey State Association of Chiefs of
7 Police, to attend any State or national convention of the organiza-
8 tion. The leave of absence shall be for a period inclusive of the
9 duration of the convention with a reasonable time allowed for
10 travel to and from the convention. A certificate of attendance at

11 the convention shall, upon request, be submitted by the representa-
12 tive so attending.

1 11A:6-11. Leave for athletic competition. Any State employee
2 in the career, senior executive or unclassified service who qualifies
3 as a member of the United States team for athletic competition at
4 the world, Pan American or Olympic level, in a sport contested in
5 either Pan American or Olympic competitions, shall be granted a
6 leave of absence with pay and without loss of rights, privileges
7 and benefits and without interruption of membership in any retire-
8 ment system of the State for the purpose of preparing for and
9 engaging in the competition. The paid leave granted pursuant to
10 this title shall be no more than 90 calendar days in one year or the
11 combined days of the official training camp and competition, which-
12 ever is less.

1 11A:6-12. Leaves of absence for elected and appointed union
2 officials. An appointing authority may grant an unpaid leave of
3 absence to any employee elected or appointed as an official of the
4 employee's union. The maximum period for such leaves shall be a
5 subject of negotiation between the employer and union.

1 11A:6-13. Appointment by Governor; leave of absence without
2 pay. Any employee in the career or senior executive service who
3 is appointed to any position pursuant to P. L. 1947, c. 14 (C.
4 52:14-16.2) shall be entitled to a leave of absence without pay
5 from the permanent career or senior executive service title for the
6 length of the appointment. Upon the expiration of the leave, the
7 employee shall have the right to return to the former title and
8 receive all of the rights, privileges and benefits of that title as if
9 the employee had remained in that title.

1 11A:6-14. Elective office; leave of absence without pay; appoint-
2 ments to position; reemployment list. Any person holding a posi-
3 tion in the career service of any political subdivision shall upon
4 written request be granted a leave of absence, without pay, to fill
5 any elective public office for the term of the office. Upon the
6 expiration of the term of office, that person shall be entitled to
7 resume the position held at the time of the granting of the leave of
8 absence if the employee shall apply for reinstatement before the
9 expiration of the leave of absence and return to duty within six
10 years after the commencement of the leave. The time spent in
11 serving the term of an elective office, up to a maximum of six years
12 from the commencement of the leave, shall be included in the
13 computation of that person's seniority rights.

14 All appointments to the positions of that person during the
15 period of six years from the date the leave of absence commences

16 shall be made from eligible lists and the appointments shall, during
17 such six-year period, be held to be interim and shall be terminated
18 on the return to duty within the six-year period of the person to
19 whom the leave of absence was granted.

20 In the event that the term of the elective public office of the
21 person to whom such leave was granted expires after six years
22 from the commencement of such leave, the name of such person,
23 upon the expiration of the six-year period, shall be placed on a
24 special reemployment list.

1 11A:6-15. Eligibility for promotions during leave of absence.
2 A leave of absence shall not disqualify an applicant for a promo-
3 tional examination.

1 11A:6-16. Supplemental compensation upon retirement in State
2 employment. State employees in the career service, and those in
3 the senior executive and unclassified services who have been
4 granted sick leave under terms and conditions similar to career
5 service employees, shall be entitled upon retirement from a State-
6 administered retirement system to receive a lump sum payment as
7 supplemental compensation for each full day of accumulated sick
8 leave which is credited on the effective date of retirement.

1 11A:6-17. Supplemental compensation; employees of Rutgers,
2 The State University, New Jersey Institute of Technology, and
3 the University of Medicine and Dentistry of New Jersey. The
4 supplemental compensation provided under this chapter shall also
5 be paid to each employee of Rutgers, The State University, New
6 Jersey Institute of Technology, and the University of Medicine and
7 Dentistry of New Jersey who performs services similar to those
8 performed by employees of the New Jersey State colleges who are
9 in the career service or who have been granted sick leave under
10 terms and conditions similar to career service employees, including
11 those employees of the University of Medicine and Dentistry of
12 New Jersey who are members of the Newark Employees Retire-
13 ment System.

1 11A:6-18. Supplemental compensation; deferred retirement. A
2 State employee who elects deferred retirement shall not be eligible
3 for the supplemental compensation provided under this chapter.

1 11A:6-19. Supplemental compensation; computation; limitation.
2 Supplemental compensation shall be computed at the rate of one-
3 half of the eligible employee's daily rate of pay for each day of
4 accumulated sick leave based upon the compensation received
5 during the last year of employment prior to the effective date of
6 retirement, but supplemental compensation shall not exceed
7 \$15,000.00. If an employee dies after the effective date of retire-

8 ment but before payment is made, payment shall be made to the
9 employee's estate.

1 11A:6-20. Supplemental compensation; certification of accumu-
2 lated sick leave. Upon application for supplemental compensation
3 made by an employee, the appointing authority shall, within 45
4 days, certify the number of accumulated sick days for which
5 supplemental compensation is to be paid. Payment shall be made
6 from a special State account established for this purpose.

1 11A:6-21. Supplemental compensation; break in service. An
2 employee who has incurred or shall incur a break in service as a
3 result of separation due to layoff shall be credited with sick leave
4 accrued both before separation and after return to employment.
5 An employee incurring a break in service for any other type of
6 separation shall have sick leave computed only from the date of
7 return to employment.

1 11A:6-22. Supplemental compensation; inapplicability to other
2 pension retirement benefits. The supplemental compensation pro-
3 vided for accumulated sick leave shall in no way affect, increase or
4 decrease any pension or retirement benefits under any other statute.

1 11A:6-23. Supplemental compensation; rules. The board shall
2 adopt rules for the implementation of supplemental compensation,
3 which shall include but need not be limited to application and
4 eligibility procedures.

1 11A:6-24. Hours of work, overtime and holiday pay. State
2 employees in the career, senior executive and unclassified services
3 in titles or circumstances designated by the board shall be eligible
4 for overtime compensation and holiday pay. Overtime compensa-
5 tion and holiday pay shall be either cash compensation at a rate
6 representing 1½ times the employee's hourly rate of base salary
7 or compensatory time off at a rate of 1½ hours for each hour
8 worked beyond the regular workweek at the discretion of the de-
9 partment head with the approval of the commissioner.

10 The board shall adopt rules for the implementation of hours of
11 work, overtime compensation and holiday pay programs which shall
12 include but need not be limited to application and eligibility pro-
13 cedures.

ARTICLE 2

Employee Programs

1 11A:6-25. State training programs. The commissioner may
2 establish and shall review and approve training and education
3 programs for State employees in the career, senior executive and
4 unclassified services and shall supervise a State training center

5 with appropriate courses and fee schedules. Particular training
6 may be required by the commissioner for certain employees, for
7 which an assessment to State departments may be imposed.

1 11A:6-26. Employee career development. The commissioner
2 shall develop and stimulate employee career development and im-
3 prove management and efficiency in State government through
4 programs, for which an assessment to State departments may be
5 imposed, that include but are not limited to:

- 6 a. Career mobility and transferability;
- 7 b. Employee advisory services for counseling and rehabilitation;
- 8 c. Retirement planning; and
- 9 d. Interchange and internship programs.

1 11A:6-27. Political subdivisions. The commissioner may, at the
2 request of any political subdivision, initiate programs similar to
3 those authorized in this chapter and provide technical assistance
4 to political subdivisions to improve the efficiency and effectiveness
5 of their personnel management programs. The commissioner may
6 require reasonable reimbursement from a participating political
7 subdivision.

1 11A:6-28. Employee performance evaluations. The commis-
2 sioner shall establish an employee performance evaluation system
3 for State employees in the career and senior executive service.
4 The system shall utilize standards and criteria related to job con-
5 tent and program goals.

6 Political subdivisions may adopt employee performance evalua-
7 tion systems for their employees.

8 The board shall adopt and enforce rules with respect to the
9 utilization of performance ratings in promotion, layoff or other
10 matters.

ARTICLE 3

Awards

1 11A:6-29. Awards Committee. The New Jersey Employee
2 Awards Committee shall be established in the department under
3 the supervision of the commissioner. The committee shall be com-
4 posed of seven persons, each of whom shall be employed in a
5 different department within the Executive Branch. Appointments
6 to the committee shall be made by the Governor, from nominations
7 by the commissioner, for staggered terms of three years or until a
8 successor is appointed. No member shall serve more than two
9 consecutive full terms. Members shall serve without compensation
10 but shall be entitled to sums incurred for necessary expenses. The
11 commissioner shall designate an employee of the department as

12 executive secretary to the committee.

1 11A:6-30. Awards. The committee, subject to appropriations
2 made for that purpose, may provide awards to State employees
3 for, but not limited to:

4 a. Meritorious suggestions and accomplishments which promote
5 efficiency, productivity or economy;

6 b. Heroism or exceptional service;

7 c. Professional achievements; and

8 d. Service.

1 11A:6-31. Powers and duties of the committee. The committee
2 shall:

3 a. Adopt rules for the implementation of the awards programs
4 subject to the approval of the commissioner;

5 b. Request and receive assistance from any department in State
6 government;

7 c. Prepare an annual report to the Governor from the com-
8 missioner concerning the operation of the awards program; and

9 d. Establish and supervise the awards committees in the depart-
10 ments in State government.

1 11A:6-32. Payment of awards. Suggestion awards shall be paid
2 from State funds appropriated for that purpose.

CHAPTER 7

EQUAL EMPLOYMENT OPPORTUNITY

- 1 11A:7-1 Equal employment opportunity.
2 11A:7-2 Division of Equal Employment Opportunity and
3 Affirmative Action.
4 11A:7-3 Equal employment opportunity and affirmative action
5 program.
6 11A:7-4 Agency goals.
7 11A:7-5 Department responsibilities.
8 11A:7-6 Agency affirmative action officer.
9 11A:7-7 Agency accountability for affirmative action plan.
10 11A:7-8 Agency affirmative action plan.
11 11A:7-9 Agency failure to achieve affirmative action goals;
12 penalties.
13 11A:7-10 Citation by Governor for attaining affirmative action
14 results.
15 11A:7-11 Equal Employment Opportunity Advisory Commis-
16 sion; creation.
17 11A:7-12 Equal Employment Opportunity Advisory Commis-
18 sion; membership; term; vacancy; meetings; execu-
19 tive secretary.

20 11A:7-13 Accommodation for the handicapped and examination
21 waiver.

1 11A:7-1. Equal employment opportunity. The head of each
2 State agency shall ensure equality of opportunity for all of its
3 employees and applicants seeking employment. Equal employment
4 opportunity includes, but is not limited to, the following areas:
5 recruitment, selection, hiring, training, promotion, transfer, layoff,
6 return from layoff, compensation and fringe benefits. Equal em-
7 ployment opportunity further includes policies, procedures, and
8 programs for recruitment, employment, training, promotion, and
9 retention of minorities, women and handicapped persons.

10 The head of each State agency shall explore innovative personnel
11 policies in order to enhance these efforts and where appropriate
12 shall implement them to the fullest extent authorized. Where the
13 implementation of those policies is not authorized, an agency head
14 shall recommend implementation to the appropriate State agency.

1 11A:7-2. Division of Equal Employment Opportunity and
2 Affirmative Action. A Division of Equal Employment Opportunity
3 and Affirmative Action is established in the department. The divi-
4 sion shall have all of the powers and shall exercise all of the func-
5 tions and duties set forth in this chapter, subject to the supervision
6 and control of the commissioner.

1 11A:7-3. Equal employment opportunity and affirmative action
2 program. The division shall develop, implement and administer
3 an equal employment opportunity and affirmative action program
4 for all State agencies. The program shall consider the particular
5 personnel requirements that are reasonably related to job per-
6 formance of each State agency. The director of the division shall
7 ensure that the affirmative action and equal employment goals of
8 each State agency for minorities, women and handicapped persons
9 shall be reasonably related to their population in the relevant
10 surrounding labor market areas. The director, in accordance with
11 applicable federal and State guidelines, shall:

12 a. Ensure each State agency's compliance with all laws and
13 rules relating to equal employment opportunity and seek correction
14 of discriminatory practices, policies and procedures;

15 b. Recommend appropriate sanctions for noncompliance to the
16 commissioner who, with the concurrence of the Governor, is au-
17 thorized to implement sanctions;

18 c. Review State personnel practices, policies and procedures,
19 inclusive of recruitment, selection, and promotion, in order to
20 identify and eliminate artificial barriers to equal employment
21 opportunity;

22 d. Act as liaison with federal, State, and local enforcement
23 agencies;

24 e. Recommend appropriate legislation to the commissioner and
25 perform other actions deemed necessary by the commissioner to
26 implement this chapter; and

27 f. Provide, under rules adopted by the board, for review of
28 equal employment complaints.

1 11A:7-4. Agency goals. The department shall establish reason-
2 able equal employment and affirmative action goals for State
3 agencies in the form of regulations.

1 11A:7-5. Department responsibilities. The department, through
2 the Division of Equal Employment Opportunity and Affirmative
3 Action, shall:

4 a. Ensure that the pool of applicants for all vacant positions in
5 State agencies includes minorities, women and handicapped persons
6 so that affirmative action goals are attainable through agency selec-
7 tion decisions;

8 b. Undertake a comprehensive review of its rules, regulations
9 and testing procedures in order to amend or eliminate those which
10 serve to discriminate against minorities, women and handicapped
11 persons;

12 c. Ensure that selection devices do not discriminate against
13 minorities, women and handicapped persons;

14 d. Analyze job specifications to isolate and eliminate prere-
15 quisites that are artificial barriers to employment;

16 e. Review all discrimination complaints under Title VII of the
17 Civil Rights Act of 1964, Pub. L. 88-352 (42 U. S. C. § 2000e et seq.),
18 evaluate trends, and recommend appropriate policy changes; and

19 f. Receive, analyze and transmit to the Governor, at least semi-
20 annually, progress reports on affirmative action in all State
21 agencies.

1 11A:7-6. Agency affirmative action officer. The head of each
2 State agency shall appoint at least one person with the respon-
3 sibility for equal employment opportunity as the affirmative action
4 officer. Unless otherwise permitted by the director with the ap-
5 proval of the commissioner, such person shall serve on a full-time
6 basis and shall be responsible to the Division of Equal Employment
7 Opportunity and Affirmative Action.

1 11A:7-7. Agency accountability for affirmative action plan. The
2 head of each State agency shall be accountable to the Governor for
3 achieving and maintaining agency compliance with the affirmative
4 action program.

1 11A:7-8. Agency affirmative action plan. Each State agency shall
2 submit an affirmative action plan with goals and timetables plus
3 quarterly and annual affirmative action reports to the director.
4 Each affirmative action plan shall identify existing inequities in
5 hiring, promotion, and all other conditions of employment and pro-
6 vide specific remedies for these inequities and establish the time
7 periods for the accomplishment of remedial action. Each State
8 agency shall make good faith efforts to meet its goals and time-
9 tables.

1 11A:7-9. Agency failure to achieve affirmative action goals;
2 penalties. If there is a failure by a State agency to achieve its
3 affirmative action goals or to demonstrate good faith efforts, appro-
4 priate sanctions and penalties may be imposed by the department
5 in accordance with federal and State regulations, subject to the
6 concurrence of the Governor and the commissioner. These sanctions
7 may include, but are not limited to, placing a moratorium on depart-
8 mental personnel actions in the career, senior executive and un-
9 classified services, and such other sanctions as may be allowed by
10 law.

1 11A:7-10. Citation by Governor for attaining affirmative action
2 results. State agencies which achieve outstanding affirmative action
3 results shall be cited by the Governor for their efforts.

1 11A:7-11. Equal Employment Opportunity Advisory Commis-
2 sion; creation. There is established in the department an Equal
3 Employment Opportunity Advisory Commission which shall advise
4 the Division of Equal Employment Opportunity and Affirmative
5 Action and recommend improvements in the State's affirmative
6 action efforts.

1 11A:7-12. Equal Employment Opportunity Advisory Commis-
2 sion; membership; term; vacancy; meetings; executive secretary.
3 The Equal Employment Opportunity Advisory Commission shall
4 consist of 11 members appointed by the Governor, at least six of
5 whom shall be minorities, women and handicapped persons. Con-
6 sideration shall be given to appropriate representation of each
7 group. The remaining members of the commission may be com-
8 prised of State agency heads or their designated representatives.
9 All members of the commission shall be residents of the State.
10 Members shall be appointed for staggered terms of four years but
11 members appointed under section 10 of P. L. 1981, c. 124 (C.
12 11:2D-10) shall continue on the commission for the duration of
13 their respective terms. Each member shall hold office for the term
14 of the appointment and until a successor is appointed. Members

15 may not serve more than two consecutive terms. A vacancy in the
 16 membership of the commission shall be filled by appointment by
 17 the Governor for the remainder of the term. The commission shall
 18 meet at least quarterly to review implementation of this chapter.
 19 The Director of the Division of Equal Employment Opportunity
 20 and Affirmative Action shall serve as executive secretary.

1 11A:7-13. Accommodation for the handicapped and examination
 2 waiver. The commissioner may establish procedures for the reason-
 3 able accommodation of handicapped persons in the employee
 4 selection process for the State and the political subdivisions covered
 5 by this title. Pursuant to rules adopted by the board, the com-
 6 missioner may waive an examination for an applicant who suffers
 7 from a physical, mental or emotional affliction, injury, dysfunction,
 8 impairment or disability which:

9 a. Makes it physically or psychologically not practicable for that
 10 person to undergo the testing procedure for the title for which
 11 applied, but

12 b. Does not prevent that person from satisfactorily performing
 13 the responsibilities of the title under conditions of actual service;
 14 and

15 c. In making such determination, the commissioner may require
 16 the submission of sufficient and appropriate medical documentation.

CHAPTER 8

LAYOFFS

1 11A:8-1 Layoff.

2 11A:8-2 Pre-layoff actions.

3 11A:8-3 Alternatives to layoff.

4 11A:8-4 Appeals.

1 11A:8-1. Layoff. A permanent employee may be laid off for
 2 economy, efficiency or other related reason. The employee shall be
 3 demoted in lieu of layoff whenever possible. A permanent employee
 4 shall receive written 45 days' notice, unless in State government
 5 a greater time period is ordered by the commissioner, which shall
 6 be served personally or by certified mail, of impending layoff or
 7 demotion and the reasons therefor. The notice shall expire 120 days
 8 after service unless extended by the commissioner for good cause.
 9 At the same time the notice is served, the appointing authority shall
 10 provide the commissioner with a list of the names and permanent
 11 titles of all employees receiving the notice. The board shall adopt
 12 rules regarding the order of layoff and employee rights upon re-
 13 commendation by the commissioner. The commissioner shall consult

14 with the advisory board representing labor organizations prior to
15 such recommendation.

1 11A:8-2. Pre-layoff actions. The board shall adopt rules for
2 preventive actions to lessen the possibility of a layoff or demotion
3 of permanent employees.

1 11A:8-3. Alternatives to layoff. The commissioner, in consulta-
2 tion with the advisory committee established pursuant to subsection
3 m. of N. J. S. 11A:2-11, may recommend rules to the board on
4 voluntary reduced work time or other alternatives to layoffs.
5 Employee participation in the program shall not affect special
6 reemployment or retention rights.

1 11A:8-4. Appeals. A permanent employee who is laid off or
2 demoted in lieu of layoff shall have a right to appeal the good faith
3 of such layoff or demotion to the board. Appeals must be filed
4 within 20 days of final notice of such layoff or demotion. The burden
5 of proof in such actions shall be on the employee and rules adopted
6 pursuant to N. J. S. 11A:2-22 would also be applicable to these
7 appeals.

CHAPTER 9

POLITICAL SUBDIVISIONS

- 1 11A:9-1 Application.
2 11A:9-2 Adoption of title; petition.
3 11A:9-3 Adoption of title; question placed on ballot; public
4 notice.
5 11A:9-4 Refusal to comply.
6 11A:9-5 School districts.
7 11A:9-6 Adoption of title; elections.
8 11A:9-7 Results certified.
9 11A:9-8 Consolidation of functions.
10 11A:9-9 Status of employees.
11 11A:9-10 Seniority rights.

1 11:9-1. Application. This title shall apply to any political sub-
2 division to which the provisions of Title 11 of the Revised Statutes
3 and the supplements thereto applied immediately prior to their
4 repeal and to any political subdivision which hereafter adopts the
5 provisions of this title.

1 11A:9-2. Adoption of title; petition. The clerk of any county or
2 municipality not operating under the provisions of this title shall
3 submit the question of adopting the provisions of Title 11A of the
4 New Jersey Statutes to the voters of the county or municipality
5 upon the filing with the clerk of a petition requesting the adoption.

6 The petition shall be signed by the registered voters of the county
7 or municipality equal to 15% of the valid votes cast in the county
8 or municipality during the last general election. Each name shall
9 be signed in ink and the place of residence indicated by street and
10 number or other description sufficient to identify the place. At-
11 tached to each separate paper there shall be an affidavit of the
12 circulator thereof that the circulator, and only the circulator, per-
13 sonally circulated the foregoing paper, that all signatures thereto
14 were made in the circulator's presence, and that the circulator
15 believes them to be genuine signatures of the persons whose names
16 they purport to be. Within 10 days from the date of filing the
17 petition, the clerk shall complete an examination and ascertain
18 whether or not the petition is signed by the requisite number of
19 qualified voters and shall attach to the petition a certificate showing
20 the result of the examination.

1 11A:9-3. Adoption of title; question placed on ballot; public
2 notice. If the petition is sufficient, the clerk shall, 15 days thereafter,
3 give public notice that the question will be submitted to the voters
4 at the next general or municipal election. Public notice includes,
5 but is not limited to, publication in the political subdivision's
6 official newspaper once a week for at least four weeks and
7 posting the notice in five of the most public places in the political
8 subdivision for at least four weeks before the election. The clerk
9 shall also cause the question to be printed upon the ballots to be
10 used at the election.

1 11A:9-4. Refusal to comply. If the clerk refuses or neglects to
2 comply with the provisions of N. J. S. 11A:9-2 and N. J. S. 11A:9-3,
3 a registered voter of the political subdivision or the commissioner
4 may apply to a judge of the Superior Court in the county in which
5 the political subdivision is located for an order directing and com-
6 pelling the submission of the question involved in the petition. The
7 judge shall hear the matter summarily. If the judge finds and
8 determines that the petition is in accordance with law, an appro-
9 priate order shall be issued. Any clerk failing to comply with the
10 order of the court, or any public official, officer, agent or employee,
11 interfering with, or preventing, such clerk from satisfying such
12 order, shall be guilty of a crime of the fourth degree.

1 11A:9-5. School districts. All the provisions of this chapter shall
2 apply to school districts in which the board of education is elected
3 by the voters. School districts shall, in the submission of the ques-
4 tion to the voters, conform to the provisions of this chapter as
5 nearly as possible.

1 11A:9-6. Adoption of title; elections. The method of submitting
 2 the question of the adoption of this title to the voters of a county
 3 or municipality shall conform as nearly as possible to the provisions
 4 of Title 19 of the Revised Statutes relating to the submission of
 5 public questions and when submitted at a school district election
 6 shall conform as nearly as possible to the provisions of Title 18A
 7 of the New Jersey Statutes relating to the submission of public
 8 questions in school districts.

1 11A:9-7. Results certified. The result of the election shall be
 2 certified by the clerk of the political subdivision to the commis-
 3 sioner.

1 11A:9-8. Consolidation of functions. When the functions of two
 2 or more political subdivisions are consolidated, and any one of the
 3 political subdivisions shall be operating under this title at the
 4 time of such consolidation, the other political subdivision or sub-
 5 divisions shall be deemed to have adopted this title with regard to
 6 the combined functions.

1 11A:9-9. Status of employees. Any employee of a political
 2 subdivision who, at the time of adoption of this title, was actively
 3 employed by the political subdivision continuously for a period of
 4 at least one year prior to the adoption of this title, or any employee
 5 who was on an approved leave of absence and had at least one year
 6 of continuous service with the political subdivision prior to the
 7 adoption of the title, and who comes within the career service, shall
 8 continue to hold such position, and shall not be removed except in
 9 accordance with the provisions contained in this title.

1 11A:9-10. Seniority rights. At the time of adoption of this title,
 2 the seniority rights of employees shall be based upon the length of
 3 their continuous service with that political subdivision.

CHAPTER 10

VIOLATIONS AND PENALTIES

- 1 11A:10-1 Disapproval of salary.
- 2 11A:10-2 Criminal violation of title or order.
- 3 11A:10-3 Noncompliance.
- 4 11A:10-4 Action for enforcement.
- 5 11A:10-5 Resident actions.

1 11A:10-1. Disapproval of salary. The board or the commissioner
 2 may disapprove and order the payment stopped of the salary of
 3 any person employed in violation of this title or an order of the
 4 board or commissioner and recover all disapproved salary from
 5 such person. Any person or persons who authorize the payment of

6 a disapproved salary or have employment authority over the
 7 person whose salary has been disapproved may be subject to
 8 penalties, including, but not limited to, the disapproval of their
 9 salaries and payment from their personal funds of improper
 10 expenditures of the moneys as may be provided by the rules of
 11 the board. This section shall not be limited by the amounts set
 12 forth in N. J. S. 11A:10-3.

1 11A:10-2. Criminal violation of title or order. Any person who
 2 purposefully or knowingly violates or conspires to violate any
 3 provision of this title or board or commissioner order shall be
 4 guilty of a crime of the fourth degree.

1 11A:10-3. Noncompliance. The board or the commissioner may
 2 assess all administrative costs incurred under N. J. S. 11A:4-5.
 3 Other costs, charges and fines of not more than \$10,000.00 may be
 4 assessed for noncompliance or violation of this title or any order
 5 of the board or commissioner.

1 11A:10-4. Action for enforcement. The board, the commissioner,
 2 or other party in interest may bring an action in the Superior
 3 Court for the enforcement of this title or an order of the board or
 4 commissioner.

1 11A:10-5. Resident actions. Any resident shall have standing to
 2 enjoin payments in the Superior Court and require recovery of
 3 remuneration paid in violation of this title in the jurisdiction of
 4 residence, from the individuals signing, countersigning, authorizing
 5 or having employment authority for the payments. Moneys re-
 6 covered in the action shall be paid from the personal funds of
 7 those individuals and shall be paid to the State Treasurer or the
 8 treasurer of the political subdivision as appropriate. The resident
 9 shall be entitled to receive not more than 25% of the amount
 10 recovered and reasonable attorney fees at the discretion of the
 11 court.

CHAPTER 11

AGENCY TRANSFER

- 1 11A:11-1 Commissioner of Personnel and Merit System Board.
- 2 11A:11-2 Department of Personnel.
- 3 11A:11-3 Names.
- 4 11A:11-4 Rules.
- 5 11A:11-5 Pending actions.
- 6 11A:11-6 Transfer.

1 11A:11-1. Commissioner of Personnel and Merit System Board.
 2 The President of the Civil Service Commission on the effective

3 date of this act shall become the Commissioner of Personnel and
 4 the remaining members of the Civil Service Commission on the
 5 effective date of this act shall continue as members of the Merit
 6 System Board for the duration of their current terms and any
 7 reappointments and until their successors are appointed unless
 8 removed for cause.

1 11A:11-2. Department of Personnel. The Department of Per-
 2 sonnel shall replace the Department of Civil Service. Except as
 3 otherwise stated in this title, all employees of the Department of
 4 Civil Service shall become employees of the Department of Per-
 5 sonnel.

6 In accordance with regulations adopted by the commissioner, the
 7 commissioner may direct the consolidation and coordination of
 8 personnel, training and related functions in the executive branch
 9 of State government and transfer to the Department of Personnel
 10 such employees, positions, funding, equipment, powers, duties and
 11 functions from throughout the executive branch of State govern-
 12 ment to effectuate such consolidation and coordination.

1 11A:11-3. Names. Any law, rule, regulation, judicial or admini-
 2 strative proceeding, appropriation or otherwise which refers to
 3 the Department of Civil Service shall mean the Department of
 4 Personnel; Civil Service Commission shall mean Merit System
 5 Board; and President of the Civil Service Commission or Chief
 6 Examiner and Secretary, or both, shall mean Commissioner of
 7 Personnel.

1 11A:11-4. Rules. All rules of the Civil Service Commission
 2 shall remain in effect except as changed or modified by this title or
 3 board action.

1 11A:11-5. Pending actions. Any action pending on the effective
 2 date of this act shall continue under the prior law and rule.

1 11A:11-6. Transfer. The transfers directed by this title, except
 2 as otherwise provided, shall be made in accordance with the "State
 3 Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

CHAPTER 12

MISCELLANEOUS

- | | | |
|---|----------|------------------------------|
| 1 | 11A:12-1 | Inconsistent laws. |
| 2 | 11A:12-2 | Rights of current employees. |
| 3 | 11A:12-3 | Statutes repealed. |
| 4 | 11A:12-4 | Implementation. |
| 5 | 11A:12-5 | Annual report. |
| 6 | 11A:12-6 | Effective date |

1 11A:12-1. Inconsistent laws. Any law or statute which is incon-
 2 sistent with any of the provisions of this title are to the extent of
 3 the inconsistency hereby superseded, except that the title is not to
 4 be construed either to expand or to diminish collective negotiations
 5 rights existing under the "New Jersey Employer-Employee Rela-
 6 tions Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.).

1 11A:12-2. Rights of current employees. Those employees with
 2 permanent classified status shall obtain permanent status in career
 3 service without loss of seniority or pension rights.

1-4 11A:12-3. Statutes repealed. The following statutes are re-
 5 pealed:

6 Title 11 of the Revised Statutes

7 P. L. 1938, c. 76 (C. 11:2A-1)

8 P. L. 1938, c. 381, s. 10 (C. 11:27-13)

9 P. L. 1939, c. 219 (C. 11:4-3.3)

10 P. L. 1939, c. 232 (C. 11:24A-1 to 11:24A-6)

11 P. L. 1939, c. 322 (C. 11:10-6.1)

12 P. L. 1940, c. 15 (C. 11:4-3.4)

13 P. L. 1940, c. 178 (C. 11:22-11.1)

14 P. L. 1941, c. 91 (C. 11:4-3.5 and 11:4-3.6)

15 P. L. 1941, c. 286 (C. 11:4-3.7)

16 P. L. 1942, c. 65 (C. 11:20A-1)

17 P. L. 1942, c. 137, s. 2 (C. 11:27-1.2)

18 P. L. 1942, c. 253 (C. 11:24A-7)

19 P. L. 1944, c. 65, s. 11 (C. 11:7-10)

20 P. L. 1946, c. 148 (C. 11:24A-6.1 to 11:24A-6.3)

21 P. L. 1946, c. 198 (C. 11:4-3.8 and 11:4-3.9)

22 P. L. 1947, c. 201, ss. 2-4 (C. 11:14-3 to 11:14-5)

23 P. L. 1947, c. 272 (C. 11:20A-2)

24 P. L. 1948, c. 121, ss. 2-4, 9 (C. 11:7-11 to 11:7-14)

25 P. L. 1948, c. 121, ss. 6-8 (C. 11:22-50 to 11:22-52)

26 P. L. 1948, c. 165 (C. 11:22-44.1 to 11:22-44.3)

27 P. L. 1948, c. 257 (C. 11:21-5.1)

28 P. L. 1948, c. 435 (C. 11:4-3.10)

29 P. L. 1948, c. 466 (C. 11:22-44.4 and 11:22-44.5)

30 P. L. 1950, c. 235 (C. 11:26B-1 to 11:26B-3)

31 P. L. 1951, c. 278 (C. 11:21-5.2)

32 P. L. 1951, c. 279 (C. 11:21-4.1)

33 P. L. 1952, c. 27 (C. 11:11-4)

34 P. L. 1952, c. 302 (C. 11:26C-1 to 11:26C-3)

35 P. L. 1952, c. 309 (C. 11:27-1.3)

36 P. L. 1952, c. 322, ss. 1 and 2 (C. 11:15-9 and 11:15-10)

- 37 P. L. 1952, c. 323, ss. 1 and 2 (C. 11:22-10.1 and 11:22-10.2)
- 38 P. L. 1953, c. 125 (C. 11:2C-1 to 11:2C-9)
- 39 P. L. 1953, c. 193 (C. 11:14-1.1)
- 40 P. L. 1953, c. 238 (C. 11:4-3.11)
- 41 P. L. 1953, c. 239 (C. 11:4-3.12)
- 42 P. L. 1953, c. 430 (C. 11:4-3.13 and 11:4-3.14)
- 43 P. L. 1954, c. 182 (C. 11:4-3.15)
- 44 P. L. 1954, c. 232 (C. 11:21-3.1)
- 45 P. L. 1955, c. 188 (C. 11:26C-4)
- 46 P. L. 1959, c. 88, s. 2 (C. 11:24A-1.1)
- 47 P. L. 1961, c. 18 (C. 11:26D-1)
- 48 P. L. 1962, c. 195 (C. 11:14-1.2)
- 49 P. L. 1962, c. 196 (C. 11:24A-1.2)
- 50 P. L. 1964, c. 169 (C. 11:27-1.4 and 11:27-1.5)
- 51 P. L. 1965, c. 46 (C. 11:21-5.3)
- 52 P. L. 1967, c. 199, s. 2 (C. 11:22-10.3)
- 53 P. L. 1968, c. 437 (C. 11:26C-5)
- 54 P. L. 1971, c. 1 (C. 11:21-4.2 and 11:21-4.3)
- 55 P. L. 1971, c. 153 (C. 11:1-20 to 11:1-24)
- 56 P. L. 1971, c. 274 (C. 11:1-25 to 11:1-28)
- 57 P. L. 1972, c. 74 (C. 11:14-6 to 11:14-8)
- 58 P. L. 1973, c. 130 (C. 11:14-9 to 11:14-17)
- 59 P. L. 1977, c. 160 (C. 11:24A-8 and 11:24A-9)
- 60 P. L. 1977, c. 261 (C. 11:9-10.1)
- 61 P. L. 1978, c. 81, s. 2 (C. 11:22-2.1)
- 62 P. L. 1978, c. 99 (C. 11:14-18)
- 63 P. L. 1978, c. 147 (C. 11:22-44.6)
- 64 P. L. 1980, c. 134 (C. 11:22-34.1)
- 65 P. L. 1981, c. 92 (C. 11:21-5.4)
- 66 P. L. 1981, c. 124 (C. 11:2D-1 to 11:2D-10)
- 67 P. L. 1981, c. 204 (C. 11:9-15 to 11:9-18)
- 68 P. L. 1981, c. 205 (C. 11:23-10 to 11:23-13)
- 69 P. L. 1981, c. 439 (C. 11:22-10.4)
- 70 P. L. 1981, c. 545, s. 3 (C. 11:21-9.1)
- 71 P. L. 1982, c. 181, ss. 2, 1 (C. 11:1-1.1 and C. 11:2-8)
- 72 P. L. 1983, c. 167 (C. 11:22-44.7 and 11:22-44.8)
- 73 P. L. 1983, c. 178 (C. 11:27-4.1)
- 74 P. L. 1983, c. 252 (C. 11:4-3.16)
- 75 P. L. 1983, c. 319 (C. 11:9-17.1)
- 76 P. L. 1984, c. 32 (C. 11:21-4.4)
- 77 P. L. 1984, c. 143 (C. 11:22-3.1)
- 78 P. L. 1984, c. 204 (C. 11:22-44.9 and 11:22-44.10)

79 P. L. 1985, c. 339 (C. 11:24A-2.1)

80 P. L. 1985, c. 484 (C. 11:21-5.5)

1 11A:12-4. Implementation. There is appropriated from the
2 General Fund to the Department of Personnel \$250,000.00 to imple-
3 ment this act.

1 11A:12-5. Annual report. One year from the effective date of
2 this act, the department shall provide a report to the Legislature
3 detailing its progress, and reporting on subjects including, but not
4 limited to:

5 a. The overall size and the number of career and non-career
6 employees in the senior executive service, the number of senior
7 executive service employees assigned to each principal depart-
8 ment, and the progress of programs governing selection, place-
9 ment, transfer, development, compensation, separation and per-
10 formance appraisal of senior executive service employees;

11 b. Progress made in establishing, consolidating and abolishing
12 titles as provided in subsection b. of N. J. S. 11A:3-1;

13 c. Progress made in reducing the number of provisional em-
14 ployees through the examination process;

15 d. The uses and effects of the commissioner's authority to
16 delegate responsibilities as provided in N. J. S. 11A:2-12; and

17 e. The overall effects of this act on employee rights and per-
18 formance and the role of collective negotiations units in per-
19 sonnel policies.

20 The report shall include separate reports on these and other
21 subjects from the commissioner and the board, and separate re-
22 ports from each of the advisory boards regarding their respective
23 areas as provided for in subsection m. of N. J. S. 11A:2-11.

1 11A:12-6. Effective date. This act shall take effect immediately
2 and any actions necessary to implement this act may be taken
3 any time thereafter. General implementation is to be completed
4 no later than 12 months following enactment.

STATE EMPLOYEES AND CIVIL SERVICE

Repeals the current Civil Service statutes and enacts new Title
11A, establishing a new Department of Personnel.

SENATE, No. 1567

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1986

By Senator PALLONE

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT to regulate the employment, tenure and discharge of certain State employees and certain employees of political subdivisions; to establish a Department of Personnel as a principal department in the Executive Branch of State Government; to add a Title 11A to the New Jersey Statutes; to repeal Title 11 of the Revised Statutes and other acts; and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

TITLE 11A
CIVIL SERVICE

CHAPTER 1
General Provisions

1 11A:1-1. Short title. This title shall be known and may be cited
2 as the "Civil Service Act."

1 2. 11A:1-2. Declaration of Policy. The Legislature finds and
2 declares that:

3 It is the public policy of this State to encourage and reward
4 meritorious performance by employees in the public service and
5 to provide a modern personnel management system based on merit
6 principles for the State and the political subdivisions covered by
7 this Title; and

8 It is the public policy of this State to ensure equal employment
9 opportunity at all levels of the public service.

- 1 11A:1-3. Merit principles. The purpose of this title is to ensure
2 the following merit principles:
- 3 a. Selection and advancement of employees on the basis of their
4 relative knowledge, skills, abilities, and length of service.
 - 5 b. Improvement in employee performance through training and
6 education;
 - 7 c. Retention of employees on the basis of the adequacy of their
8 performance;
 - 9 d. Nondiscriminatory treatment of applicants and employees in
10 all aspects of personnel administration with proper regard for
11 their privacy and constitutional rights; and
 - 12 e. Protection of employees from arbitrary action, personal fav-
13 oritism and political coercion.

CHAPTER 2

DEPARTMENT OF PERSONNEL

ARTICLE 1

Organization

- 1 11A:2-1. Department of Personnel created. There is established
2 in the Executive Branch of State Government a principal depart-
3 ment which shall be known as the Department of Personnel which
4 shall consist of a Merit System Board, a Commissioner of Personnel
5 and such subdivisions and officers and employees as specifically
6 referred to in this title and as may be constituted or employed by
7 virtue of the authority conferred by this or any other law.
- 1 11A:2-2. Implementation. The department shall implement and
2 enforce the merit principles set forth in N. J. S. 11A:1-3.

ARTICLE 2

Merit System Board

- 1 11A:2-3. Members. The Merit System Board shall consist of
2 five members, one of whom shall serve as the chairperson. Four
3 members shall be appointed by the Governor with the advice and
4 consent of the Senate for staggered terms of four years and until
5 the appointment and qualification of their successors. The fifth
6 member shall be elected at large by the employees covered by the
7 various divisions of Title 11A. Three members of the board shall
8 constitute a quorum. All members of the board must possess
9 experience or knowledge, or both, in the field of labor relations
10 or personnel management. No more than three of the five members
11 shall be of the same political party. The holding over of an
12 incumbent beyond the expiration of the term of office shall reduce,

13 in commensurate length, the term of office of a successor. Vacancies
14 shall be filled for the unexpired term in the same manner as
15 original appointments. No member, except the elected member,
16 may hold any other public office or position.

1 11A:2-4. Removal of a board member. A board member other
2 than the elected board member may be removed from office by the
3 Governor for inefficiency, neglect of duty or misconduct in office
4 after a copy of the charges and an opportunity to be publicly heard,
5 in person or by counsel, upon not less than 10 days' written notice
6 has been given. A statement of the findings of the Governor and
7 the reasons for such action shall be filed with the Secretary of
8 State. A board member removed from office shall be entitled to
9 receive compensation only up to the date of the removal. The
10 elected board member may be recalled by a majority vote of the
11 employees who elected the board member.

1 11A:2-5. Compensation. A board member shall receive a salary
2 as fixed by law and shall also be entitled to sums incurred for
3 necessary expenses.

1 11A:2-6. Powers and duties. In addition to other powers and
2 duties vested in it by this title or by any other law, the board shall
3 for those workers not covered by a collective bargaining agreement:

4 a. After a hearing held by the board, a board member or a
5 hearing officer selected by the board, render the final administrative
6 decision on appeals concerning permanent career service employees
7 or those in their working test period in the following categories:

8 (1) Removal;

9 (2) Suspension as prescribed in N. J. S. 11A:2-14; and

10 (3) Disciplinary demotion.

11 b. On a review of the written record, render the final administra-
12 tive decision on other appeals except for those matters listed or
13 delegated to the commissioner pursuant to subsection i. of
14 11A:2-12;

15 c. Appoint and compensate hearing officers;

16 d. Provide interim remedies or relief in a pending appeal where
17 warranted;

18 e. Adopt and enforce rules to carry out this title and to effectively
19 implement a comprehensive personnel management system;

20 f. Adopt and enforce rules governing the conduct of hearings
21 and appeals;

22 g. Adopt rules for the reasonable assessment of costs for special
23 or other services;

24 h. Interpret the application of this title to any public body or
25 entity; and

26 i. Authorize and conduct such studies, inquiries, investigations
27 or hearings in the operation of this title as it deems necessary.

1 11A:2-7. Where a majority representative represents a group
2 or groups of workers, the rules and regulations of the Department
3 of Personnel shall not apply except as minimum standards. The
4 employer and the union shall negotiate on all matters referred to
5 under 11A:2-6, except subsections h. and i. including disciplinary
6 review procedures.

1 11A:2-8. Subpenas, oaths. The commissioner, board or a hear-
2 ing officer appointed by the board may subpoena and require the
3 attendance of witnesses in this State and the production of evidence
4 or documents relevant to any proceeding under this title. Such
5 persons may also administer oaths and take testimony. Subpenas
6 issued under this section shall be enforceable in the Superior Court.

ARTICLE 3

Commissioner of Personnel

1 11A:2-9. Commissioner of Personnel. The Governor shall, with
2 the advice and consent of the Senate, appoint a Commissioner of
3 Personnel who shall be the chief executive of the department. The
4 commissioner shall give full-time to the duties of this office and shall
5 hold no other public office or position.

1 11A:2-10. Term. The commissioner shall serve at the pleasure
2 of the Governor.

1 11A:2-11. Compensation. The commissioner shall receive a sal-
2 ary as fixed by law and shall also be entitled to sums incurred for
3 necessary expenses.

1 11A:2-12. Powers and duties of the commissioner. In addition
2 to other powers and duties vested in the commissioner by this title
3 or any other statute, the commissioner:

4 a. Shall be the principal executive and request officer of the de-
5 partment allocating the functions, activities and appropriations of
6 the department among such departmental subdivisions as the com-
7 missioner may establish;

8 b. May appoint one deputy commissioner who shall be in the
9 unclassified service and may appoint other necessary employees;

10 c. Shall maintain a management information system necessary to
11 carry out the provisions of this title;

12 d. Shall have the authority to audit payrolls, reports or trans-
13 actions for conformity with the provisions of this title;

14 e. Shall plan, evaluate, administer and implement personnel pro-
15 grams and policies in State government and political subdivisions
16 operating under this title;

- 17 f. Shall establish and supervise the selection process and em-
18 ployee performance evaluation procedures;
- 19 g. Shall develop programs to improve efficiency and effectiveness
20 of the public service, including but not limited to, employee train-
21 ing, development, assistance, and incentives;
- 22 h. Shall negotiate in good faith with the majority representative
23 of recognized collective bargaining units. On matters subject to
24 the collective bargaining process relating to wages, hours, working
25 conditions and the terms and conditions of employment, the commis-
26 sioner shall meet and negotiate in good faith with the majority
27 representative of recognized collective bargaining units. Proposed
28 new rules or modifications of existing rules governing working
29 conditions shall be negotiated with the majority representative
30 before they are established:
- 31 i. Shall render for workers not represented by a union, the final
32 administrative decision on a written record on all appeals from
33 classification, salary, layoff rights and noncontractual grievances.
34 The board may also delegate to the commissioner final review of
35 other types of administrative appeals. Appeals for workers cover-
36 ed by a collective bargaining agreement shall be handled in accor-
37 dance with the provisions of the negotiated agreement;
- 38 j. Shall provide for a public employee interchange program
39 pursuant to P. L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide
40 for an employee interchange program between public and private
41 sector employees;
- 42 k. May establish an internship program;
- 43 l. Shall assist the Governor in general workforce planning and
44 personnel matters;
- 45 m. Shall establish and consult with advisory boards representing
46 political subdivisions, personnel officers, labor organizations and
47 other appropriate groups;
- 48 n. Shall make an annual report to the Governor and Legislature
49 and such other special or periodic reports as may be required; and
- 50 o. Shall recommend for workers not covered by collective bargain-
51 ing agreements, rules to the board for the implementation of this
52 title.

ARTICLE 4

Appeals

- 1 11A:2-13. Opportunity for hearing. Before any disciplinary ac-
2 tion in subsection a. of N. J. S. 11A:2-6 is taken against a perma-
3 nent employee in the career service or a person serving a working
4 test period, the employee shall be notified in writing and a hearing

5 shall be held before the appointing authority or its designated rep-
6 resentative. Such hearing shall be held within 30 days of the notice
7 of disciplinary action unless both parties consent to an adjournment
8 to a later date.

9 This section shall not prohibit the immediate suspension of an
10 employee without a hearing if the appointing authority determines
11 that the employee is unfit for duty or a hazard to any person if
12 allowed to remain on the job. Where a suspension is based on a
13 formal charge of a crime of the first, second or third degree, or a
14 crime of the fourth degree if committed on the job or directly related
15 to the job, the suspension may continue until a disposition of the
16 charge.

17 The provisions of N. J. S. 2C:51-2 notwithstanding, when an
18 employee in State service has been convicted of an offense, the
19 appointing authority shall determine whether removal or other
20 disciplinary action is warranted, and the determination shall be
21 subject to review by the board in accordance with the provisions
22 of N. J. S. 11A:2-14.

1 11A:2-14. Notice to employee of right to appeal. Within 20 days
2 of the hearing provided in N. J. S. 11A:2-13, the appointing author-
3 ity shall make a final disposition of the charges against the employee
4 and shall furnish the employee with written notice. If the appoint-
5 ing authority determines that the employee is to be removed, de-
6 moted or receive a suspension, the employee shall have a right to
7 appeal to the board, or in accordance with a negotiated agreement
8 if the worker is represented by a union.

1 11A:2-15. Appeal procedure. Any appeal from adverse actions
2 specified in N. J. S. 11A:2-13 shall be either in accordance with a
3 negotiated agreement or made in writing to the board no later than
4 20 days from receipt of the final written determination of the ap-
5 pointing authority.

1 11A:2-16. Representation. An employee may be represented at
2 any hearing before an appointing authority or the board by an
3 attorney or authorized union representative.

1 11A:2-17. Authority of the board. The board may decrease the
2 penalty imposed by the appointing authority or substitute another
3 in its place except as provided in N. J. S. 11A:2-15. However,
4 removal shall not be substituted for a lesser penalty. The board
5 shall award back pay and benefits to an employee where the facts
6 warrant as provided by rule.

1 11A:2-18. Attorney fees. The board may award reasonable
2 attorney fees in disciplinary actions if the circumstances warrant

3 when a hearing under this article results in the total or partial
4 exoneration of the employee.

1 11A:2-19. Forms of disciplinary action. For employees not
2 covered by a collective bargaining agreement the board shall
3 establish by rule the causes which constitute grounds for disci-
4 plinary action and the kinds of disciplinary action which may be
5 taken by appointing authorities against permanent career service
6 employees or those serving in their working test period. However,
7 an appointing authority or the board may not impose a suspension
8 greater than six months except as provided for in N. J. S. 11A :2-13.
9 Discipline of workers covered by a collective bargaining agreement
10 shall be imposed only for just cause. Disciplinary review proce-
11 dures for workers covered by collective bargaining representatives
12 shall be mandatory subjects for collective bargaining.

1 11A:2-20. Burden of proof. Where a career service employee
2 is removed at the end of a working test period for unsatisfactory
3 performance or is laid off or demoted in lieu of layoff, the employer
4 shall have the burden of proof that such removal, layoff or demotion
5 was in good faith. The appointing authority shall have the burden
6 of proving that such removal, layoff, or demotion was for just cause.
7 The appointing authority shall be required to show cause giving
8 the reasons why the employee should be removed, laid off or
9 demoted.

ARTICLE 5

Employee Protection Against Reprisals

1 11A:2-21. An appointing authority shall not take or threaten
2 to take any action against an employee in the career, senior
3 executive or unclassified service in retaliation for an employee's
4 lawful disclosure of information on the violation of any law or
5 rule, governmental mismanagement or abuse of authority.

ARTICLE 6

Political Activity

1 11A:2-22. Political activity limited. No person holding a position
2 in the career service or senior executive service shall directly or
3 indirectly use or seek to use the position to control or affect the
4 political action of another person or engage in political activity
5 during work hours.

CHAPTER 3

Classification, Services and Compensation

1 11A:3-1. Classification. For titles not covered by a collective
2 bargaining agreement the board shall assign and reassign titles
3 among the career service, senior executive service and unclassified
4 service. The commissioner shall, for workers not covered by a
5 collective bargaining agreement:

6 a. Establish, administer, amend and continuously review a State
7 classification plan governing all positions in State service and
8 similar plans for political subdivisions in consultation with the
9 appointing authorities;

10 b. Establish and abolish titles;

11 c. Review State positions to determine their need as vacancies
12 occur;

13 d. Ensure the grouping in a single title of positions with similar
14 qualifications, authority and responsibility;

15 e. Assign and reassign positions to appropriate titles and provide
16 for appeals from such assignment or reassignment; and

17 f. Provide a specification for each title.

18 Where an employee has received a salary overpayment the
19 board shall have the authority to waive recoupment upon a showing
20 by the employee that he or she was without fault with respect to the
21 overpayment and recoupment would create financial hardship. An
22 employee shall have the right to appeal an initial determination
23 that waiver is not warranted pursuant to Article 4 of chapter 2 of
24 this title.

1 11A:3-2. For titles not covered under collective bargaining
2 agreements, the items covered in N. J. S. 11A:3-1 shall be manda-
3 tory subjects for collective negotiations.

1 11A:3-3. Career service. The career service shall have two
2 divisions, the competitive division and the noncompetitive division.
3 The competitive division shall include those positions for which it
4 is practicable to determine the merit and fitness of applicants by
5 competitive procedures. The noncompetitive division shall include
6 those positions for which it is not practicable to secure a sufficient
7 number of eligibles by competitive procedures. The commissioner,
8 after a public hearing, shall assign and reassign titles to each
9 division and may provide for movement, including promotion, of
10 employees from one division to the other.

1 11A:3-4. Senior Executive Service. The senior executive service
2 shall be established in State government and include those positions
3 having substantial managerial, policy influencing or policy execut-

4 ing responsibilities as determined by the board. No title represented
 5 by a collective bargaining agreement shall be allocated to the senior
 6 executive service. The board shall adopt rules providing for the
 7 selection, placement, transfer, development, compensation, separa-
 8 tion and performance appraisal of senior executive service and this
 9 service shall not be subject to the provisions of this title unless
 10 otherwise specified. The senior executive service shall include
 11 non-career and career service employees. The number of non-
 12 career employees shall not exceed 15% of the entire senior execu-
 13 tive service workforce.

14 Employees holding permanent career service status in a title at
 15 the time it is assigned to the senior executive service shall have the
 16 option of continuing in that title in the career service. Permanent
 17 career service employees who are removed from the senior execu-
 18 tive service for other than disciplinary reasons after hearing
 19 shall have a right to a position in the career service in a title
 20 related to the duties of their former permanent title and at a salary
 21 not less than that received in their permanent title immediately
 22 prior to their entry into the senior executive service.

1 11A :3-5. State unclassified service. The State unclassified service
 2 shall not be subject to the provisions of this title unless otherwise
 3 specified and shall include the following:

- 4 a. Appointments of the Governor;
- 5 b. Department heads and members of boards and commissions
6 authorized by law;
- 7 c. Employees in the Legislative branch of State government;
- 8 d. Heads of institutions;
- 9 e. Employees serving a term of office fixed by statute or serving
10 at the pleasure of an appointing authority pursuant to statute;
- 11 f. Teachers whose positions require they be licensed or certified;
- 12 g. Assistant and Deputy Attorneys General and legal assistants
13 appointed by the Attorney General;
- 14 h. One secretary and one confidential assistant to each depart-
15 ment head, board, principal executive officer and commission
16 provided that such is essential to the work of the department,
17 board, principal executive officer or commission;
- 18 i. Employees in the military or naval service of the State; and
- 19 j. Students employed less than half time in educational institu-
20 tions.

21 No other grouping of employees shall be allocated to the un-
 22 classified service.

23 All persons in unclassified titles which are not in the management
 24 employee relations grouping shall acquire permanent status and

25 access to all appeal procedures after six months, other preexisting
26 statutes and rulings to the contrary notwithstanding.

1 11A:3-6. Political subdivision unclassified service. The political
2 subdivision unclassified service shall not be subject to the provi-
3 sions of this title unless otherwise specified and shall include the
4 following:

- 5 a. Elected officials;
- 6 b. One secretary and one confidential assistant to each mayor;
- 7 c. Members of the boards and commissions authorized by law;
- 8 d. Heads of institutions other than correctional institutions;
- 9 e. Employees serving a term of office fixed by statute or serving
10 at the pleasure of an appointing authority pursuant to statute;
- 11 f. Teachers whose positions require they be licensed or certified;
- 12 g. Principal executive officers;
- 13 h. One secretary, clerk or executive director to each department,
14 board and commission authorized by law to appoint such;
- 15 i. One secretary or clerk to each principal executive officer and
16 judge provided that such is essential to the work of the principal
17 executive officer or judge;
- 18 j. One deputy or first assistant to a principal executive officer
19 who is authorized by statute to act for and in place of the principal
20 executive officer;
- 21 k. No more than 12 department heads in counties organized
22 pursuant to P. L. 1972, c. 154 (C. 40:41A-1 et seq.) and the heads
23 of divisions within such departments provided that the total num-
24 ber of unclassified positions created by the county administrative
25 code pursuant to this subsection shall not exceed 20;
- 26 l. No more than 12 department heads in counties not organized
27 pursuant to P. L. 1972, c. 154 (C. 40:41A-1 et seq.);
- 28 m. One secretary or confidential assistant to each unclassified
29 department head;
- 30 n. One secretary or confidential assistant to each unclassified
31 division head if so provided in the administrative code of any
32 county organized pursuant to P. L. 1972, c. 154 (C. 40:41A-1 et
33 seq.);
- 34 o. Employees of county park commissions appointed pursuant
35 to R. S. 40:37-96 through R. S. 40:37-174 in counties of the second
36 class;
- 37 p. Directors of free public libraries in cities of the first class
38 having a population of more than 300,000;
- 39 q. One secretary or confidential assistant to each county free-
40 holder;

41 r. In school districts organized pursuant to which N. J. S.
 42 18A:17-1 et seq. applies, the executive controller, public informa-
 43 tion officer and the executive directors of board affairs, personnel,
 44 budget, purchasing, physical facilities, data processing, financial
 45 affairs, and internal audits; and

46 s. The executive director, assistant executive director, director
 47 of staff operations, director of administration, director of redevel-
 48 opment and the urban initiatives coordinator of a local housing
 49 authority.

50 All persons in unclassified titles which are not in the manage-
 51 ment employee relations unit shall acquire permanent status and
 52 access to appeal procedures after six months, other pre-existing
 53 statutes and rulings to the contrary notwithstanding.

1 11A:3-7. Employee compensation. The commissioner shall, for
 2 workers not covered by a collective bargaining agreement, estab-
 3 lish, administer and amend an equitable State employee compensa-
 4 tion plan which shall include pay schedules and assignment and
 5 reassignment of salaries to titles. The board shall adopt rules for
 6 salary adjustments other than as provided for in the State com-
 7 pensation plan for the career, senior executive and unclassified
 8 services. The commissioner shall require that employees of politi-
 9 cal subdivisions are paid in reasonable relationship to titles. The
 10 majority representative of workers covered by a collective bargain-
 11 ing agreement shall negotiate a compensation plan with the ap-
 12 pointing authority.

1 11:3-8. Payroll audits. The commissioner may audit State pay-
 2 roll and payrolls of political subdivisions to determine compliance
 3 with this title. The commissioner may order and enforce immediate
 4 compliance as necessary. No employee shall be paid a base salary
 5 below the minimum or above the maximum established salary for
 6 the employee's title.

CHAPTER 4

Selection and Appointment

1 11A:4-1. Examinations. The board shall provide for:

- 2 a. The announcement and administration of examinations which
- 3 shall test fairly the knowledge, skills and abilities required to satis-
- 4 factorily perform the duties of a title or group of titles. Such ex-
- 5 aminations may include, but are not limited to, written, oral, per-
- 6 formance and evaluation of education and experience;
- 7 b. The rating of examinations;
- 8 c. The security of the examination process and appropriate sanc-
- 9 tions for a breach of security;

10 d. The selection of special examiners to act as subject matter
11 specialists or to provide other assistance. Employees of the State
12 or political subdivisions may be so engaged as part of their official
13 duties during normal working hours with the approval of their ap-
14 pointing authority. Extra compensation may be provided for such
15 service outside normal working hours; and

16 e. The right to appeal adverse actions relating to the examina-
17 tion and appointment process which shall include rejection of an
18 application, failure of an examination and removal from an eligible
19 list.

1 11A:4-2. Admission to examinations. If it appears that an eligi-
2 ble list is not likely to provide full certification for existing or
3 anticipated vacancies from among qualified residents of this State,
4 or of political subdivisions where required by law, the commissioner
5 may admit other qualified applicants. Where residency preference
6 is granted pursuant to any other statute, the commissioner at the
7 request of a political subdivision may limit applicants to such
8 classes as are necessary to establish a sufficient pool of eligibles.

1 11A:4-3. Eligible lists and certifications. The board shall pro-
2 vide for:

- 3 a. The establishment and cancellation of eligible lists;
- 4 b. The certification of an eligible list to positions in other appro-
5 priate titles; and
- 6 c. The consolidation of eligible lists which may include, but is not
7 limited to, the combining of names of eligibles by scores.

1 11A:4-4. Use of eligible list. Once the examination process has
2 been initiated due to the appointment of a provisional or an
3 appointing authority's request for a list to fill a vacancy, the
4 affected appointing authority shall be required to make appoint-
5 ments from said list if there is a complete certification unless
6 otherwise permitted by the commissioner for valid reason such as
7 fiscal constraints. If the commissioner permits an appointing
8 authority to leave a position vacant in the face of a complete list,
9 the commissioner may order the appointing authority to reimburse
10 the department for the costs of the selection process.

1 11A:4-5. Duration of lists. The commissioner shall set the
2 duration of an eligible list which shall be no more than three years
3 from the date of its establishment, except that it may be extended
4 for good cause providing no list shall have a duration of more than
5 five years. Notwithstanding the duration of a list, the commissioner
6 may revive a list to implement a court order or decision of the
7 board or commissioner in the event of a successful appeal instituted
8 during the life of the list or to correct an administrative error. The

9 commissioner may revive a list at the request of an appointing
10 authority to effect the appointment of an eligible whose working
11 test period was terminated by a layoff.

1 11A:4-6. Exceptions to duration of a list. Notwithstanding the
2 provisions of N. J. S. 11A:4-5, a special reemployment list, a police
3 reemployment list and a fire reemployment list shall have unlimited
4 duration.

1 11A:4-7. Certification and appointment. The commissioner shall
2 certify the eligible who has received the highest score on an open
3 competitive list against the first provisional or vacancy. For each
4 additional provisional or vacancy against whom a certification is
5 issued at that time, the commissioner shall certify the next ranked
6 eligible, except that if the Division of Affirmative Action, the
7 United States Equal Employment Opportunity Commission, the
8 New Jersey Division on Civil Rights, or other appropriate agency,
9 certifies that the area or appointing authority has been demonstra-
10 bly deficient in the hiring and retention of members of protected
11 classes, or it is under court order or consent order requiring the
12 fulfillment of certain goals, or the cessation and desistance from
13 certain employment practices with regard to protected classes and
14 the composition of the pool of persons who have passed the test is
15 such that the rule of three would benefit affirmative action, then
16 three eligibles may be certified for each vacancy until the appointing
17 authority or area is in substantial compliance with the law.

1 11A:4-8. Types of eligible lists. The commissioner may establish
2 the following types of eligible lists:

3 a. Open competitive, which shall include all qualified eligibles
4 without regard to whether they are currently employed by the State
5 or a political subdivision;

6 b. Promotional, which shall include qualified permanent eligibles;

7 c. Regular reemployment, which shall include former permanent
8 employees who resigned in good standing and whose reemployment
9 is certified by the appointing authority as in the best interest of the
10 service. The name of any such employee shall not remain on a
11 reemployment list for more than three years from the date of
12 resignation, unless otherwise extended pursuant to N. J. S.
13 11A:4-5;

14 d. Police or fire reemployment, which shall include former perma-
15 nent uniformed members of a police or fire department who have
16 resigned in good standing and whose reemployment is certified by
17 the appointing authority as in the best interest of the service; and

18 e. Special reemployment, which shall include permanent em-
19 ployees laid off or demoted in lieu of layoff from permanent titles.

1 11A:4-9. Arrests and criminal records. Eligibles may be ques-
2 tioned as to criminal convictions and pending criminal charges.

3 Eligibles for a law enforcement or correction officer title may also
4 be questioned as to any arrest.

1 11A:4-10. Removal on criminal record. Upon the request of an
2 appointing authority, the commissioner may remove an eligible with
3 a criminal record from a list when the criminal record includes a
4 conviction for a crime which adversely relates to the employment
5 sought. The following factors shall be considered in such determina-
6 tion:

7 a. Nature and seriousness of the crime;

8 b. Circumstances under which the crime occurred;

9 c. Date of the crime and age of the eligible when the crime was
10 committed;

11 d. Whether the crime was an isolated event;

12 e. Social conditions which may have contributed to the crime; and

13 f. Evidence of rehabilitation.

14 The presentation to an appointing authority of a pardon or
15 expungement shall prohibit an appointing authority from rejecting
16 an eligible based on such criminal conviction.

17 Notwithstanding other provisions of this section, an eligible on
18 a list for a law enforcement or correction officer title may be
19 removed for criminal conviction at the request of an appointing
20 authority unless the request is a clear abuse of discretion.

1 11A:4-11. Priority of lists. When more than one list exists, the
2 priority of lists shall be as follows:

3 a. Special reemployment when the available position is in the
4 department from which the eligible was laid off or demoted in lieu
5 of layoff;

6 b. Promotional;

7 c. Special reemployment when the available position is located
8 in a department other than that from which the eligible was laid
9 off or demoted;

10 d. Regular reemployment, police reemployment or fire reemploy-
11 ment; and

12 e. Open competitive.

1 11A:4-12. Types of appointment. The board shall provide for
2 the following types of appointment:

3 a. Regular appointments shall be to a title in the competitive
4 division of the career service upon examination and certification or
5 to a title in the noncompetitive division of the career service upon
6 appointment. Such appointments shall be permanent after satis-
7 factory completion of a working test period;

8 b. Provisional appointments shall be made only in the com-
9 petitive division of the career service and only in the absence of a
10 complete certification if the appointing authority certifies that in
11 each individual case the appointee meets the minimum qualifica-
12 tions for the title at the time of appointment and that failure to
13 make a provisional appointment will seriously impair the work of
14 the appointing authority.

15 (1) All provisional promotions shall be offered to eligible per-
16 sons in direct order of State seniority.

17 (2) The commissioner shall establish an escrow account for per-
18 sons appointed provisionally and who are not members of the re-
19 tirement system. The appointee and the employer shall make
20 pension contribution into the account until the employee is made
21 permanent and the contributions are paid. If the employee is
22 terminated before the money is paid into the pension fund, the
23 employee may request a refund in writing. Interest from the escrow
24 account shall be used to fund activities whose effect will reduce
25 the number of provisional employees including, but not limited to,
26 paying for the writing and administration of examination.

27 (3) To reduce the number of provisional employees in open com-
28 petitive titles, when a vacancy occurs where there is no eligible list
29 or complete certification, the appointing authority shall seek from
30 the department an authorized supplemental eligibility list. This
31 list shall be composed of names of persons on eligibility lists for
32 titles with qualifications identical or substantially similar to the
33 title for which there is no eligibilty list of complete certification.
34 Only after the authorized supplemental eligibility list is exhausted
35 may the appointing authority proceed under paragraph (1) of this
36 subsection.

37 The authorized supplemental eligibility lists shall be compiled
38 by a panel of an equal number of members from the department,
39 the majority representatives where there are any in proportion to
40 the number of persons represented in the affected units and a
41 representative from the department in which the original title was
42 located. Authorized supplemental eligibility lists shall not be re-
43 stricted to the department in which the original title was located;

44 c. Temporary appointments may be made for a maximum of six
45 months, without regard to the provisions of this chapter, to tem-
46 porary positions established as a result of a short term grant. Ap-
47 pointees to temporary positions shall meet the minimum qualifica-
48 tions of a title;

49 d. Emergency appointments shall not exceed 30 days and shall

50 only be permitted where nonappointment will result in substantial
51 harm to persons or property;

52 e. Senior executive service appointments shall be made pursuant
53 to N. J. S. 11A:3-4; and

54 f. Unclassified appointments shall be made pursuant to N. J. S.
55 11A:3-5 and N. J. S. 11A:3-6.

1 11A:4-13. Promotion. The rules of the board shall establish the
2 minimum qualifications for promotion and shall provide the candi-
3 dates deemed capable through testing shall be appointed according
4 to State seniority.

1 11A:4-14. Working test period. The purpose of the working test
2 period is to permit an appointing authority to determine whether
3 an employee satisfactorily performs the duties of a title. The
4 board shall provide for:

5 a. A working test period following regular appointment for no
6 less than three months and no more than six months except that
7 the working test period for entry level law enforcement officer,
8 correction officer and firefighter titles shall be for 12 months;

9 b. The extension of the working test period for good cause pro-
10 vided that the total duration shall not exceed 12 months;

11 c. Progress reports to be made by the appointing authority and
12 provided to the employee at the end of $\frac{1}{3}$ and $\frac{2}{3}$ of the working
13 test period. A final progress report at the end of the entire work-
14 ing test period shall be provided to the employee and the com-
15 missioner;

16 d. Termination of an employee at the end of the working test
17 period and termination of an employee for cause during the work-
18 ing test period; and

19 e. The retention of permanent status in the lower title by a pro-
20 moted employee during the working test period in the higher title
21 and the right to return to such permanent title if the employee does
22 not satisfactorily complete the working test period. Employees
23 removed for cause during a working test period shall not be so
24 returned.

1 11A:4-15. Transfer, reassignment and lateral title change. For
2 workers not represented by a union the rules of the board shall
3 define and establish the procedures for transfer, reassignment and
4 lateral title change. Transfer and reassignment procedures for
5 workers represented by a collective bargaining agreement shall be
6 mandatory subjects in collective bargaining.

CHAPTER 5.

VETERANS PREFERENCE

1 11A:5-1. Definitions.

2 "Appointing authority" means a commission, board, person or
3 group of persons having the power, authorized by law or by reason
4 of a lawfully delegated authority, to make appointments.

5 "War service" means service by a veteran, as hereinafter de-
6 fined, in any war, uprising, insurrection or expedition mentioned
7 in this section during the periods specified.

8 "Veteran with a record of disability incurred in line of duty"
9 means any veteran as hereinafter defined who is eligible under
10 the United States veteran's bureau qualifications for compensation
11 for service-connected disability from World War service or who is
12 receiving or who is entitled to receive equivalent compensation for
13 service-connected disability arising out of such other military or
14 naval service hereinafter defined, and has presented to the board
15 full and convincing evidence of such record of disability incurred in
16 line of duty on or before the announced closing date for filing
17 applications for a particular examination.

18 "Veteran" means any honorably discharged soldier, sailor,
19 marine or nurse who served in any army or navy of the allies of
20 the United States in World War I, between July 14, 1914, and
21 November 11, 1918, or who served in any army or navy of the
22 allies of the United States in World War II, between September
23 1, 1939, and September 2, 1945, and who was inducted into such
24 service through voluntary enlistment, and was a citizen of the
25 United States at the time of such enlistment, and who did not,
26 during or by reason of such service, renounce or lose his United
27 States citizenship, and any soldier, sailor, marine, airman, nurse
28 or army field clerk, who has served in the active military or naval
29 service of the United States and has or shall be discharged or
30 released therefrom under conditions other than dishonorable, in
31 any of the following wars, uprisings, insurrections or expeditions,
32 and who has presented to the board full and convincing evidence
33 of such record of service on or before the announced closing date
34 for filing applications for a particular examination:

35 (1) The Indian wars and uprisings during any of the periods
36 recognized by the War Department of the United States as periods
37 of active hostility;

38 (2) The Spanish-American War between April 20, 1898, and
39 April 11, 1899;

40 (3) The Philippine insurrections and expeditions during the

41 periods recognized by the War Department of the United States
42 as of active hostility from February 4, 1899, to the end of 1913;

43 (4) The Peking relief expedition between June 20, 1900, and
44 May 27, 1902;

45 (5) The army of Cuban occupation between July 18, 1898, and
46 May 20, 1902;

47 (6) The army of Cuban pacification between October 6, 1906,
48 and April 1, 1909;

49 (7) The Mexican punitive expedition between March 14, 1916,
50 and February 7, 1917;

51 (8) The Mexican border patrol, having actually participated
52 in engagements against Mexicans between April 12, 1911, and
53 June 16, 1919;

54 (9) World War I between April 6, 1917, and November 11, 1918;

55 (10) World War II, after September 16, 1940, who shall have
56 served at least 90 days commencing on or before September 2,
57 1945, in such active service, exclusive of any period he was as-
58 signed (1) for a course of education or training under the Army
59 Specialized Training Program or the Navy College Training
60 Program, which course was a continuation of his civilian course
61 and was pursued to completion, or (2) as a cadet or midshipman
62 at one of the service academies; provided, that any person re-
63 ceiving an actual service-incurred injury or disability shall be
64 classed as a veteran whether or not he has completed the 90-day
65 service as herein provided;

66 (11) Korean conflict, after June 23, 1950, who shall have served
67 at least 90 days commencing on or before July 27, 1953, in such
68 active service, exclusive of any period he was assigned (1) for a
69 course of education or training under the Army Specialized
70 Training Program or the Navy College Training Program which
71 course was a continuation of his civilian course and was pursued
72 to completion, or (2) as a cadet or midshipman at one of the service
73 academies, any part of which 90 days was served between said
74 dates; provided, that any person receiving an actual service-
75 incurred injury or disability shall be classed as a veteran whether
76 or not he has completed the 90-day service as herein provided;

77 (12) Vietnam conflict, after December 31, 1960, who shall have
78 served at least 90 days commencing on or before the date of
79 termination as proclaimed by the Governor in such active service,
80 exclusive of any period he was assigned (1) for a course of
81 education or training under the Army Specialized Training Pro-
82 gram or the Navy College Training Program which course was a
83 continuation of his civilian course and was pursued to completion,

84 or (2) as a cadet or midshipman at one of the service academies,
85 any part of which 90 days was served between said dates; and
86 exclusive of any service performed pursuant to the provisions of
87 section 511(d) of Title 10, United States Code, pursuant to an
88 enlistment in the Army National Guard or as a reserve for service
89 in the Army Reserve, Naval Reserve, Air Force Reserve, Marine
90 Corps Reserve, or Coast Guard Reserve; provided, that any person
91 receiving an actual service-incurred injury or disability shall be
92 classed as a veteran whether or not he has completed the 90 days
93 service as herein provided.

1 11A:5-2. Application of chapter. The provisions of this chapter
2 shall apply to the State, and to the counties, municipalities and
3 school districts operating under the provisions of this title.

1 11A:5-3. Wife or widow of veteran or deceased soldier. The
2 spouse of any veteran having a record of disability incurred in
3 line of duty shall be entitled to the same preference under this
4 chapter as the veteran is entitled to, so long as the veteran is not
5 in the service of the State or of any county, municipality or school
6 district operating under the provisions of this title; provided, how-
7 ever, that the veteran, if able to do so, waives, in writing, all
8 preference given to him by this chapter, so long as the spouse is
9 employed by the State or any county, municipality or school dis-
10 trict operating under the provisions of this title.

11 The surviving spouse of any soldier, sailor or marine, who died
12 while in service and who might qualify under this chapter as a
13 veteran if he had not so died, until the surviving spouse remarries,
14 shall be entitled to the same preference under this chapter as if
15 the spouse were a veteran accepted and designated as having a
16 record of disability incurred in line of duty.

17 The surviving spouse of any veteran as defined in this chapter
18 until remarriage shall be entitled to the same preference under
19 this chapter as the veteran would be entitled to if he were still
20 living.

1 11A:5-4. Mother and spouse of soldier, sailor, marine or nurse
2 who died in service. The mother of any soldier, sailor, marine or
3 nurse who died while in service and who might qualify under this
4 chapter as a veteran if he had not so died, shall be entitled to the
5 same preference, under this chapter, as the deceased person would
6 have been entitled to if he had not so died and were still living.
7 Where both a mother and a spouse survive, and both of them are
8 entitled pursuant to law to the preferences to which such deceased
9 person would have been entitled, the exercise of the preference by
10 either of them shall suspend the right of the other to exercise the

11 preference so long as the first to exercise it remains in the employ
12 of the State or any county, municipality or school district operated
13 under the provisions of this title.

1 11A:5-5. Veterans with record of disability incurred in line of
2 duty; name at top of list. Veterans with a record of disability in-
3 curred in line of duty, who shall receive a passing rating in com-
4 petitive examinations or tests as herein provided for entrance into
5 the public service, shall be placed at the top of the employment
6 list in the order of their respective final ratings.

1 11A:5-6. Certification of three candidates highest upon register
2 for position; appointment; exception in case of veterans. The board
3 shall certify to the appointing authority the names and addresses
4 of the three candidates willing to accept employment standing
5 highest upon the register for each position to be filled, and the
6 appointing authority shall select one of the three so certified; pro-
7 vided, however, that whenever the name or names of a veteran
8 or veterans shall be among those certified to the appointing au-
9 thority the choice of the appointing authority shall be limited to
10 the veteran or veterans whose name or names are included in such
11 certification; whenever the names of two or more veterans shall be
12 amongst those certified to the appointing authority, the appointing
13 authority shall appoint the veteran whose standing is the highest
14 on the register for the position to be filled.

1 11A:5-7. Certification of ties in school district; appointment.
2 Notwithstanding any provision of law, rule or regulation to the
3 contrary, if two veterans achieve the same score on an open com-
4 petitive examination for a position in a school district operating
5 under this title, and that score would otherwise qualify either of
6 those veterans for appointment to that position, then the appoint-
7 ing authority for that school district is authorized to appoint either
8 of those veterans, as it sees fit.

1 11A:5-8. Preference to nondisabled veterans. Veterans who
2 shall receive a passing rating in competitive examinations or tests,
3 as herein provided, for entrance into the public service shall be
4 placed on the employment list in the order of their respective final
5 ratings immediately after veterans with a record of disability in-
6 curred in line of duty.

1 11A:5-9. Inapplication of statutes to promotions; proviso. Noth-
2 ing contained in N. J. S. 11A:5-5 to N. J. S. 11A:5-8 shall apply
3 to promotions; provided, however, that whenever any examination
4 for promotions be held and any veteran shall receive the highest
5 certification from among those qualified, before such appointive
6 power shall appoint for promotion any nonveteran, such appointive

7 power shall show cause before the board why such veteran should
8 not receive such promotion.

1 11A:5-10. Preference in appointment in noncompetitive class.
2 From among those eligible for appointment in the noncompetitive
3 class, preference shall be given to any veteran as herein defined.
4 The board shall state in its annual report the number of persons
5 who come within this class and the character of their services.
6 Before the appointive power in such case shall select a nonveteran
7 and leave unappointed any veteran who has been certified as being
8 eligible, such department head shall show cause before the board
9 why such veteran should not be appointed, at which time such
10 veteran or veterans may be privileged to attend and present evi-
11 dence and unless good cause be then shown, the board shall order
12 the immediate appointment of such veteran; providing, however,
13 that in all such cases the veteran with a record of disability in-
14 curred in line of duty shall have preference over all others. The
15 board shall be the sole judge of the facts constituting such qualifi-
16 cations.

1 11A:5-11. Preference to veterans in employ of State, county,
2 municipality or school district in case of reduction. When a reduc-
3 tion is made of the employees in any department of this State or
4 any county, municipality or school district operating under the
5 provisions of this title for the purpose of economy or of promoting
6 the efficiency of the public service, preference, in any such reduc-
7 tion, shall be given to a veteran as herein defined, but such prefer-
8 ence shall apply only where a veteran has seniority equal to the
9 seniority of any other employee also affected by such reduction;
10 provided, however, that preference in any such reduction shall be
11 first given any veteran who shall have a record of disability as
12 herein defined. No such soldier, sailor, marine or nurse shall be
13 given such preference who shall have been convicted of a criminal
14 offense in any civil, military or naval court.

1 11A:5-12. Hearing on dismissal of veteran. Before any depart-
2 ment head shall dismiss any veteran, as provided in section
3 11A:5-11 herein, such department head shall show cause before
4 the board why such veteran should not be retained, at which time
5 such veteran or veterans may be privileged to attend. The board
6 shall be the sole judge of the facts constituting such qualification.

1 11A:5-13. Veterans injured in World War or emergency service
2 not to be discriminated against because of physical defects; waiver
3 of height and weight requirements. No person suffering from any
4 physical defect caused by wounds or injuries received in line of
5 duty in the military or naval forces of the United States in the

6 first or second World War or emergency service set forth in this
7 chapter shall thereby be discriminated against in an examination,
8 classification or appointment because of such defect, unless the
9 same shall, in the opinion of the board, incapacitate him from per-
10 forming properly the duties of the office, position or employment
11 for which he applies.

12 Whenever, in the opinion of the board, strict compliance with any
13 condition relative to height or weight is not essential to the proper
14 fulfillment of any position, it may order a waiver of said require-
15 ments as to veterans applying therefor. The provisions of this
16 paragraph shall apply to both competitive and noncompetitive
17 vacancies.

1 11A:5-14. Employment or promotion of person awarded con-
2 gressional medal of honor, distinguished service cross, air force
3 cross or navy cross. Any soldier, sailor, marine, airman or nurse,
4 who has served in the Army, Air Force, Navy, or Marine Corps
5 of the United States of America, and who has been awarded the
6 Congressional Medal of Honor, the Distinguished Service Cross,
7 Air Force Cross or Navy Cross, while a resident of this State, shall
8 be employed or promoted without complying with any of the rules
9 or regulations of the board. The head or person in charge of any
10 department or subdivision of this State and the various counties
11 and municipalities thereof, to whom such soldier, sailor, marine,
12 airman or nurse as above provided, shall apply for employment or
13 promotion, shall within his discretion employ or promote such per-
14 son, as in his judgment he shall deem proper and necessary for the
15 good of his department. Upon said promotion, appointment or
16 employment, the person shall then become subject to and under
17 the direct supervision, rules and regulations governing such em-
18 ployment by the board.

19 Nothing in this section shall be construed to limit the qualified
20 veteran under this chapter to only one appointment or to only one
21 promotion.

1 11A:5-15. Veteran policemen or firemen in city of first class;
2 examination and promotion. A member of the police or fire depart-
3 ment in a city of the first class who is a veteran as such term is
4 defined in this chapter shall be entitled to be admitted to examina-
5 tion for promotion to a superior rank and upon successfully passing
6 such examination shall be entitled to appointment in such superior
7 rank, notwithstanding the fact that such person may not have held
8 the position or rank held or occupied by him at the time of taking
9 the examination for a period of two years, if he has or shall have
10 held or occupied the same for a period of one year.

1 11A:5-16. Rules and regulations for enforcement of chapter;
 2 stenographic record of oral examination; proof of veteran's disa-
 3 bility; saving clause. The Merit System Board may, as it may be
 4 deemed necessary for the administration of the provisions of this
 5 chapter, prepare rules and regulations for the proper enforcement
 6 of the provisions hereof. In all competitive examinations or tests
 7 provided for in this title, wherein an oral examination or test is a
 8 part thereof, the board shall upon request provide for a steno-
 9 graphic record of such oral examination or test, which said record
 10 shall be available in cases of reconsideration of ratings.

11 The board shall require that any veteran who shall have a record
 12 of disability as herein defined shall have established proof of such
 13 disability on or prior to the date of any test held by the board.

14 Nothing herein contained shall be construed to amend, modify,
 15 or repeal N. J. S. 40A:14-25, N. J. S. 40A:14-115 or N. J. S.
 16 40A:14-143.

CHAPTER 6

ARTICLE I

Hours of Work, Leaves of Absence and Supplemental Compensation

1 11A:6-1. Holidays, hours of work, attendance, leaves. The board
 2 shall adopt rules for State employees not covered by collective
 3 bargaining agreements regarding holidays, hours of work, atten-
 4 dance, sick leave, vacation leave and such other leave with or with-
 5 out pay as it may designate and the length of service for eligibility.
 6 For workers covered by collective bargaining agreements the rules
 7 in effect on the effective date of this title shall establish the mini-
 8 mum standards. Thereafter all items in this section shall be manda-
 9 tory subjects of negotiation. Any political subdivision subject to
 10 the provisions of this title shall prepare procedures and policies
 11 regarding such items.

1 11A:6-2. Vacation leave. Vacation leave for full-time State em-
 2 ployees shall be at least: Up to one year of service, one working
 3 day for each month of service; after one year and up to five years
 4 of continuous service, 12 working days; after five years and up to
 5 12 years of continuous service, 15 working days; after 12 years
 6 and up to 20 years of continuous service, 20 working days; over 20
 7 years of continuous service, 25 working days. Vacation not taken
 8 in a given year because of business demands shall accumulate and
 9 be granted during the next succeeding year only.

10 Vacation leave for full-time political subdivision employees shall
 11 be at least: Up to one year of service, one working day for each
 12 month of service; after one year and up to 10 years of continuous
 13 service, 12 working days; after 10 years of continuous service, 15

14 working days; and after 20 years of continuous service, 20 work-
15 ing days. Vacation not taken in a given year because of business
16 demands shall accumulate and be granted during the next suc-
17 ceeding year only.

1 11A:6-3. Death of employee having vacation credit. The estate
2 of a deceased employee covered by this title who had accumulated
3 annual vacation leave, shall be paid a sum equal to the compensa-
4 tion for such vacation leave.

1 11A:6-4. Sick leave. Full-time State and political subdivision
2 employees shall receive a sick leave credit of no less than one
3 working day for each completed month of service during the re-
4 mainder of the first calendar year of service and 15 working days
5 in every year thereafter. Unused sick leave shall accumulate with-
6 out limit.

1 11A:6-5. State administrative leave. Administrative leave for
2 personal reasons including religious observances for full-time State
3 employees and those employees of Rutgers, The State University,
4 New Jersey Institute of Technology and the University of Medicine
5 and Dentistry of New Jersey shall be at least three working days
6 per calendar year. Administrative leave shall not be cumulative
7 and any administrative leave unused by an employee at the end of
8 any year shall be cancelled.

1 11A:6-6. Part-time employees. Part-time employees shall re-
2 ceive proportionate vacation, sick and administrative leave.

1 11A:6-7. Sick leave injury. Leave of absence caused by injury
2 or illness directly caused by and arising from employment shall be
3 governed by rules of the board. Any sick leave with pay shall be
4 reduced by the amount of worker's compensation, if any, received
5 for the same injury or illness.

1 11A:6-8. Leaves for police; firefighters. Leaves of absence for
2 police officers and firefighters titles shall be governed by the ap-
3 plicable provisions of Title 40A of the New Jersey Statutes and
4 N. J. S. 11A:6-9.

1 11A:6-9. Convention leave for police; firefighters. A leave of
2 absence with pay shall be given to every employee who is a duly
3 authorized representative of the New Jersey Patrolman's Benev-
4 olent Association, Inc., Fraternal Order of Police, Firemen's Mu-
5 tual Benevolent Association, Inc., the Fire Fighters Association
6 of New Jersey or the New Jersey State Association of Chiefs of
7 Police, to attend any State or national convention of such organiza-
8 tion. The leave of absence shall be for a period inclusive of the
9 duration of the convention with a reasonable time allowed for
10 travel to and from the convention. A certificate of attendance at

11 the convention shall, upon request, be submitted by the repre-
12 sentative so attending.

1 11A:6-10. Leave for athletic competition. Any State employee
2 in the career, senior executive or unclassified service who qualifies
3 as a member of the United States team for athletic competition
4 at the world, Pan American or Olympic level, in a sport contested
5 in either Pan American or Olympic competitions, shall be granted
6 a leave of absence with pay and without loss of rights, privileges
7 and benefits and without interruption of membership in any retire-
8 ment system of the State for the purpose of preparing for and
9 engaging in the competition. The paid leave granted pursuant to
10 this act shall be no more than 90 calendar days in one year or the
11 combined days of the official training camp and competition, which-
12 ever is less.

1 11A:6-11. Appointment by Governor; leave of absence without
2 pay. Any employee in the career or senior executive service who
3 is appointed to any position pursuant to P. L. 1947, c. 14 (C.
4 52:14-16.2) shall be entitled to a leave of absence without pay from
5 the permanent career or senior executive service title for the length
6 of appointment. Upon the expiration of the leave, the employee
7 shall have the right to return to the former title and receive all of
8 the rights, privileges and benefits of that title as if the employee
9 had remained in that title.

1 11A:6-12. Leaves of absence for union activity. Employees in
2 the career service, elected or appointed to a full-time position with
3 a union, shall be granted a leave of absence with pay and full bene-
4 fits upon written request from the union. The union shall reimburse
5 the State for all salary and benefit costs which accrue as a result
6 of the leave of absence. Such leave of absence with pay shall be
7 renewed on an annual basis as the term of office of such position
8 or length of appointment requires.

9 Upon expiration of the leave, the employee shall have the right
10 to return to the former title and receive all of the rights, privileges
11 and benefits of that title as if the employee had remained in that
12 title, including seniority accrued during the leave.

1 11A:6-13. Elective office; leave of absence without pay. Any
2 person holding a position in the career service of any political sub-
3 division shall upon written request be granted a leave of absence,
4 without pay, to fill any elective public office for the term of such
5 office. Upon the expiration of the term of office, such person shall
6 be entitled to resume the position held at the time of the granting
7 of the leave of absence, if the employee shall apply for reinstatement
8 before the expiration of the leave of absence and return to

9 duty within six years after the commencement of the leave. The
10 time spent in serving the term of an elective office, up to a maxi-
11 mum of six years from the commencement of the leave, shall be
12 included in the computation of such person's seniority rights.

13 All appointments to the position of such person during the period
14 of six years from the date the leave of absence commences shall be
15 made from eligible lists and the appointments shall, during such
16 six year period, be held to be conditional and shall be terminated
17 on the return to duty within the six year period of the person to
18 whom the leave of absence was granted.

19 In the event that the term of the elective public office of the person
20 to whom such leave was granted expires after six years from the
21 commencement of such leave, the name of such person, upon the
22 expiration of the six year period, shall be placed on a special re-
23 employment list.

1 11A:6-14. Eligibility for promotions during leave of absence.
2 Any leave of absence granted pursuant to N. J. S. 11A:6-11 and
3 N. J. S. 11A:6-13 shall not disqualify an applicant for a promotional
4 appointment if: the applicant has taken a promotional examination
5 prior to the granting of the leave and subsequently appears on an
6 eligible list resulting from the promotional exam and is appointed
7 prior to the expiration of the list; or wishes to take a promotional
8 examination prior to or during the course of the leave. Such person
9 shall be eligible to apply for and take such promotional exam as if
10 the person were not on leave of absence, and shall be treated as in
11 N. J. S. 11A:6-13.

12 In both cases, such persons may accept the promotions and
13 return to employment after such leave of absence in the promoted
14 capacity subject to the satisfactory completion of a working test
15 period.

1 11A:6-15. Supplemental compensation upon retirement in State
2 employment. State employees in the career service, and those in
3 the senior executive and unclassified services who have been granted
4 sick leave under terms and conditions similar to career service em-
5 ployees, shall be entitled upon retirement from a State Adminis-
6 tered retirement system to receive a lump sum payment as
7 supplemental compensation for each full day of accumulated sick
8 leave which is credited on the effective date of retirement.

1 11A:6-16. Payment to employees of Rutgers, The State Uni-
2 versity, New Jersey Institute of Technology, and the University
3 of Medicine and Dentistry of New Jersey. The supplemental com-
4 pensation provided under this chapter shall also be paid to each
5 employee of Rutgers, The State University, New Jersey Institute

6 of Technology, and the University of Medicine and Dentistry of
7 New Jersey who performs services similar to those performed by
8 employees of the New Jersey State colleges who are in the career
9 service or who have been granted sick leave under terms and con-
10 ditions similar to career service employees, including those em-
11 ployees of the University of Medicine and Dentistry of New Jersey
12 who are members of the Newark Employees' Retirement System.

1 11A:6-17. Deferred retirement. A State employee who elects
2 deferred retirement shall not be eligible for the supplemental com-
3 pensation provided under this chapter.

1 11A:6-18. Computation; Limitation. Supplemental compensa-
2 tion shall be computed at the rate of one-half of the eligible em-
3 ployee's daily rate of pay for each day of accumulated sick leave
4 based upon the compensation received during the last year of em-
5 ployment prior to the effective date of retirement, but no such
6 supplemental compensation shall exceed \$15,000.00. In the event
7 of an employee's death after the effective date of retirement, but
8 before payment is made, payment shall be made to the employee's
9 estate.

1 11A:6-19. Certification of accumulated sick leave. Upon ap-
2 plication for supplemental compensation made by an employee, the
3 appointing authority shall certify within 45 days the number of
4 accumulated sick days for which supplemental compensation is to
5 be paid. Payment shall be made from a special State account
6 established for this purpose.

1 11A:6-20. Break in service. An employee who has incurred or
2 shall incur a break in service as a result of separation due to lay-
3 off shall be credited with sick leave accrued both before separation
4 and after return to employment. An employee incurring a break
5 in service for any other type of separation shall have sick leave
6 computed only from the date of return to employment.

1 11A:6-21. Inapplicability to other pension retirement benefits.
2 The supplemental compensation provided for accumulated sick
3 leave shall in no way affect, increase or decrease any pension or
4 retirement benefits under any other statute.

1 11A:6-22. Rules. The board shall adopt rules for the implemen-
2 tation of supplemental compensation, which shall include but need
3 not be limited to application and eligibility procedures.

ARTICLE 2

Employee Programs

1 11A:6-23. State training programs. The commissioner may
2 establish and shall review and approve training and education pro-
3 grams for employees covered by this title.

1 11A:6-24. Employee performance evaluations. The commis-
2 sioner shall, in cooperation with the appointing authorities, estab-
3 lish an employee performance evaluation system for State em-
4 ployees in the career service. The system shall utilize standards
5 and criteria related to job content and program goals. For those
6 employees covered by a collective bargaining agreement the per-
7 formance standards and criteria shall be negotiable.

8 Political subdivisions shall adopt employee performance evalua-
9 tion systems for their career service employees subject to approval
10 by the commissioner.

11 The board shall adopt and enforce rules with respect to the
12 utilization of performance ratings in promotion, layoff or other
13 matters, except that those units covered by a majority representa-
14 tive shall be entitled to negotiate such rules.

CHAPTER 7

Equal Employment Opportunity

1 11A:7-1. Equal employment opportunity. The head of each
2 State agency shall ensure equality of opportunity for all of its
3 employees and applicants seeking employment.

CHAPTER 8

Layoffs

1 11A:8-1. Layoff. A permanent employee may be laid off for
2 economy, efficiency or other related reason. Such employee shall
3 be demoted in lieu of layoff whenever possible. A 45-day notice
4 must be served upon each permanent employee as he or she be-
5 comes identified for purposes of layoff. Blanket layoff notices do
6 not constitute adequate notice. A layoff notice served pursuant to
7 this section expires 60 days after it is issued. A permanent em-
8 ployee shall receive written 45 days' notice, unless in State
9 government a greater time period is ordered by the commissioner,
10 which shall be served personally or by certified mail, of impending
11 layoff or demotion and the reasons therefor. At the same time
12 such notice is served, the appointing authority shall provide the
13 commissioner with a list of the names and permanent titles of all
14 employees receiving such notice. The board shall adopt rules
15 regarding the order of layoff and employee rights for workers not

16 covered by collective bargaining agreements. The commissioner
 17 shall negotiate in good faith with majority representatives of
 18 collective bargaining units concerning the rules regarding order of
 19 layoff and employee rights. In the absence of a majority represen-
 20 tative, the board shall establish layoff rules and employee rights.

1 11A:8-2. Prerequisite to layoffs. No permanent employee shall
 2 be laid off or demoted in lieu of layoff until all nonpermanent
 3 employees in that title against whom permanent employees have
 4 rights in the same department are separated.

1 11A:8-3. Alternatives to layoff. The board may establish rules
 2 on voluntary reduced worktime as an alternative to layoffs, for
 3 workers not covered by a collective bargaining agreement. Em-
 4 ployee participation in any such program shall not affect retention
 5 rights or any other right or benefit based on length of service.
 6 Such employees shall be restored to their former work schedule
 7 before any new employee is hired in that title. The commissioner
 8 shall negotiate in good faith with majority representatives of
 9 collective bargaining units concerning the rules on voluntary
 10 reduced worktime as an alternative to layoffs. In the absence of a
 11 majority representative, the board may establish rules on voluntary
 12 reduced worktime as an alternative to layoffs.

1 11A:8-4. Appeals. A permanent employee who is laid off or
 2 demoted in lieu of layoff shall have a right to appeal the good
 3 faith of such layoff or demotion in accordance with a negotiated
 4 procedure or to the board under N. J. S. 11A:2-6 and to appeal the
 5 determination of any other rights to the commissioner. Appeals
 6 must be filed within 20 days of final notice of such layoff or
 7 demotion.

CHAPTER 9

Political Subdivisions

1 11A:9-1. Application. This title shall apply to any political sub-
 2 division, including school districts, to which the provisions of Title
 3 11 of the Revised Statutes applied immediately prior to their re-
 4 peal pursuant to N. J. S. 11A:11-9 and to any political subdivision
 5 which hereafter adopts the provisions of this title.

CHAPTER 10

Violations and Penalties

1 11A:10-1. Disapproval of salary. The commissioner may disap-
 2 prove the salary of any person employed in violation of this title
 3 or an order of the board or commissioner. Any persons who au-
 4 thorize such payments shall be subject to penalties, including, but
 5 not limited to, the disapproval of their salaries and payment from

6 their personal funds of improper expenditures of such monies as
7 may be provided by the rules of the board.

1 11A:10-2. Violation of title or order. Any person who purpose-
2 fully or recklessly violates or conspires to violate any provision of
3 this title is guilty of a crime of the fourth degree. The commis-
4 sioner or the board may bring civil or criminal action to enforce
5 this title of any order of the board or commissioner.

1 11A:10-3. Noncompliance. The board or the commissioner may
2 assess administrative costs, other charges and fines of not more
3 than \$1,000.00 for any noncompliance or violation of this title or
4 any order of the board or commissioner and such shall be enforce-
5 able in the Superior Court.

1 11A:10-4. Resident actions. Any resident shall have standing
2 to enjoin payments in the Superior Court and require recovery of
3 remuneration paid in violation of this title in the jurisdiction of
4 residence, from the individuals signing, countersigning or autho-
5 rizing such payments. Monies recovered in such action shall be
6 paid from the personal funds of such individuals and shall be paid
7 to the State Treasurer or the treasurer of the political subdivision
8 as appropriate. Such resident shall be entitled to receive not more
9 than 25% of the amount recovered and reasonable attorney fees
10 at the discretion of the court.

CHAPTER 11

Agency Transfers and Repealers

ARTICLE 1

Agency Transfers

1 11A:11-1. Appointment of Merit System Board. The President
2 of the Civil Service Commission on the effective date of this title
3 shall become the Commissioner of Personnel and the remaining
4 members of the Civil Service Commission on the effective date of
5 this title shall continue as members of the Merit System Board for
6 the duration of their current terms and until their successors are
7 appointed unless removed for cause.

1 11A:11-2. Department of Personnel. The Department of Per-
2 sonnel shall replace the Department of Civil Service. Except as
3 otherwise stated in this title, all employees of the Department of
4 Civil Service shall become employees of the Department of Per-
5 sonnel.

1 11A:11-3. Preservation of rights. Permanent employees in the
2 career service of the Department of Civil Service which is abolished
3 by this title shall not suffer loss of seniority, pension and demo-

4 tion rights in their permanent title by reason of the adoption of
5 this title.

1 11A:11-4. Names. Any law, rule, regulation, judicial or adminis-
2 trative proceeding, appropriation or otherwise which refers to the
3 Department of Civil Service shall mean the Department of Per-
4 sonnel; Civil Service Commission shall mean Merit System Board;
5 and President of the Civil Service Commission or Chief Examiner
6 and Secretary, or both, shall mean Commissioner of Personnel.

1 11A:11-5. Rules. All rules of the Civil Service Commission shall
2 remain in effect except as changed or modified by this title or board
3 action.

1 11A:11-6. Pending actions. Any action pending on the effective
2 date of this title shall continue under the prior law and rules.

1 11A:11-7. Transfer. The transfer directed by this title, except as
2 otherwise provided, shall be made in accordance with the "State
3 Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

1 11A:11-8. Savings Clause. If any clause, sentence, paragraph,
2 article, chapter, section or part of this title shall be adjudged
3 invalid by any court of competent jurisdiction, such invalidation
4 shall not affect or impair the remainder.

ARTICLE 2

Repealer

1 11A:11-9. Repealer and Inconsistent Laws. Title 11 of the Re-
2 vised Statutes, as amended and supplemented, together with the
3 following enumerated acts are repealed, but such repeal shall not
4 affect any right now vested in any person pursuant to the pro-
5 visions of that title or any of the following enumerated acts, nor
6 any remedy where an action or proceeding thereunder has been
7 instituted and is pending on the effective date of the repeal:

- 8 P. L. 1938, c. 76 (C. 11:2A-1)
- 9 P. L. 1938, c. 381, s. 10 (C. 11:27-13)
- 10 P. L. 1939, c. 219 (C. 11:4-3.3)
- 11 P. L. 1939, c. 232 (C. 11:24A-1 to 11:24A-6)
- 12 P. L. 1939, c. 322 (C. 11:10-6.1)
- 13 P. L. 1940, c. 15 (C. 11:4-3.4)
- 14 P. L. 1940, c. 178 (C. 11:22-11.1)
- 15 P. L. 1941, c. 91 (C. 11:4-3.5 and 11:4-3.6)
- 16 P. L. 1941, c. 286 (C. 11:4-3.7)
- 17 P. L. 1942, c. 65 (C. 11:20A-1)
- 18 P. L. 1942, c. 137, s. 2 (C. 11:27-1.2)
- 19 P. L. 1942, c. 253 (C. 11:24A-7)
- 20 P. L. 1944, c. 65, s. 11 (C. 11:7-10)

- 21 P. L. 1946, c. 148 (C. 11:24A-6.1 to 11:24A-6.3)
- 22 P. L. 1946, c. 198 (C. 11:4-3.8 and 11:4-3.9)
- 23 P. L. 1947, c. 201, ss. 2-4 (C. 11:14-3 to 11:14-5)
- 24 P. L. 1947, c. 272 (C. 11:20A-2)
- 25 P. L. 1948, c. 121, ss. 2-4, 9 (C. 11:7-11 to 11:7-14)
- 26 P. L. 1948, c. 121, ss. 6-8 (C. 11:22-50 to 11:22-52)
- 27 P. L. 1948, c. 165 (C. 11:22-44.1 to 11:22-44.3)
- 28 P. L. 1948, c. 257 (C. 11:21-5.1)
- 29 P. L. 1948, c. 435 (C. 11:4-3.10)
- 30 P. L. 1948, c. 466 (C. 11:22-44.4 and 11:22-44.5)
- 31 P. L. 1950, c. 235 (C. 11:26B-1 to 11:26B-3)
- 32 P. L. 1951, c. 278 (C. 11:21-5.2)
- 33 P. L. 1951, c. 279 (C. 11:21-4.1)
- 34 P. L. 1952, c. 27 (C. 11:11-4)
- 35 P. L. 1952, c. 302 (C. 11:26C-1 to 11:26C-3)
- 36 P. L. 1952, c. 309 (C. 11:27-1.3)
- 37 P. L. 1952, c. 322, ss. 1 and 2 (C. 11:15-9 and 11:15-10)
- 38 P. L. 1952, c. 323, ss. 1 and 2 (C. 11:22-10.1 and 11:22-10.2)
- 39 P. L. 1953, c. 125 (C. 11:2C-1 to 11:2C-9)
- 40 P. L. 1953, c. 193 (C. 11:14-1.1)
- 41 P. L. 1953, c. 238 (C. 11:4-3.11)
- 42 P. L. 1953, c. 239 (C. 11:4-3.12)
- 43 P. L. 1953, c. 430 (C. 11:4-3.13 and 11:4-3.14)
- 44 P. L. 1954, c. 182 (C. 11:4-3.15)
- 45 P. L. 1954, c. 232 (C. 11:21-3.1)
- 46 P. L. 1955, c. 188 (C. 11:26C-4)
- 47 P. L. 1959, c. 88, s. 2 (C. 11:24A-1.1)
- 48 P. L. 1961, c. 18 (C. 11:26D-1)
- 49 P. L. 1962, c. 195 (C. 11:14-1.2)
- 50 P. L. 1962, c. 196 (C. 11:24A-1.2)
- 51 P. L. 1963, c. 185, s. 2 (C. 11:2-5.1)
- 52 P. L. 1964, c. 169 (C. 11:27-1.4 and 11:27-1.5)
- 53 P. L. 1965, c. 46 (C. 11:21-5.3)
- 54 P. L. 1967, c. 199, s. 2 (C. 11:22-10.3)
- 55 P. L. 1968, c. 437 (C. 11:26C-5)
- 56 P. L. 1971, c. 1 (C. 11:21-4.2 and 11:21-4.3)
- 57 P. L. 1971, c. 153 (C. 11:1-20 to 11:1-24)
- 58 P. L. 1971, c. 274 (C. 11:1-25 to 11:1-28)
- 59 P. L. 1972, c. 74 (C. 11:14-6 to 11:14-8)
- 60 P. L. 1973, c. 30 (C. 11:14-9 to 11:14-17)
- 61 P. L. 1977, c. 160 (C. 11:24A-8 and 11:24A-9)
- 62 P. L. 1977, c. 261 (C. 11:9-10.1)
- 63 P. L. 1978, c. 81, s. 2 (C. 11:22-2.1)

- 64 P. L. 1978, c. 99 (C. 11:14-18)
 65 P. L. 1978, c. 147 (C. 11:22-44.6)
 66 P. L. 1980, c. 134 (C. 11:22-34.1)
 67 P. L. 1981, c. 92 (C. 11:21-5.4)
 68 P. L. 1981, c. 124 (C. 11:2D-1 to 11:2D-10)
 69 P. L. 1981, c. 204 (C. 11:9-15 to 11:9-18)
 70 P. L. 1981, c. 205 (C. 11:23-10 to 11:23-13)
 71 P. L. 1981, c. 439 (C. 11:22-10.4)
 72 P. L. 1981, c. 545, s. 3 (C. 11:21-9.1)
 73 P. L. 1983, c. 178 (C. 11:27-4.1)
 74 P. L. 1983, c. 319 (C. 11:9-17.1)
 75 Any law or statute which is inconsistent with any of the provi-
 76 sions of this title are, to the extent of the inconsistency, superseded.
- 1 2. There is appropriated \$250,000.00 to implement the transition
 2 provided for in section 3 of this act.
- 1 3. This act shall take effect upon the 180th day following the
 2 date of its enactment, except that section 2 shall take effect im-
 3 mediately and that any actions necessary to effect the implementa-
 4 tion, of the provisions of this title may be taken at any time after
 5 enactment.

STATEMENT

This bill would repeal the current Civil Service statutes under Title 11 and enact a Title 11A establishing a new Department of Personnel which would be composed of a bipartisan Merit System Board and a Commissioner of Personnel.

STATE EMPLOYEES AND CIVIL SERVICE

Civil service, reform.

Repeals Title 11, creates a new Title 11A and establishes a Department of Personnel.

SENATE STATE GOVERNMENT AND FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE No. 1567, ASSEMBLY No. 2194 (2nd OCR)
and SENATE No. 1829

STATE OF NEW JERSEY

DATED: AUGUST 26, 1986

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1567, Assembly Bill No. 2194 (2nd OCR) and Senate Bill No. 1829.

This bill, the "Civil Service Act," repeals Title 11 of the Revised Statutes and enacts a new civil service law, Title 11A of the New Jersey Statutes. It replaces the Department of Civil Service with a new Department of Personnel. The new department shall consist of a Merit System Board, a Commissioner of Personnel, a Division of Equal Employment Opportunity and Affirmative Action, and such other subdivisions and employees as may be established under authority conferred by law.

The Merit System Board shall consist of five members: the Commissioner of Personnel, who shall serve as chairperson, and four members appointed by the Governor with the advice and consent of the Senate. No more than three of the five members shall be of the same political party. The general powers of the board include the power to hear appeals, interpret the application of this title to any public body, authorize studies, and adopt and enforce rules to implement the civil service statute.

The Commissioner of Personnel shall be appointed by the Governor with the advice and consent of the Senate and would serve at the Governor's pleasure. The Commissioner's general powers and duties include: serving as the principal executive and request officer of the Department of Personnel, establishing and supervising the employee selection and performance evaluation processes, maintaining a management information system, auditing payrolls, planning personnel programs and policies, and rendering final administrative decisions on appeals concerning classification, salary or layoff rights and in

the State service noncontractual grievances. The commissioner is to establish and consult with advisory boards representing political subdivisions, personnel officers, labor organizations, and other appropriate groups. The commissioner could delegate to an appointing authority the responsibility for classifying positions, administering examinations and other technical personnel functions, but could not delegate any function of the Merit System Board. The commissioner could assign department staff to assist an appointing authority in performing the personnel functions delegated to it.

The Merit System Board would assign titles in the State and local government service among the career service, the unclassified service, and in the case of the State a new senior executive service. The career service would be composed of a competitive division and a noncompetitive division. The senior executive service would include positions having substantial managerial or policy functions. It would be composed of noncareer and career service employees, with the former accounting for not more than 15% of the total number of employees in the senior executive service. The total number of senior executive service employees shall not exceed 1200. Employees in the permanent career service holding positions assigned to the senior executive service would have the option of joining the senior executive service or remaining in career service at a level directly under the senior executive service. A permanent career service employee who joins the senior executive service would, upon separation therefrom, have the right of reinstatement in the career service. The unclassified service would consist of persons holding various specified positions. The senior executive service and the unclassified service would not be subject to the provisions of the civil service title.

Employee compensation would be governed by a compensation plan established, administered and amended by the commissioner. The commissioner also has the responsibility for announcing and administering examinations. Preference for admission to the examination would be accorded to State residents. On the basis of examination results, lists of persons eligible for appointment to public service positions shall be prepared. The three eligibles receiving the highest rank on an open competitive or promotional list would be certified by the commissioner for regular appointment. Eligibles on any type of re-employment list shall be certified and appointed in the order of their ranking. The current provisions of law regarding preference to veterans in the establishment of eligible lists is retained.

The bill provides that the purpose of a working test period is to determine whether an employee satisfactorily performs the duties of a title. A test period for entry level law enforcement, correction officer and firefighter titles would be 12 months in length; test periods for titles in State service would be from four to six months long; test periods in political subdivision would be three months.

The bill requires the head of each State agency to ensure equality of opportunity for all employees and applicants for employment. A Division of Equal Employment Opportunity and Affirmative Action is established to develop and administer an equal employment and affirmative action program for State agencies. The director of the division is charged with responsibility for ensuring that the goals of the program for minorities, women and the handicapped be reasonably related to their population in the relevant labor market area.

The bill prohibits an appointing authority from taking or threatening to take reprisal action against an employee in retaliation for his lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority.

The bill specifies an appeals procedure and provides for an alternate appeal procedure which may be established through collective negotiations. Regarding disciplinary action, the bill provides that a fine may only be imposed as a form of restitution or in lieu of a suspension when a suspension would be detrimental to the public health, safety or welfare. In all other cases, the imposition of a fine rather than a suspension is at the employee's discretion.

This bill increases from \$12,000.00 to \$15,000.00 the maximum amount of supplemental compensation payable to a retiring employee for accumulated unused sick leave. It also provides that enactment of the proposed law shall not be construed to expand or diminish collective negotiation rights under the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE No. 1567, ASSEMBLY No. 2194 (2nd OCR)
and SENATE No. 1829

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 1986

The Senate Revenue, Finance and Appropriations Committee favorably reports this bill.

This bill, the "Civil Service Act," repeals Title 11 of the Revised Statutes and enacts a new civil service law, Title 11A of the New Jersey Statutes. It replaces the Department of Civil Service with a new Department of Personnel, consisting of a Merit System Board, a Commissioner of Personnel, a Division of Equal Employment Opportunity and Affirmative Act, and such other subdivisions and employees as may be established. This bill also makes an appropriation of \$250,000.00 from the General Fund to the Department of Civil Service to implement the provisions of the bill.

The duties of the Commissioner of Personnel, the gubernatorial appointee heading the department, include establishing and supervising the employee selection and performance evaluation processes, planning personnel programs and policies, and rendering final administrative decisions on appeals concerning classification, salary or layoff rights and in the State services noncontractual grievances. The commissioner is to establish and consult with advisory boards representing political subdivisions, personnel officers, labor organizations, and other appropriate groups. The commissioner could delegate certain responsibilities to an appointing authority, but could not delegate any function of the Merit System Board.

The Merit System Board consists of five members: the Commissioner of Personnel, who shall serve as chairperson, and four members appointed by the Governor. The board has the authority to hear appeals, interpret the law, authorize studies, and adopt and enforce rules to implement the civil service statute.

The Merit System Board will assign titles in the State and local government service among the career service, the unclassified service, and—in the case of the State—a new senior executive service. The latter two services will not be subject to the civil service title. The career service will be composed of a competitive division and a non-

competitive division. The unclassified service will consist of persons holding various specified positions. The senior executive service will include not more than 1,200 employees in positions having substantial managerial or policy functions. It will be composed of noncareer and career service employees, with the former accounting for not more than 15% of the total number of employees in the senior executive service. Employees in the permanent career service, holding positions assigned to the senior executive service, will have the option of joining the senior executive service or remaining in career service at a level directly under the senior executive service. A permanent career service employee who joins the senior executive service will have the right of reinstatement in the career service.

Employee compensation will be governed by a compensation plan established by the commissioner. The commissioner also administers examinations. State residents will have preference to admission to the examination. On the basis of examination results, lists of persons eligible for appointment to public service positions will be prepared and the three highest ranking eligibles will be certified by the commissioner for regular appointment. Eligible persons on any type of reemployment list shall be certified and appointed in the order of their ranking. The current provisions of law regarding preference to veterans in the establishment of eligible lists is retained.

The bill provides for working test periods for new employees: 12 months for entry level law enforcement, correction officer and firefighter titles; four to six months for titles in State service and; three months in political subdivisions.

The bill requires the head of each State agency to ensure equality of opportunity for all employees and applicants for employment. A Division of Equal Employment Opportunity and Affirmative Action is established to develop and administer an equal employment and affirmative action program for State agencies. The director of the division is charged with responsibility for ensuring that the goals of the program for minorities, women and the handicapped be reasonably related to their population in the relevant labor market area.

The bill prohibits an appointing authority from taking or threatening to take reprisal action against an employee in retaliation for his lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority.

The bill specifies an appeal procedure, and provides for an alternate appeal procedure which may be established through collective negotiations. Regarding disciplinary action, the bill provides that a fine may only be imposed as a form of restitution or in lieu of a suspension when a suspension would be detrimental to the public health, safety or

welfare. In all other cases, the imposition of a fine rather than a suspension is at the employee's discretion.

This bill increases from \$12,000.00 to \$15,000.00 the maximum amount of supplemental compensation payable to a retiring employee for accumulated unused sick leave. It also provides that enactment of the proposed law shall not be construed to expand or diminish collective negotiation rights under the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.).

The bill also provides that a detailed annual report be prepared one year after enactment, assessing the progress in and effects of implementing this bill.

FISCAL IMPACT

This bill makes an appropriation of \$250,000.00 from the General Fund to the Department of Civil Service to implement the provisions of the bill.

The Department of Civil Service indicates that it is not possible at this time to estimate whether or to what extent State expenditures may increase in future years due to the provisions of this bill.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2194

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1986

By Assemblymen VILLANE, RAFFERTY, Assemblywoman DONOVAN, Assemblyman MUZIANI, Assemblywoman OGDEN, Assemblyman SINGER and Assemblywoman RANDALL

AN ACT to regulate the employment, tenure and discharge of certain State employees and certain employees of political subdivisions; to establish a Department of Personnel as a principal department in the Executive Branch of State Government; revising parts of the statutory law; enacting a new title to be known as Title 11A, Civil Service, of the New Jersey Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

TITLE 11A
CIVIL SERVICE
Table of Contents

Chapter

- 1 1. General provisions, 11A:1-1 to 11A:1-2.
2 2. Department of Personnel, 11A:2-1 to 11A:2-24.

Article

- 3 1. Organization, 11A:2-1 and 11A:2-2.
4 2. Merit System Board, 11A:2-3 to 11A:2-7.
5 3. Commissioner of Personnel, 11A:2-8 to 11A:2-12.
6 4. Appeals, 11A:2-13 to 11:2-22.
7 5. Political activity, 11A:2-23.
8 6. Employee protection against reprisals, 11A:2-24.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted March 6, 1986.

**—Assembly amendments adopted March 10, 1986.

- 9 3. Classification, services and compensation, 11A:3-1 to 11A:3-8.
 10 4. Selection and appointment, 11A:4-1 to 11A:4-16.
 11 5. Veterans preference, 11A:5-1 to 11A:5-13.
 12 6. Hours of work, leaves and employee development, 11A:6-1 to
 13 11A:6-30.

Article

- 14 1. Hours of work and leaves of absence and supplemental
 15 compensation, 11A:6-1 to 11A:6-22.
 16 2. Employee programs, 11A:6-23 to 11A:6-26.
 17 3. Awards, 11A:6-27 to 11A:6-30.
 18 7. Equal employment opportunity, 11A:7-1 to 11A:7-13.
 19 8. Layoffs, 11A:8-1 to 11A:8-4.
 20 9. Political subdivisions, 11A:9-1 to 11A:9-15.
 21 10. Violations and penalties, 11A:10-1 to 11A:10-4.
 22 11. Agency transfer, 11A:11-1 to 11A:11-7.
 23 12. Miscellaneous, 11A:12-1 to 11A:12-3.

CHAPTER 1

GENERAL PROVISIONS

Section

- 1 11A:1-1 Short title.
 2 11A:1-2 Declaration of policy.
 1 11A:1-1. Short title. This title shall be known and may be cited
 2 as the "Civil Service Act."
 1 11A:1-2. Declaration of policy. The Legislature finds and
 2 declares that:
 3 a. It is the public policy of this State to select and advance
 4 employees on the basis of their relative knowledge, skills and
 5 abilities;
 6 b. It is the public policy of this State to provide public officials
 7 with appropriate appointment, supervisory and other personnel
 8 authority to execute properly their constitutional and statutory
 9 responsibilities;
 10 c. It is the public policy of this State to encourage and reward
 11 meritorious performance by employees in the public service and to
 12 retain and separate employees on the basis of the adequacy of
 13 their performance; ****[and]****
 14 d. It is the public policy of this State to ensure equal employ-
 15 ment opportunity at all levels of the public service ****[.]****; *and*
 16 ***e. It is the public policy of this State to protect career public*
 17 *employees from political coercion and to ensure the recognition of*
 18 *such bargaining and other rights as are secured pursuant to other*
 19 *statutes and the collective negotiations law.***

CHAPTER 2
DEPARTMENT OF PERSONNEL

ARTICLE 1
Organization

- | Section | | |
|---------|---------|----------------------------------|
| 1 | 11A:2-1 | Department of Personnel created. |
| 2 | 11A:2-2 | Implementation. |

ARTICLE 2
Merit System Board

- | | | |
|---|---------|----------------------------------------------------|
| 1 | 11A:2-3 | Members; term; quorum; vacancies. |
| 2 | 11A:2-4 | Removal of a board member other than commissioner. |
| 3 | 11A:2-5 | Compensation. |
| 4 | 11A:2-6 | Powers and duties. |
| 5 | 11A:2-7 | Subpenas; oaths. |

ARTICLE 3
Commissioner of Personnel

- | | | |
|---|----------|----------------------------|
| 1 | 11A:2-8 | Commissioner of Personnel. |
| 2 | 11A:2-9 | Term. |
| 3 | 11A:2-10 | Compensation. |
| 4 | 11A:2-11 | Powers and duties. |
| 5 | 11A:2-12 | Delegation. |

ARTICLE 4
Appeals

- | | | |
|----|----------|------------------------------------------------------|
| 1 | 11A:2-13 | Opportunity for appointing authority review. |
| 2 | 11A:2-14 | Notice of employee of right of appeal. |
| 3 | 11A:2-15 | Appeal procedure. |
| 4 | 11A:2-16 | Appeal procedure for suspension or fine of five days |
| 5 | | or less. |
| 6 | 11A:2-17 | Immunity. |
| 7 | 11A:2-18 | Representation. |
| 8 | 11A:2-19 | Authority to increase or decrease penalty imposed. |
| 9 | 11A:2-20 | Forms of disciplinary action. |
| 10 | 11A:2-21 | Burden of proof. |
| 11 | 11A:2-22 | Back pay, benefits and reasonable attorney fees. |

ARTICLE 5
Political Activity

- | | | |
|---|----------|-----------------------------|
| 1 | 11A:2-23 | Political activity limited. |
|---|----------|-----------------------------|

ARTICLE 6

Employee Protection Against Reprisals

- | | | |
|---|----------|-------------------------------|
| 1 | 11A:2-24 | Protection against reprisals. |
|---|----------|-------------------------------|

ARTICLE 1

Organization

1 11A:2-1. Department of Personnel created. There is established
2 in the Executive Branch of State Government a principal depart-
3 ment which shall be known as the Department of Personnel which
4 shall consist of a Merit System Board, a Commissioner of Per-
5 sonnel, subdivisions and officers and employees as specifically
6 referred to in this title and as may be constituted or employed by
7 virtue of the authority conferred by this title or any other law.
8 For the purposes of this title, "board" means Merit System Board,
9 "commissioner" means the Commissioner of Personnel and "de-
10 partment" means the Department of Personnel.

1 11A:2-2. Implementation. The department shall implement and
2 enforce this title.

ARTICLE 2

Merit System Board

1 11A:2-3. Members; term; quorum; vacancies. The Merit Sys-
2 tem Board shall consist of five members, one of whom shall be the
3 Commissioner of Personnel who shall serve as the chairperson.
4 The other members shall be appointed by the Governor with the
5 advice and consent of the Senate for staggered terms of four years
6 and until the appointment and qualification of their successors.
7 Three members of the board shall constitute a quorum.

8 The holding over of an incumbent beyond the expiration of the
9 term of office shall reduce, in commensurate length, the term of
10 office of a successor. Vacancies shall be filled for the unexpired
11 term in the same manner as original appointments. No member
12 shall hold any other State or federal office or position.

1 11A:2-4. Removal of a board member other than commissioner.
2 A board member other than the commissioner may be removed
3 from office by the Governor for cause, upon notice and an oppor-
4 tunity to be heard. A board member removed from office shall be
5 entitled to receive compensation only up to the date of the removal.

1 11A:2-5. Compensation. A board member other than the com-
2 missioner shall receive a salary as fixed by law and shall also be
3 entitled to sums incurred for necessary expenses.

1 11A:2-6. Powers and duties. In addition to other powers and
2 duties vested in it by this title or by any other law, the board shall:

3 a. After a hearing, render the final administrative decision on
4 appeals concerning permanent career service employees or those
5 in their working test period in the following categories:

6 (1) Removal,
 7 (2) Suspension or fine as prescribed in N. J. S. 11A:2-14,
 8 (3) Disciplinary demotion, and
 9 (4) Termination at the end of the work test period for unsatis-
 10 factory performance.

11 b. On a review of the written record, render the final administra-
 12 tive decision on other appeals except for those matters listed or
 13 delegated to the commissioner pursuant to subsection h. of N. J. S.
 14 11A:2-11;

15 c. Provide for interim remedies or relief in a pending appeal
 16 where warranted;

17 d. Adopt and enforce rules to carry out this title and to effec-
 18 tively implement a comprehensive personnel management system;

19 e. Interpret the application of this title to any public body or
 20 entity; and

21 f. Authorize and conduct such studies, inquiries, investigations
 22 or hearings in the operation of this title as it deems necessary.

1 11A:2-7. Subpenas, oaths. The commissioner or the board
 2 may subpoena and require the attendance of witnesses in this State
 3 and the production of evidence or documents relevant to any
 4 proceeding under this title. Those persons may also administer
 5 oaths and take testimony. Subpenas issued under this section
 6 shall be enforceable by order of the Superior Court.

ARTICLE 3

Commissioner of Personnel

1 11A:2-8. Commissioner of Personnel. The Governor shall, with
 2 the advice and consent of the Senate, appoint a Commissioner of
 3 Personnel who shall be the chief executive of the department. The
 4 commissioner shall give full-time to the duties of this office and
 5 shall hold no other public office or position.

1 11A:2-9. Term. The commissioner shall serve at the pleasure
 2 of the Governor.

1 11A:2-10. Compensation. The commissioner shall receive a
 2 salary as fixed by law and shall also be entitled to sums incurred
 3 for necessary expenses.

1 11A:2-11. Powers and duties of the commissioner. In addition
 2 to other powers and duties vested in the commissioner by this title
 3 or any other law, the commissioner:

4 a. Shall be the principal executive and request officer of the
 5 department allocating the functions and activities of the depart-
 6 ment among departmental subdivisions as the commissioner may
 7 establish;

8 b. May appoint one deputy commissioner who shall be in the

9 unclassified service and may appoint other necessary employees.
10 All employees shall be confidential employees for the purposes of
11 the "New Jersey Employer-Employee Relations Act" (P. L. 1941,
12 c. 100; C. 34:13A-1 *et seq.*, as amended);

13 c. Shall maintain a management information system necessary
14 to carry out the provisions of this title;

15 d. Shall have the authority to audit payrolls, reports or trans-
16 actions for conformity with the provisions of this title;

17 e. Shall plan, evaluate, administer and implement personnel
18 programs and policies in State government and political subdivi-
19 sions operating under this title;

20 f. Shall establish and supervise the selection process and em-
21 ployee performance evaluation procedures;

22 g. Shall develop programs to improve efficiency and effectiveness
23 of the public service, including, but not limited to, employee
24 training, development, assistance and incentives;

25 h. Shall set standards and procedures for review and render
26 the final administrative decision on a written record or after
27 recommendation by an independent reviewer assigned by the com-
28 missioner of appeals from classification, salary, layoff rights and
29 in the State service noncontractual grievances;

30 i. May establish pilot programs and other projects for a maxi-
31 mum of one year outside of the provisions of this title;

32 j. Shall provide for a public employee interchange program
33 pursuant to the "Government Employee Interchange Act of 1967,"
34 P. L. 1967, c. 77 (C. 52:14-6.10 *et seq.*) and may provide for an
35 employee interchange program between public and private sector
36 employees;

37 k. May establish an internship program;

38 l. Shall assist the Governor in general workforce planning,
39 personnel matters and labor relations;

40 m. Shall establish and consult with advisory boards representing
41 political subdivisions, personnel officers, labor organizations and
42 other appropriate groups;

43 n. Shall make an annual report to the Governor and Legislature
44 and all other special or periodic reports as may be required*. *The*
44A *annual report shall indicate the number of persons, by title, who,*
44B *on March 31, June 30, September 30, and December 31 of each year,*
44C *held appointments to positions in the senior executive service and*
44D *the number of noncarecr employees, by title, who, on those same*
44E *dates, held appointments to positions in the senior executive ser-*
44F *vice*;*

45 o. Shall have the authority to assess costs for special or other
46 services; and

47 p. Shall recommend rules to the board for the implementation of
48 this title.

1 11A:2-12. Delegation. The commissioner may delegate to an
2 appointing authority the responsibility for classifying positions,
3 administering examinations and other *technical* personnel func-
4 tions according to prescribed standards, but the commissioner may
5 not delegate any function of the board.

6 This delegation shall be written and shall conform to the provi-
7 sions of this title. The commissioner may assign staff of the
8 department to an appointing authority to assist the appointing
9 authority in its delegated personnel duties. The employees shall
10 continue as employees of the department. All delegation shall be
11 subject to supervision by the commissioner and post-audit and may
12 be cancelled, modified or limited at any time by the commissioner.

ARTICLE 4

Appeals

1 11A:2-13. ****[Opportunity for appointing authority review. Be-**
2 **fore any disciplinary action in subsections a. (1), (2) and (3) of**
3 **N. J. S. 11A:2-6 is taken against a permanent employee in the**
4 **career service or a person serving a working test period, the em-**
5 **ployee shall be notified in writing and a review shall be held before**
6 **the appointing authority or its designated representative. The**
7 **review shall be held within 30 days of the notice of disciplinary**
8 **action unless both parties consent to an adjournment to a later**
9 **date. The board shall establish, by rule, procedures for suspen-**
10 **sions with or without pay.]** *Opportunity for appointing au-***
11 ***thority hearing. Before and disciplinary action in subsection a.***
12 ***(1), (2) and (3) of N. J. S. 11A:2-6 is taken against a permanent***
13 ***employee in the career service or a person serving a working test***
14 ***period, the employee shall be notified in writing and shall have the***
15 ***opportunity for a hearing before the appointing authority or its***
16 ***designated representative. The hearing shall be held within 30 days***
17 ***of the notice of disciplinary action unless waived by the employee.***
18 ***Both parties may consent to an adjournment to a later date.***

19 *This section shall not prohibit the immediate suspension of an*
20 *employee without a hearing if the appointing authority determines*
21 *that the employee is unfit for duty or a hazard to any person if*
22 *allowed to remain on the job or an immediate suspension is neces-*
23 *sary to maintain safety, health, order, or effective direction of*
24 *public services. In addition, where a suspension is based on a formal*
25 *charge of the crime of the first, second or third degree, or a crime*

26 *of the fourth degree if committed on the job or directly related to*
 27 *the job, the suspension may be immediate and continue until a dis-*
 28 *position of the charge. The board shall establish, by rule, proce-*
 29 *dures for hearings and suspensions with or without pay.***

1 11A:2-14. Notice to employee of right to appeal. Within 20
 2 days of the ****[review]**** ****hearing**** provided in N. J. S. 11A:2-13,
 3 the appointing authority shall make a final disposition of the
 4 charges against the employee and shall furnish the employee with
 5 written notice. If the appointing authority determines that the
 6 employee is to be removed, demoted or receive a suspension or a
 7 fine greater than five days, the employee shall have a right to ap-
 8 peal to the board. The suspension or fine of an employee for five
 9 days or less shall be appealable if an employee's aggregate number
 10 of days suspended or fined in any one calendar year is 15 days or
 11 more. Where an employee receives more than three suspensions or
 12 fines of five or less days in a calendar year, the last suspension or
 13 fine is appealable.

1 11A:2-15. Appeal procedure. Any appeal from adverse actions
 2 specified in N. J. S. 11A:2-13 ****and N. J. S. 11A:2-6 a. (4)**** shall
 3 be made in writing to the board no later than 20 days from receipt
 4 of the final written determination of the appointing authority. If
 5 the appointing authority fails to provide a written determination,
 6 an appeal may be made directly to the board within a reasonable
 7 time.

1 11A:2-16. Appeal procedure for suspension or fine of five days
 2 or less. If a State employee receives a suspension or fine of five
 3 days or less, the employee may request review by the board under
 4 standards and procedures established by the board or appeal pur-
 5 suant to an alternate appeal procedure where provided by a
 6 negotiated contract provision. If an employee of a political sub-
 7 division receives a suspension or fine of five days or less, the
 8 employee may request review under standards and procedures
 9 established by the political subdivision or appeal pursuant to an
 10 alternate appeal procedure where provided by a negotiated con-
 11 tract provision.

1 11A:2-17. Use immunity. A person shall not be excused from
 2 testifying or producing evidence on the ground that the testimony
 3 or the evidence might tend to incriminate the person, but an
 4 answer shall not be used or admitted in any proceeding against
 5 the person, except in a prosecution for perjury. The foregoing
 6 use immunity shall not be granted without prior written approval
 7 by the Attorney General.

1 11A:2-18. Representation. An employee may be represented

2 at any hearing before an appointing authority or the board by
3 an attorney or authorized union representative.

1 11A:2-19. Authority to increase or decrease penalty imposed.
2 The board may increase or decrease the penalty imposed by the
3 appointing authority, but removal shall not be substituted for a
4 lesser penalty.

1 11A:2-20. Forms of disciplinary action. The board shall es-
2 tablish by rule the general causes which constitute grounds for
3 disciplinary action and the kinds of disciplinary action which may
4 be taken by appointing authorities against permanent career ser-
5 vice employees or those serving in their working test period.

1 11A:2-21. Burden of proof. In categories listed in subsection
2 a.(1), (2) and (3) of N. J. S. 11A:2-6, the employer shall have
3 the burden of proof while in category (4), the employee shall have
4 the burden of proof.

1 11A:2-22. Back pay, benefits*, *seniority** and reasonable attor-
2 ney fees. The board may award back pay, benefits**, *seniority***
3 and reasonable attorney fees to an employee as provided by rule.

ARTICLE 5

Political Activity

1 11A:2-23. Political activity limited. A person holding a posi-
2 tion in the career service or senior executive service shall not
3 directly or indirectly use or seek to use the position to control
4 or affect the political action of another person or engage in political
5 activity during working hours.

ARTICLE 6

Employee Protection Against Reprisals

1 11A:2-24. Protection against reprisals. An appointing authority
2 shall not take or threaten to take any action against an employee
3 in the career, senior executive or unclassified service in retaliation
4 for an employee's lawful disclosure of information on the violation
5 of any law or rule, governmental mismanagement or abuse of
6 authority. An employee who is the subject of a reprisal action by
7 an appointing authority for the lawful disclosure of information
8 may appeal such action to the board.

CHAPTER 3

CLASSIFICATION, SERVICES AND COMPENSATION

- 1 11A:3-1 Classification.
- 2 11A:3-2 Career Service.
- 3 11A:3-3 Senior executive service.
- 4 11A:3-4 State unclassified service.

- 5 11A:3-5 Political subdivision unclassified service.
6 11A:3-6 Public hearing required when moving title from career
7 to unclassified service.
8 11A:3-7 Employee compensation.
9 11A:3-8 Payroll audits.

1 11A:3-1. Classification. The board shall assign and reassign
2 titles among the career service, senior executive service and un-
3 classified service. The commissioner shall:

- 4 a. Establish, administer, amend and continuously review a State
5 classification plan governing all positions in State service and
6 similar plans for political subdivisions;
7 b. Establish and abolish titles;
8 c. Ensure the grouping in a single title of positions with similar
9 qualifications, authority and responsibility;
10 d. Assign and reassign titles to appropriate positions; and
11 e. Provide a specification for each title.

1 11A:3-2. Career service. The career service shall have two
2 divisions, the competitive division and the noncompetitive division.
3 The commissioner shall assign and reassign such titles to each
4 division and may provide for movement, including promotion,
5 of employees from one division to the other.

1 11A:3-3. Senior executive service. A senior executive service
2 shall be established in State government and include those posi-
3 tions having substantial managerial, policy influencing or policy
4 executing responsibilities as determined by the board. **Titles in-*
5 *cluded in a collective negotiations unit shall not be included in the*
6 *senior executive service.** The board shall adopt rules providing
7 for the selection, placement, transfer, development, compensation,
8 separation and performance appraisal of senior executive service
9 employees and for the reinstatement of career service employees
10 to the career service. The senior executive service shall not be
11 subject to the provisions of this title unless otherwise specified.
12 The senior executive service shall include noncareer and career
13 service employees. The number of noncareer employees shall not
13A exceed 15% of the entire senior executive service workforce.

14 Where an employee holds permanent career service status in a
15 position in a title that is assigned to the senior executive service,
16 the employee, with appointing authority approval, shall be pro-
17 vided the option of joining the senior executive service. Permanent
18 career service employees who opt not to join the senior executive
19 service or who do not receive approval to join the senior executive
20 service shall have a right to reinstatement to the career service

21 to a level directly under the senior executive service. Permanent
 22 career service employees who join the senior executive service
 23 and who are later separated from the senior executive service
 24 shall have a right of reinstatement to the career service to a level
 25 held prior to entry in the senior executive service unless the
 26 employee has been separated, after opportunity for hearing, from
 27 the senior executive service for reasons which constitute cause for
 28 removal from the career service.

1 11A:3-4. State unclassified service. The State unclassified ser-
 2 vice shall not be subject to the provisions of this title unless other-
 3 wise specified and shall include the following:

- 4 a. Appointments of the Governor;
- 5 b. Department heads and members of boards and commissions
6 authorized by law;
- 7 c. Employees in the Legislative branch of State government;
- 8 d. Heads of institutions;
- 9 e. Physicians, surgeons and dentists;
- 10 f. Superintendents, teachers and instructors in the public
11 schools, the agricultural experiment station and State institu-
12 tions, where certified teachers are employed under the supervision
13 of and qualified by the State Department of Education, and other
14 institutions maintained wholly or in part by the State;
- 15 g. Assistant and Deputy Attorneys General and legal assistants
16 appointed by the Attorney General;
- 17 h. One secretary and one confidential assistant to each depart-
18 ment head, board, principal executive officer and commission;
- 19 i. Employees in the military or naval service of the State;
- 20 j. Student assistants;
- 21 k. Domestic employees in the Governor's household; and
- 22 l. All other titles as provided by law or as the board may
23 determine.

1 11A:3-5. Political subdivision unclassified service. The political
 2 subdivision unclassified service shall not be subject to the pro-
 3 visions of this title unless otherwise specified and shall include
 4 the following:

- 5 a. Elected officials;
- 6 b. One secretary and one confidential assistant to each mayor;
- 7 c. Members of boards and commissions authorized by law;
- 8 d. Heads of institutions;
- 9 e. Physicians, surgeons and dentists;
- 10 f. Attorneys of a county, municipality or school district oper-
11 ating under this title;
- 12 g. Teaching staff as defined in N. J. S. 18A:1-1 in the public

13 schools and county superintendents and members and business
14 managers of boards of education;

15 h. Principal executive officers;

16 i. One secretary, clerk or executive director to each department,
17 board and commission authorized by law to make the appointment;

18 j. One secretary or clerk to each principal executive officer and
19 judge;

20 k. One deputy or first assistant to a principal executive officer
21 who is authorized by statute to act for and in place of the principal
22 executive officer;

23 l. No more than 12 county department heads and the heads of
24 divisions within such departments provided that the total number
25 of unclassified positions created by the county administrative
26 code pursuant to this subsection shall not exceed 20;

27 m. One secretary or confidential assistant to each unclassified
28 department or division head established in subsection (1);

29 n. Employees of county park commissions appointed pursuant
30 to R. S. 40:37-96 through R. S. 40:37-174 in counties of the
31 second class;

32 o. Directors of free public libraries in cities of the first class
33 having a population of more than 300,000;

34 p. One secretary to the municipal council in cities of the first
35 class having a population of less than 300,000;

36 q. One secretary or confidential assistant to each county free-
37 holder;

38 r. In school districts organized pursuant to N. J. S. 18A:17-1
39 et seq., the executive controller, public information officer and the
40 executive directors of board affairs, personnel, budget, purchasing,
41 physical facilities, data processing, financial affairs, and internal
42 audits;

43 s. The executive director, assistant executive director, director
44 of staff operations, director of administration, director of rede-
45 velopment and the urban initiatives coordinator of a local housing
46 authority; and

47 t. All other titles as provided by statute or as the board may
48 determine in accordance with criteria established by rule.

1 11A:3-6. Public hearing required when moving title from career
2 to unclassified service. Whenever the board considers moving a
3 title from the career service to the unclassified service, the board
4 shall first hold a public hearing before reaching a determination.

1 11A:3-7. Employee compensation. The commissioner shall estab-
2 lish, administer and amend an equitable State employee compensa-

3 tion plan which shall include pay schedules, the assignment and
 4 reassignment of salaries for all State titles, and standards and pro-
 5 cedures for salary adjustments other than as provided for in the
 6 State compensation plan for the career, senior executive and un-
 7 classified services. When an employee has erroneously received a
 8 salary overpayment, the commissioner may waive repayment based
 9 on a review of the case. Employees of political subdivisions are to
 10 be paid in reasonable relationship to titles and shall not be paid a
 11 base salary below the minimum or above the maximum established
 12 salary for an employee's title.

1 11A:3-8. Payroll audits. The commissioner may audit State pay-
 2 rolls of political subdivisions to determine compliance with this title.
 3 The commissioner may order and enforce immediate compliance as
 4 necessary.

CHAPTER 4

SELECTION AND APPOINTMENT

- 1 11A:4-1 Examinations.
 - 2 11A:4-2 Holding of examinations.
 - 3 11A:4-3 Admission to examinations.
 - 4 11A:4-4 Eligible lists and certifications
 - 5 11A:4-5 Use of eligible list.
 - 6 11A:4-6 Duration of lists.
 - 7 11A:4-7 Exceptions to duration of a list.
 - 8 11A:4-8 Certification and appointment.
 - 9 11A:4-9 Types of eligible lists.
 - 10 11A:4-10 Arrests and criminal records.
 - 11 11A:4-11 Removal on criminal record.
 - 12 11A:4-12 Priority of lists.
 - 13 11A:4-13 Types of appointment.
 - 14 11A:4-14 Promotion.
 - 15 11A:4-15 Working test period.
 - 16 11A:4-16 Transfer, reassignment and lateral title change
- 1 11A:4-1. Examinations. The commissioner shall provide for:
- 2 a. The announcement and administration of examinations which
 - 3 shall test fairly the knowledge, skills and abilities required to
 - 4 satisfactorily perform the duties of a title or group of titles. The
 - 5 examinations may include, but are not limited to, written, oral, per-
 - 6 formance and evaluation of education and experience;
 - 7 b. The rating of examinations;
 - 8 c. The security of the examination process and appropriate sanc-
 - 9 tions for a breach of security;
 - 10 d. The selection of special examiners to act as subject matter
 - 11 specialists or to provide other assistance. Employees of the State

12 or political subdivisions may be so engaged as part of their official
13 duties during normal working hours with the approval of their
14 appointing authority. Extra compensation may be provided for
15 such service outside normal working hours; and

16 e. The right to appeal adverse actions relating to the examina-
17 tion and appointment process which shall include but not be limited
18 to rejection of an application, failure of an examination and re-
19 moval from an eligible list.

1 11A:4-2. Holding of examinations. A vacancy shall be filled by a
2 promotional examination when considered by the commissioner to
3 be in the best interest of the career service.

1 11A:4-3. Admission to examinations. If it appears that an
2 eligible list is not likely to provide full certification for existing or
3 anticipated vacancies from among qualified residents of this State,
4 or of political subdivisions where required by law, the commissioner
5 may admit other qualified nonresident applicants. Where residency
6 preference is provided pursuant to any other statute, the commis-
7 sioner may limit applicants to such classes as are necessary to
8 establish a sufficient pool of eligibles.

1 11A:4-4. Eligible lists and certifications. The commissioner
2 shall provide for:

3 a. The establishment and cancellation of eligible lists;

4 b. The certification of an eligible list to positions in other appro-
5 priate titles; and

6 c. The consolidation of eligible lists which may include, but is not
7 limited to, the combining of names of eligibles by scores.

1 11A:4-5 Use of eligible list. Once the examination process has
2 been initiated due to the appointment of a provisional or an appoint-
3 ing authority's request for a list to fill a vacancy, the affected
4 appointing authority shall be required to make appointments from
5 the list if there is a complete certification unless otherwise permitted
6 by the commissioner for valid reason such as fiscal constraints. If
7 the commissioner permits an appointing authority to leave a posi-
8 tion vacant in the face of a complete list, the commissioner may
9 order the appointing authority to reimburse the department for the
10 costs of the selection process.

1 11A:4-6. Duration of lists. The commissioner shall set the dura-
2 tion of an eligible list which shall not be more than three years
3 from the date of its establishment, except that it may be extended
4 **by the commissioner** for good cause and a list shall not have a
5 duration of more than ***[five]*** **four** years. Notwithstanding the
6 duration of a list, the commissioner may revive a list to implement
7 a court order or decision of the board or commissioner in the event

8 of a successful appeal instituted during the life of the list or to
9 correct an administrative error. The commissioner may revive a
10 list to effect the appointment of an eligible whose working test
11 period was terminated by a layoff.

1 11A:4-7. Exceptions to duration of a list. Notwithstanding the
2 provisions of N. J. S. 11A:4-6, a special reemployment list, a police
3 reemployment list and a fire reemployment list shall have unlimited
4 duration.

1 11A:4-8. Certification and appointment. The commissioner shall
2 certify the three eligibles who have received the highest ranking
3 on an open competitive or promotional list against the first pro-
4 visional or vacancy. For each additional provisional or vacancy
5 against whom a certification is issued at that time, the commis-
6 sioner shall certify the next ranked eligible. If more than one
7 eligible has the same score, the tie shall not be broken and they
8 shall have the same rank. If three or more eligibles can be certified
9 as the result of the ranking without resorting to all three highest
10 scores, only those eligibles shall be so certified.

11 A certification that contains the names of at least three interested
12 eligibles shall be complete and a regular appointment shall be made
13 from among those eligibles. An eligible on an incomplete list shall
14 be entitled to a provisional appointment if a permanent appoint-
15 ment is not made.

16 Eligibles on any type of reemployment list shall be certified and
17 appointed in the order of their ranking and the certification shall
18 not be considered incomplete.

1 11A:4-9. Types of eligible lists. The commissioner may establish
2 the following types of eligible lists:

3 a. Open competitive which shall include all qualified eligibles
4 without regard to whether they are currently employed by the
5 State or a political subdivision;

6 b. Promotional which shall include qualified permanent eligibles;

7 c. Regular reemployment which shall include former permanent
8 employees who resigned in good standing and whose reemployment
9 is certified by the appointing authority as in the best interest of the
10 service. The name of any such employee shall not remain on a
11 reemployment list for more than three years from the date of
12 resignation, unless otherwise extended pursuant to N. J. S. 11A:4-6;

13 d. Police or fire reemployment which shall include former
14 permanent uniformed members of a police or fire department who
15 have resigned in good standing and whose reemployment is certified
16 by the appointing authority as in the best interest of the service; and

17 e. Special reemployment which shall include permanent em-
18 ployees laid off or demoted in lieu of layoff from permanent titles.

1 11A:4-10. Arrests and criminal records. Eligibles may be ques-
2 tioned as to criminal convictions and pending criminal charges.
2 Eligibles for a law enforcement*, ****[fire*]**** ***firefighter*** or
3 correction officer title may also be questioned as to any arrest.

1 11A:4-11 Removal on criminal record. Upon the request of an
2 appointing authority, the commissioner may remove an eligible
3 with a criminal record from a list when the criminal record includes
4 a conviction for a crime which adversely relates to the employment
5 sought. The following factors may be considered in such determina-
6 tion:

- 7 a. Nature and seriousness of the crime;
- 8 b. Circumstances under which the crime occurred;
- 9 c. Date of the crime and age of the eligible when the crime was
10 committed;
- 11 d. Whether the crime was an isolated event; and
- 12 e. Evidence of rehabilitation.

13 The presentation to an appointing authority of a pardon or
14 expungement shall prohibit an appointing authority from rejecting
15 an eligible based on such criminal conviction except for law enforce-
16 ment*, ****[fire*]**** ***firefighter*** or correction officer and other
17 titles as determined by the commissioner.

1 11A:4-12. Priority of lists. When more than one list exists, the
2 priority of lists shall be as follows:

- 3 a. Special reemployment when the available position is in the
4 department from which the eligible was laid off or demoted in lieu
5 of layoff;
- 6 b. Promotional;
- 7 c. Special reemployment when the available position is located in
8 a department other than that from which the eligible was laid off or
9 demoted;
- 10 d. Regular reemployment, police reemployment or fire reemploy-
11 ment; and
- 12 e. Open competitive.

1 11A:4-13. Types of appointment. The commissioner shall pro-
2 vide for the following types of appointment:

- 3 a. Regular appointments shall be to a title in the competitive
4 division of the career service upon examination and certification or
5 to a title in the noncompetitive division of the career service upon
6 appointment. The appointments shall be permanent after satis-
7 factory completion of a working test period;
- 8 b. Provisional appointments shall be made only in the competitive

9 division of the career service and only in the absence of a complete
10 certification if the appointing authority certifies that in each in-
11 dividual case the appointee meets the minimum qualifications for
12 the title at the time of appointment and that failure to make a pro-
13 visional appointment will seriously impair the work of the appoint-
14 ing authority;

15 c. Temporary appointments may be made, without regard to the
16 provisions of this chapter, to temporary positions established for a
17 period aggregating not more than six months in a 12 month period
18 as approved by the commissioner. These positions include, but are
19 not limited to, seasonal positions. Positions established as a result
20 of a short term grant may be established for a maximum of 12
21 months. Appointees to temporary positions shall meet the minimum
22 qualifications of a title;

23 d. Emergency appointments shall not exceed 30 days and shall
24 only be permitted where nonappointment will result in harm to
25 persons or property;

26 e. Senior executive service appointments shall be made pursuant
27 to N. J. S. 11A:3-3; and

28 f. Unclassified appointments shall be made pursuant to N. J. S.
29 11A:3-4 and N. J. S. 11A:3-5.

1 11A:4-14. Promotion. The commissioner shall establish the mini-
2 mum qualifications for promotion and shall provide for the granting
3 of credit for performance and seniority where appropriate.

1 11A:4-15. Working test period. The purpose of the working
2 test period is to permit an appointing authority to determine
3 whether an employee satisfactorily performs the duties of a title.
4 A working test period is part of the examination process which
5 shall be served in the title to which the certification was issued and
6 appointment made. The commissioner shall provide for:

7 a. A working test period following regular appointment for not
8 less than three months and not more than 12 months as set for a title
9 except that the working test period for entry level law enforcement
10 officer, correction officer and firefighter titles shall be for 12 months
10A **and except that an employee in a working test period under Title*
10B *11 of the Revised Statutes on the effective date of this act shall be*
10C *subject to the time limits of the working test period under that*
10D *title**;

11 b. The extension of the working test period for good cause pro-
12 vided that the total duration shall not exceed 12 months;

13 c. Progress reports to be made by the appointing authority and
14 provided to the employee at the end of 1/3 and 2/3 of the working
15 test period and a final progress report at the end of the entire

16 working test period shall be provided to the employee and the com-
17 missioner;

18 d. Termination of an employee at the end of the working test
19 period and termination of an employee for cause during the work-
20 ing test period; and

21 e. The retention of permanent status in the lower title by a pro-
22 moted employee during the working test period in the higher title
23 and the right to return to such permanent title if the employee does
24 not satisfactorily complete the working test period, but employees
25 removed for cause during a working test period shall not be so
26 returned.

1 11A:4-16. Transfer, reassignment and lateral title change. The
2 rules of the board shall define and establish the procedures for
3 transfer, reassignment and lateral title change.

CHAPTER 5

VETERANS PREFERENCE

- 1 11A:5-1 Definitions.
2 11A:5-2 Spouse of disabled veteran or deceased veteran.
3 11A:5-3 Parent and spouse of veteran who has died in service.
4 11A:5-4 Disabled veterans preference.
5 11A:5-5 Veterans preference.
6 11A:5-6 Appointment of veterans.
7 11A:5-7 Inapplication of statutes to promotions.
8 11A:5-8 Preference in appointment in noncompetitive division.
9 11A:5-9 Preference to veterans in layoffs.
10 11A:5-10 Hearing on dismissal of veteran.
11 11A:5-11 Veterans not to be discriminated against because of
12 physical defects.
13 11A:5-12 Employment or promotion of persons awarded Con-
14 gressional Medal of Honor, Distinguished Service
15 Cross, Air Force Cross or Navy Cross.
16 11A:5-13 World War soldiers in employment of a county, munici-
17 pality or school district; promotion.
18 11A:5-14 Veteran police officer or firefighter in city of first class;
19 examination and promotion.
20 11A:5-15 Enforcement.

1 11A:5-1. Definitions. As used in this chapter:

- 2 a. "Disabled veteran" means any veteran who is eligible to be
3 compensated for a service-connected disability from war service
4 by the United States Veterans Administration or who receives or is
5 entitled to receive equivalent compensation for a service-connected
6 disability which arises out of military or naval service as set forth

7 in this chapter and who has submitted sufficient evidence of the
8 record of disability incurred in the line of duty to the commissioner
9 on or before the closing date for filing an application for an exam-
10 ination;

11 b. "Veteran" means any honorably discharged soldier, sailor,
12 marine or nurse who served in any army or navy of the allies of the
13 United States in World War I, between July 14, 1914 and November
14 11, 1918, or who served in any army or navy of the allies of the
15 United States in World War II, between September 1, 1939 and
16 September 2, 1945 and who was inducted into that service through
17 voluntary enlistment, and was a citizen of the United States at the
18 time of the enlistment, and who did not renounce or lose his or her
19 United States citizenship; or any soldier, sailor, marine, airman,
20 nurse or army field clerk, who has served in the active military or
21 naval service of the United States and has been discharged or re-
22 leased under other than dishonorable conditions from that service
23 in any of the following wars or conflicts and who has presented to
24 the commissioner sufficient evidence of the record of service on or
25 before the closing date for filing an application for an examination;

26 (1) World War I, between April 6, 1917 and November 11, 1918;

27 (2) World War II, after September 16, 1940, who shall have
28 served at least 90 days beginning on or before September 2, 1945
29 in such active service, exclusive of any period assigned for a course
30 of education or training under the Army Specialized Training Pro-
31 gram or the Navy College Training Program, which course was a
32 continuation of a civilian course and was pursued to completion, or
33 as a cadet or midshipman at one of the service academies; except
34 that any person receiving an actual service-incurred injury or dis-
35 ability shall be classed a veteran whether or not that person has
36 completed the 90-day service;

37 (3) Korean conflict, after June 23, 1950, who shall have served
38 at least 90 days beginning on or before July 27, 1953, in active
39 service, exclusive of any period assigned for a course in education or
40 training under the Army Specialized Training Program or the Navy
41 College Training Program, which course was a continuation of a
42 civilian course and was pursued to completion, or as a cadet or
43 midshipman at one of the service academies; except that any person
44 receiving an actual service-incurred injury or disability shall be
45 classed as a veteran whether or not that person has completed the
46 90-day service;

47 (4) Vietnam conflict, after December 31, 1960, who shall have
48 served at least 90 days beginning on or before August 1, 1974, in
49 active service, exclusive of any period assigned for a course of

50 education or training under the Army Specialized Training Pro-
51 gram or the Navy College Training Program, which course was a
52 continuation of a civilian course and was pursued to completion, or
53 as a cadet or midshipman at one of the service academies, and
54 exclusive of any service performed pursuant to the provisions of
55 section 511(d) of Title 10, United States Code, or exclusive of any
56 service performed pursuant to enlistment in the National Guard or
57 the Army Reserve, Naval Reserve, Air Force Reserve, Marine
58 Corps Reserve, or Coast Guard Reserve; except that any person
59 receiving an actual service-incurred injury or disability shall be
60 classed as a veteran whether or not that person has completed the
61 90-day service as provided;

62 c. "War service" means service by a veteran in any war or con-
63 flict described in this chapter during the periods specified.

1 11A:5-2. Spouse of disabled veteran or deceased veteran. The
2 spouse of any disabled veteran is eligible to receive disabled
3 veterans preference under this chapter, if that veteran is not in the
4 service of the State or any political subdivision which operates
5 under this title and the veteran officially waives, if able to do so,
6 any right to preference for the duration of the spouse's employment.

7 The surviving spouse of any disabled veteran or veteran shall be
8 entitled to receive the same preference under this chapter to which
9 the disabled veteran or deceased veteran would have been entitled
10 to if still living. The preference shall terminate upon the re-
11 marriage of the surviving spouse.

1 11A:5-3. Parent and spouse of veteran who has died in service.
2 A parent and spouse of any veteran who died while in service and
3 who would have qualified under this chapter as a veteran, shall be
4 entitled to a disabled veterans preference. Where both a parent and
5 spouse survive, the exercise of the preference by one shall suspend
6 the right of any other so long as the first individual who exercises
7 preferences remains in the employ of the State or any political
8 subdivision operating under the provisions of this title.

1 11A:5-4. Disabled veterans preference. The names of disabled
2 veterans who receive passing scores on open competitive examina-
3 tions shall be placed at the top of the employment list in the order
4 of their respective final scores.

1 11A:5-5. Veterans preference. The names of veterans who
2 receive passing scores on open competitive examinations shall be
3 placed on the employment list in the order of their respective
4 scores immediately after disabled veterans.

1 11A:5-6. Appointment of veterans. Whenever a disabled veteran
2 or veteran shall be certified to an appointing authority from an open

3 competitive employment list under the provisions of N. J. S.
4 11A:4-8, the appointing authority shall appoint the disabled veteran
5 or veteran in the order of ranking.

1 11A:5-7. Inapplication of statutes to promotions. Nothing
2 contained in N. J. S. 11A:5-4 through 11A:5-7 shall apply to pro-
3 motions but, whenever a veteran ranks highest on a promotional
4 certification, a nonveteran shall not be appointed unless the
5 appointing authority shall show cause before the board why a
6 veteran should not receive such promotion.

1 11A:5-8. Preference in appointment in noncompetitive division.
2 From among those eligible for appointment in the noncompetitive
3 division, preference shall be given to a qualified veteran. Before
4 an appointing authority shall select a nonveteran and not appoint
5 a qualified veteran, the appointing authority shall show cause
6 before the board why a veteran should not be appointed. In all
7 cases, a disabled veteran shall have preference over all others.

1 11A:5-9. Preference to veterans in layoffs. When a layoff occurs,
2 preference shall be given first to a disabled veteran and then to a
3 veteran; but, the preference shall apply only where the disabled
4 veteran or veteran has seniority in title equal to that of a non-
5 veteran also affected by the layoff.

1 11A:5-10. Hearing on dismissal of veteran. Before any de-
2 partment head shall dismiss any veteran, as provided in N. J. S.
3 11A:5-9, such department head shall show cause before the board
4 why such veteran should not be retained, at which time such veteran
5 or veterans may be privileged to attend. The board shall be the
6 sole judge of the facts constituting such qualification.

1 11A:5-11. Veterans not to be discriminated against because of
2 physical defects. Veterans suffering from any physical defect
3 caused by wounds or injuries received in the line of duty in the
4 military or naval forces of the United States during war service
5 set forth in N. J. S. 11A:5-1 shall not be discriminated against
6 in an examination, classification or appointment because of the
7 defect, unless this defect, in the opinion of the board, would in-
8 capacitate the veteran from properly performing the duties of the
9 office, position or employment for which applied.

1 11A:5-12. Employment or promotion of persons awarded Con-
2 gressional Medal of Honor, Distinguished Service Cross, Air Force
3 Cross or Navy Cross. Any individual who has served in the
4 Army, Air Force, Navy, or Marine Corps of the United States
5 and who has been awarded the Congressional Medal of Honor,
6 the Distinguished Service Cross, Air Force Cross or Navy Cross,
7 while a resident of this State, shall be appointed or promoted

8 without complying with the rules of the board. The appointing
 9 authority to whom the individual applies for appointment or pro-
 10 motion shall, at its discretion, appoint or promote that person.
 11 Upon promotion or appointment, that person shall become subject
 12 to the rules of the board. A person who qualifies under this sec-
 13 tion shall not be limited to only one appointment or promotion.

1 11A:5-13. World War soldiers in employment of a county,
 2 municipality or school district; promotion. A soldier who served
 3 in the Army of the United States during the war between the
 4 United States and Germany, who holds the French medaille
 5 militaire, the croix de guerre with palm, croix de guerre with
 6 silver star, croix de guerre with bronze star and who was on
 7 March 26, 1926, employed by any county, municipality or school
 8 district operating under the provisions of this title shall be eligible
 9 for promotion without complying with any of the rules or regu-
 10 lations of the board. The head, or person in charge of the office
 11 in which the person is employed, may promote such employee for
 12 the good of the service as may in his judgment seem proper.

1 11A:5-14. Veteran police officer or firefighter in city of first
 2 class; examination and promotion. A member of the police or
 3 fire department in a city of the first class who is a veteran shall
 4 be entitled to be admitted to the examination for promotion to
 5 a superior rank and upon successfully passing such examination
 6 shall be entitled to appointment in such superior rank, notwith-
 7 standing the fact that such person may not have held the position
 8 or rank held or occupied by him at the time of taking the examina-
 9 tion for a period of two years, if the employee has or shall have
 10 held or occupied the same for a period of one year.

1 11A:5-15. Enforcement. The board may promulgate rules for
 2 the proper administration and enforcement of this chapter.

3 Nothing herein contained shall be construed to amend, modify
 4 or supersede N. J. S. 40A:14-25, N. J. S. 40A:14-115 or N. J. S.
 5 40A:14-143.

CHAPTER 6

LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT

ARTICLE 1

Leaves of Absence, Supplemental Compensation and Hours of Work

1 11A:6-1 Leaves.
 2 11A:6-2 Vacation leave; full-time State employees.
 3 11A:6-3 Vacation leave, full-time political subdivision em-
 4 ployees.

- 5 11A:6-4 Death of employees having vacation credit.
6 11A:6-5 Sick leave.
7 11A:6-6 State administrative leave.
8 11A:6-7 Leaves for part-time employees.
9 11A:6-8 Sick leave injury in State service.
10 11A:6-9 Leaves of absence for police officers and firefighters.
11 11A:6-10 Convention leave of police officers and firefighters.
12 11A:6-11 Leave for athletic competition.
13 11A:6-12 Appointment by Governor; leave of absence without
14 pay.
15 11A:6-13 Elective office; leave of absence without pay; appoint-
16 ments to position; reemployment list.
17 11A:6-14 Eligibility for promotions during leave of absence.
18 11A:6-15 Supplemental compensation upon retirement in State
19 employment.
20 11A:6-16 Supplemental compensation; employees of Rutgers,
21 The State University of New Jersey, New Jersey
22 Institute of Technology and the University of Medi-
23 cine and Dentistry of New Jersey.
24 11A:6-17 Supplemental compensation; deferred retirement.
25 11A:6-18 Supplemental compensation; computation; limitation.
26 11A:6-19 Supplemental compensation; certification of accumu-
27 lated sick leave.
28 11A:6-20 Supplemental compensation; break in service.
29 11A:6-21 Supplemental compensation; ineligibility to other pen-
30 sion retirement benefits.
31 11A:6-22 Supplemental compensation; rules.
32 11A:6-23 Hours of work, overtime and holiday pay.

ARTICLE 2

Employee Programs

- 1 11A:6-24 State training programs.
2 11A:6-25 Employee career development.
3 11A:6-26 Political subdivisions.
4 11A:6-27 Employee performance evaluations.

ARTICLE 3

Awards

- 1 11A:6-28 Awards Committee.
2 11A:6-29 Awards.
3 11A:6-30 Powers and duties of committee.
4 11A:6-31 Payment of awards.

ARTICLE I

Leaves of Absence, Supplemental Compensation and
Hours of Work

1 11A:6-1. Leaves. The board shall designate the types of leaves
2 and adopt rules for State employees in the career and senior
3 executive services regarding procedures for sick leave, vacation
4 leave and all other designated leaves with or without pay as the
5 board may designate. Any political subdivision subject to the
6 provisions of this title shall prepare procedures regarding these
7 items.

8 In all cases, a leave of absence with or without pay shall not
9 exceed a period of one year at any one time unless renewal or
10 extension is granted upon written approval of the commissioner.

1 11A:6-2. Vacation leave. Vacation leave; full-time State em-
2 ployees. Vacation leave for full-time State employees in the career
3 and senior executive service shall be:

4 a. Up to one year of service, one working day for each month
5 of service;

6 b. After one year and up to five years of continuous service,
7 12 working days;

8 c. After five years and up to 12 years of continuous service,
9 15 working days;

10 d. After 12 years and up to 20 years of continuous service, 20
11 working days;

12 e. Over 20 years of continuous service, 25 working days; and

13 f. Vacation not taken in a given year because of business de-
14 mands shall accumulate and be granted during the next succeeding
15 year only.

1 11A:6-3. Vacation leave; full-time political subdivision em-
2 ployees. Vacation leave for full-time political subdivision em-
3 ployees shall be:

4 a. Up to one year of service, one working day for each month
5 of service;

6 b. After one year and up to 10 years of continuous service,
7 12 working days;

8 c. After 10 years and up to 20 years of continuous service, 15
9 working days;

10 d. After 20 years of continuous service, 20 working days; and

11 e. Vacation not taken in a given year because of business de-
12 mands shall accumulate and be granted during the next succeeding
13 year only.

1 11A:6-4. Death of employee having vacation credit. The estate
2 of a deceased employee covered by this title who had accumulated
3 annual vacation leave, shall be paid a sum equal to the compensa-
4 tion for that vacation leave.

1 11A:6-5. Sick leave. Full-time State and political subdivision
2 employees shall receive a sick leave credit of no less than one
3 working day for each completed month of service during the re-
4 mainder of the first calendar year of service and 15 working days
5 in every year thereafter. Unused sick leave shall accumulate
6 without limit.

1 11A:6-6. State administrative leave. Administrative leave for
2 personal reasons including religious observances for full-time
3 State employees and those employees of Rutgers, The State Univer-
4 sity, New Jersey Institute of Technology and the University of
5 Medicine and Dentistry of New Jersey who perform services
6 similar to those performed by employees of the New Jersey
7 State Colleges who are in the career service shall be three working
8 days per calendar year. Administrative leave shall not be cumula-
9 tive and any administrative leave unused by an employee at the
10 end of any year shall be cancelled.

1 11A:6-7. Leaves for part-time employees. Part-time employees
2 shall receive proportionate vacation, sick and administrative leave.

1 11A:6-8. Sick leave injury in State service. Leaves of absence
2 for career, senior executive and unclassified employees in State
3 service due to injury or illness directly caused by and arising from
4 State employment shall be governed by rules of the board. Any
5 sick leave with pay shall be reduced by the amount of worker's
6 compensation or disability benefits, if any, received for the same
7 injury or illness.

1 11A:6-9. Leaves of absence for police officers and firefighters.
2 Leaves of absence for police officer and firefighter titles shall be
3 governed by the applicable provisions of Title 40A of the New
4 Jersey Statutes and N. J. S. 11A:6-10.

1 11A:6-10. Convention leave for police officers and firefighters.
2 A leave of absence with pay shall be given to every employee who
3 is a duly authorized representative of the New Jersey Patrolmen's
4 Benevolent Association, Inc., Fraternal Order of Police, Firemen's
5 Mutual Benevolent Association, Inc., the Fire Fighters Association
6 of New Jersey or the New Jersey State Association of Chiefs of
7 Police, to attend any State or national convention of the organiza-
8 tion. The leave of absence shall be for a period inclusive of the
9 duration of the convention with a reasonable time allowed for

10 travel to and from the convention. A certificate of attendance
11 to the convention shall, upon request, be submitted by the re-
12 presentative so attending.

1 11A:6-11. Leave for athletic competition. Any State employee
2 in the career, senior executive or unclassified service who qualifies
3 as a member of the United States team for athletic competition
4 at the world, Pan American or Olympic level, in a sport contested
5 in either Pan American or Olympic competitions, shall be granted
6 a leave of absence with pay and without loss of rights, privileges
7 and benefits and without interruption of membership in any re-
8 tirement system of the State for the purpose of preparing for
9 and engaging in the competition. The paid leave granted pursuant
10 to this title shall be no more than 90 calendar days in one year or
11 the combined days of the official training camp and competition,
12 whichever is less.

1 11A:6-12. Appointment by Governor; leave of absence without
2 pay. Any employee in the career or senior executive service who
3 is appointed to any position pursuant to P. L. 1947, c. 14 (C.
4 52:14-16.2) shall be entitled to a leave of absence without pay
5 from the permanent career or senior executive service title for
6 the length of the appointment. Upon the expiration of the leave,
7 the employee shall have the right to return to the former title
8 and receive all of the rights, privileges and benefits of that title
9 as if the employee had remained in that title.

1 11A:6-13. Elective office; leave of absence without pay; appoint-
2 ments to position; reemployment list. Any person holding a posi-
3 tion in the career service of any political subdivision shall upon
4 written request be granted a leave of absence, without pay, to fill
5 any elective public office for the term of the office. Upon the
6 expiration of the term of office, that person shall be entitled to
7 resume the position held at the time of the granting of the leave of
8 absence if the employee shall apply for reinstatement before the
9 expiration of the leave of absence and return to duty within six
10 years after the commencement of the leave. The time spent in
11 serving the term of an elective office, up to a maximum of six
12 years from the commencement of the leave, shall be included in
13 the computation of that person's seniority rights.

14 All appointments to the position of that person during the period
15 of six years from the date the leave of absence commences shall be
16 made from eligible lists and the appointments shall, during such
17 six-year period, be held to be interim and shall be terminated on
18 the return to duty within the six-year period of the person to
19 whom the leave of absence was granted.

20 In the event that the term of the elective public office of the
 21 person to whom such leave was granted expires after six years
 22 from the commencement of such leave, the name of such person,
 23 upon the expiration of the six-year period, shall be placed on a
 24 special reemployment list.

1 11A:6-14. Eligibility for promotions during leave of absence.
 2 A leave of absence should not disqualify an applicant for a promo-
 3 tional examination.

1 11A:6-15. Supplemental compensation upon retirement in State
 2 employment. State employees in the career service, and those in
 3 the senior executive and unclassified services who have been
 4 granted sick leave under terms and conditions similar to career
 5 service employees, shall be entitled upon retirement from a State
 6 administered retirement system to receive a lump sum payment as
 7 supplemental compensation for each full day of accumulated sick
 8 leave which is credited on the effective date of retirement.

1 11A:6-16. Supplemental compensation; employees of Rutgers,
 2 The State University, New Jersey Institute of Technology, and
 3 the University of Medicine and Dentistry of New Jersey. The
 4 supplemental compensation provided under this chapter shall also
 5 be paid to each employee of Rutgers, The State University, New
 6 Jersey Institute of Technology, and the University of Medicine
 7 and Dentistry of New Jersey who performs services similar to
 8 those performed by employees of the New Jersey State Colleges
 9 who are in the career service or who have been granted sick leave
 10 under terms and conditions similar to career service employees,
 11 including those employees of the University of Medicine and
 12 Dentistry of New Jersey who are members of the Newark Em-
 13 ployees Retirement System.

1 11A:6-17. Supplemental compensation; deferred retirement. A
 2 State employee who elects deferred retirement shall not be eligible
 3 for the supplemental compensation provided under this chapter.

1 11A:6-18. Supplemental compensation, computation; limitation.
 2 Supplemental compensation shall be computed at the rate of one-
 3 half of the eligible employee's daily rate of pay for each day of
 4 accumulated sick leave based upon the compensation received
 5 during the last year of employment prior to the effective date of
 6 retirement, but, supplemental compensation shall not exceed
 7 *~~[\$12,000.00]~~* *\$15,000.00*. If an employee dies after the effective
 8 date of retirement but before payment is made, payment shall be
 9 made to the employee's estate.

1 11A:6-19. Supplemental compensation; certification of accumu-

2 lated sick leave. Upon application for supplemental compensation
3 made by an employee, the appointing authority shall, within 45
4 days, certify the number of accumulated sick days for which
5 supplemental compensation is to be paid. Payment shall be made
6 from a special State account established for this purpose.

1 11A:6-20. Supplemental compensation; break in service. An
2 employee who has incurred or shall incur a break in service as a
3 result of separation due to layoff shall be credited with sick leave
4 accrued both before separation and after return to employment.
5 An employee incurring a break in service for any other type of
6 separation shall have sick leave computed only from the date of
7 return to employment.

1 11A:6-21. Supplemental compensation; inapplicability to other
2 pension retirement benefits. The supplemental compensation pro-
3 vided for accumulated sick leave shall in no way affect, increase
4 or decrease any pension or retirement benefits under any other
5 statute.

1 11A:6-22. Supplemental compensation; rules. The board shall
2 adopt rules for the implementation of supplemental compensation,
3 which shall include but need not be limited to application and
4 eligibility procedures.

1 11A:6-23. Hours of work, overtime and holiday pay. State
2 employees in the career, senior executive and unclassified services
3 in titles or circumstances designated by the board shall be eligible
4 for overtime compensation and holiday pay. Overtime compensa-
5 tion and holiday pay shall be either cash compensation at a rate
6 representing 1½ times the employee's hourly rate of base salary
7 or compensatory time off at a rate of 1½ hours for each hour
8 worked beyond the regular workweek at the discretion of the
9 department head with the approval of the commissioner.

10 The board shall adopt rules for the implementation of hours of
11 work, overtime compensation and holiday pay programs which
12 shall include but need not be limited to application and eligibility
13 procedures.

ARTICLE 2

Employee Programs

1 11A:6-24. State training programs. The commissioner may
2 establish and shall review and approve training and education
3 programs for State employees in the career, senior executive and
4 unclassified services and shall supervise a State training center
5 with appropriate courses and fee schedules. Particular training
6 may be required by the commissioner for certain employees for
7 which an assessment to State departments may be imposed.

1 11A:6-25. Employee career development. The commissioner
2 shall develop and stimulate employee career development and
3 improve management and efficiency in State government through
4 programs, for which an assessment to State departments may be
5 imposed, that include but are not limited to:

- 6 a. Career mobility and transferability;
- 7 b. Employee advisory services for counseling and rehabilitation;
- 8 c. Retirement planning; and
- 9 d. Interchange and internship programs.

1 11A:6-26. Political subdivisions. The commissioner may, at the
2 request of any political subdivision, initiate programs similar to
3 those authorized in this chapter and provide technical assistance
4 to political subdivisions to improve the efficiency and effectiveness
5 of their personnel management programs. The commissioner may
6 require reasonable reimbursement from a participating political
7 subdivision.

1 11A:6-27. Employee performance evaluations. The commis-
2 sioner shall establish an employee performance evaluation system
3 for State employees in the career and senior executive service.
4 The system shall utilize standards and criteria related to job
5 content and program goals.

6 Political subdivisions may adopt employee performance evalua-
7 tion systems for their employees.

8 The board shall adopt and enforce rules with respect to the
9 utilization of performance ratings in promotion, layoff or other
10 matters.

ARTICLE 3

Awards

1 11A:6-28. Awards Committee. The New Jersey Employee
2 Awards Committee shall be established in the department under
3 the supervision of the commissioner. The committee shall be
4 composed of seven persons, each of whom shall be employed in a
5 different department within the Executive Branch. Appointments
6 to the committee shall be made by the Governor, from nominations
7 by the commissioner, for staggered terms of three years or until a
8 successor is appointed. No member shall serve more than two
9 consecutive full terms. Members shall serve without compensa-
10 tion but shall be entitled to sums incurred for necessary expenses.
11 The commissioner shall designate an employee of the department
12 as executive secretary to the committee.

1 11A:6-29. Awards. The committee, subject to appropriations
2 made for that purpose, may provide awards to State employees
3 for, but not limited to:

- 4 a. Meritorious suggestions and accomplishments which promote
5 efficiency, productivity or economy;
6 b. Heroism or exceptional service;
7 c. Professional achievements; and
8 d. Service.

1 11A:6-30. Powers and duties of the committee. The committee
2 shall:

3 a. Adopt rules for the implementation of the awards programs
4 subject to the approval of the commissioner;

5 b. Request and receive assistance from any department in State
6 government;

7 c. Prepare an annual report to the Governor from the commis-
8 sioner concerning the operation of the awards program; and

9 d. Establish and supervise the awards committees in the depart-
10 ments in State government.

11 11A:6-31. Payment of awards. Suggestion awards shall be
12 paid from State funds appropriated for that purpose.

CHAPTER 7

EQUAL EMPLOYMENT OPPORTUNITY

- 1 11A:7-1 Equal employment opportunity.
2 11A:7-2 Division of Equal Employment Opportunity and
3 Affirmative Action.
4 11A:7-3 Equal employment opportunity and affirmative action
5 program.
6 11A:7-4 Agency goals.
7 11A:7-5 Department responsibilities.
8 11A:7-6 Agency affirmative action officer.
9 11A:7-7 Agency accountability for affirmative action plan.
10 11A:7-8 Agency affirmative action plan.
11 11A:7-9 Agency failure to achieve affirmative action goals;
12 penalties.
13 11A:7-10 Citation by Governor for attaining affirmative action
14 results.
15 11A:7-11 Equal Employment Opportunity Advisory Commis-
16 sion; creation.
17 11A:7-12 Equal Employment Opportunity Advisory Committee;
18 membership; term; vacancy; meetings; executive
19 secretary.
20 11A:7-13 Accommodation for the handicapped and examination
21 waiver.

1 11A:7-1. Equal employment opportunity. The head of each State
2 agency shall ensure equality of opportunity for all of its employees
3 and applicants seeking employment. Equal employment oppor-
4 tunity includes, but is not limited to, the following areas: recruit-
5 ment, selection, hiring, training, promotion, transfer, layoff, return
6 from layoff, compensation and fringe benefits. Equal employment
7 opportunity further includes policies, procedures, and programs
8 for recruitment, employment, training, promotion, and retention of
9 minorities, women and handicapped persons

10 The head of each State agency shall expore innovative personnel
11 policies in order to enhance these efforts and where appropriate
12 shall implement them to the fullest extent authorized. Where the
13 implementation of those policies is not authorized, an agency head
14 shall recommend implementation to the appropriate State agency.

1 11A:7-2. Division of Equal Employment Opportunity and Affir-
2 mative Action. A division of Equal Employment Opportunity and
3 Affirmative Action is established in the department. The division
4 shall have all of the powers and shall exercise all of the functions
5 and duties set forth in this chapter, subject to the supervision and
6 control of the commissioner.

1 11A:7-3. Equal employment opportunity and affirmative action
2 program. The division shall develop, implement and administer an
3 equal employment opportunity and affirmative action program for
4 all State agencies. The program shall consider the particular per-
5 sonnel requirements that are reasonably related to job performance
6 of each State agency. The director of the division shall ensure that
7 the affirmative action and equal employment goals of each State
8 agency for minorities, women and handicapped persons shall be
9 reasonably related to their population in the relevant surrounding
10 labor market area. The director, in accordance with applicable
11 federal and State guidelines, shall:

12 a. Ensure each State agency's compliance with all laws and rules
13 relating to equal employment opportunity and seek correction of
14 discriminatory practices, policies and procedures;

15 b. Recommend appropriate sanctions for noncompliance to the
16 commissioner who, with the concurrence of the Governor, is au-
17 thorized to implement sanctions;

18 c. Review State personnel practices, policies and procedures, in-
19 clusive of recruitment, selection, and promotion in order to identify
20 and eliminate artificial barriers to equal employment opportunity;

21 d. Act as liaison with federal, State, and local enforcement
22 agencies; and

23 e. Recommend appropriate legislation to the commissioner and

24 perform other actions deemed necessary by the commissioner to
25 implement this chapter.

26 f. Provide, under rules adopted by the board, for review of equal
27 employment complaints.

1 11A:7-4. Agency goals. The department shall establish reason-
2 able equal employment and affirmative action goals for State
3 agencies in the form of regulations.

1 11A:7-5. Department responsibilities. The department, through
2 the Division of Equal Employment Opportunity and Affirmative
3 Action, shall:

4 a. Ensure that the pool of applicants for all vacant positions in
5 State agencies includes minorities, women and handicapped per-
6 sons so that affirmative action goals are attainable through agency
7 selection decisions;

8 b. Undertake a comprehensive review of its rules, regulations
9 and testing procedures in order to amend or eliminate those which
10 serve to discriminate against minorities, women and handicapped
11 persons;

12 c. Ensure that selection devices do not discriminate against
13 minorities, women and handicapped persons;

14 d. Analyze job specifications to isolate and eliminate prereq-
15 uisites that are artificial barriers to employment;

16 e. Review all discrimination complaints under Title VII of the
17 Civil Rights Act of 1964, Pub. L. 88-352 (42 U. S. C. § 2000e et seq.)
18 evaluate trends, and recommend appropriate policy changes; and

19 f. Receive, analyze and transmit to the Governor, at least semi-
20 annually, progress reports on affirmative action in all State
21 agencies.

1 11A:7-6. Affirmative action officer. The head of each State
2 agency shall appoint at least one person with the responsibility for
3 equal employment opportunity as the affirmative action officer.
4 Unless otherwise permitted by the director with the approval of the
5 commissioner, such person shall serve on a full-time basis and shall
6 be responsible to the Division of Equal Employment Opportunity
7 and Affirmative Action.

1 11A:7-7. Agency accountability for affirmative action plan. The
2 head of each State agency shall be accountable to the Governor for
3 achieving and maintaining agency compliance with the affirmative
4 action program.

1 11A:7-8. Agency affirmative action plan. Each State agency shall
2 submit an affirmative action plan, with goals and timetables, plus
3 quarterly and annual affirmative action reports to the director.
4 Each affirmative action plan shall identify existing inequities in

5 hiring, promotion, and all other conditions of employment and
6 provide specific remedies for these inequities and establish the time
7 periods for the accomplishment of remedial action. Each State
8 agency shall make good faith efforts to meet its goals and time-
9 tables.

1 11A:7-9. Agency failure to achieve affirmative action goals;
2 penalties. If there is a failure by a State agency to achieve its
3 affirmative action goals, or to demonstrate good faith efforts, appro-
4 priate sanctions and penalties may be imposed by the department
5 in accordance with federal and State regulations, subject to the
6 concurrence of the Governor and the commissioner. These sanctions
7 may include, but are not limited to, placing a moratorium on depart-
8 mental personnel actions in the career, senior executive and un-
9 classified services, and such other sanctions as may be allowed by
10 law.

1 11A:7-10. Citation by Governor for attaining affirmative action
2 results. State agencies which achieve outstanding affirmative action
3 results shall be cited by the Governor for their efforts.

1 11A:7-11. Equal Employment Opportunity Advisory Commis-
2 sion; creation. There is established in the department an Equal
3 Employment Opportunity Advisory Commission which shall advise
4 the Division of Equal Employment Opportunity and Affirmative
5 Action and recommend improvements in the State's affirmative
6 action efforts.

1 11A:7-12. Equal Employment Opportunity Advisory Commis-
2 sion; membership; term; vacancy; meetings; executive secretary.
3 The Equal Employment Opportunity Advisory Commission shall
4 consist of 11 members appointed by the Governor, at least six of
5 whom shall be minorities, women and handicapped persons. Con-
6 sideration shall be given to appropriate representation of each
7 group. The remaining members of the commission may be com-
8 prised of State agency heads or their designated representatives
9 All members of the commission shall be residents of the State.
10 Members shall be appointed for staggered term of four years but
11 members appointed under section 10 of P. L. 1981, c. 124 (C.
12 11:2D-10) shall continue on the commission for the duration of
13 their respective terms. Each member shall hold office for the term
14 of the appointment and until a successor is appointed. Members
15 may not serve more than two consecutive terms. A vacancy in the
16 membership of the commission shall be filled by appointment by the
17 Governor for the remainder of the term. The commission shall
18 meet at least quarterly to review implementation of this chapter.
19 The Director of the Division of Equal Employment Opportunity
20 and Affirmative Action shall serve as executive secretary.

- 1 11A:7-13. Accommodation for the handicapped and examination
 2 waiver. The commissioner may establish procedures for the reason-
 3 able accommodation of handicapped persons in the employee selec-
 4 tion process for the State and the political subdivisions covered by
 5 this Title. Pursuant to rules adopted by the board, the commis-
 6 sioner may waive an examination for an applicant who suffers from
 7 a physical, mental or emotional affliction, injury, dysfunction, im-
 8 pairment or disability which:
- 9 a. Makes it physically or psychologically not practicable for that
 10 person to undergo the testing procedure for the title for which
 11 applied, but
- 12 b. Does not prevent that person from satisfactorily performing
 13 the responsibilities of the title under conditions of actual service;
 14 and
- 15 c. In making such determinations, the commissioner may require
 16 the submission of sufficient and appropriate medical documentation.

CHAPTER 8

LAYOFFS

- 1 11A:8-1 Layoff.
- 2 11A:8-2 Pre-layoff actions.
- 3 11A:8-3 Alternatives to layoff.
- 4 11A:8-4 Appeals.
- 1 11A:8-1. Layoff. A permanent employee may be laid off for
 2 economy, efficiency or other related reason. The employee shall be
 3 demoted in lieu of layoff whenever possible. A permanent employee
 4 shall receive written 45 days' notice, unless in State government a
 5 greater time period is ordered by the commissioner, which shall be
 6 served personally or by certified mail, of impending layoff or
 7 demotion and the reasons therefor. At the same time the notice is
 8 served, the appointing authority shall provide the commissioner
 9 with a list of the names and permanent titles of all employees
 10 receiving the notice. The board shall adopt rules regarding the
 11 order of layoff and employee rights.
- 1 11A:8-2. Pre-layoff actions. The board shall adopt rules for
 2 preventive actions to lessen the possibility of a layoff or demotion
 3 of permanent employees.
- 1 11A:8-3. Alternatives to layoff. The commissioner, in consulta-
 2 tion with the advisory committee established pursuant to subsec-
 3 tion m. of N. J. S 11A:2-11, may recommend rules to the board on
 4 voluntary reduced worktime or other alternatives to layoffs. Em-
 5 ployee participation in the program shall not affect special reem-
 6 ployment or retention rights.
- 1 11A:8-4. Appeals. A permanent employee who is laid off or

2 demoted in lieu of layoff shall have a right to appeal the good faith
 3 of such layoff or demotion to the board. Appeals must be filed
 4 within 20 days of final notice of such layoff or demotion. The burden
 5 of proof in such actions shall be on the employee and rules adopted
 6 pursuant to N. J. S. 11A:2-22 would also be applicable to these
 7 appeals.

CHAPTER 9

POLITICAL SUBDIVISIONS

- 1 11A:9-1 Application.
 2 11A:9-2 Adoption of title; petition.
 3 11A:9-3 Adoption of title; question placed on ballot; public
 4 notice.
 5 11A:9-4 Refusal to comply.
 6 11A:9-5 School districts.
 7 11A:9-6 Adoption of title; elections.
 8 11A:9-7 Results certified.
 9 11A:9-8 Consolidation of functions.
 10 11A:9-9 Status of employee;
 11 11A:9-10 Seniority rights.
 12 11A:9-11 Rescission of title; petition.
 13 11A:9-12 Rescission of title; question placed on ballot; public
 14 notice.
 15 11A:9-13 Rescission of title; elections.
 16 11A:9-14 Rescission of title; results certified; effect of vote to
 17 rescind.
 18 11A:9-15 Subsequent elections.

1 11A:9-1. Application. This title shall apply to any political
 2 subdivision to which the provisions of Title 11 of the Revised
 3 Statutes and the supplements thereto applied immediately prior to
 4 their repeal and to any political subdivision which hereafter
 5 adopts the provisions of this title.

1 11A:9-2. Adoption of title; petition. The clerk of any county or
 2 municipality not operating under the provisions of this title shall
 3 submit the question of adopting the provisions of Title 11A of the
 4 New Jersey Statutes to the voters of the county or municipality
 5 upon the filing with the clerk of a petition requesting the adoption.
 6 The petition shall be signed by the registered voters of the county
 7 or municipality equal to 15% of the valid votes cast in the county
 8 or municipality during the last general election. Each name shall
 9 be signed in ink and the place of residence indicated by street and
 10 number or other description sufficient to identify the place. At-
 11 tached to each separate paper there shall be an affidavit of the

12 circulator thereof that the circulator, and only the circulator,
13 personally circulated the foregoing paper, that all signatures
14 thereto were made in the circulator's presence, and that the
15 circulator believes them to be genuine signatures of the persons
16 whose names they purport to be. Within 10 days from the date of
17 filing the petition, the clerk shall complete an examination and
18 ascertain whether or not the petition is signed by the requisite
19 number of qualified voters and shall attach to the petition a
20 certificate showing the result of the examination.

1 11A:9-3. Adoption of title; question placed on ballot; public
2 notice. If the petition is sufficient, the clerk shall, 15 days there-
3 after, give public notice that the question will be submitted to the
4 voters at the next general or municipal election. Public notice
5 includes, but is not limited to, publication in the political sub-
6 division's official newspaper once a week for at least four weeks
7 and posting the notice in five of the most public places in the
8 political subdivision for at least four weeks before the election.
9 The clerk shall also cause the question to be printed upon the
10 ballots to be used at the election.

1 11A:9-4. Refusal to comply. If the clerk refuses or neglects to
2 comply with the provisions of N. J. S. 11A:9-2 and N. J. S.
3 11A:9-3, a registered voter of the political subdivision or the
4 commissioner may apply to a judge of the Superior Court in the
5 county in which the political subdivision is located for an order
6 directing and compelling the submission of the question involved
7 in the petition. The judge shall hear the matter summarily. If
8 the judge finds and determines that the petition is in accordance
9 with law, an appropriate order shall be issued. Any clerk failing
10 to comply with the order of the court, or any public official, officer,
11 agent or employee interfering with, or preventing, such clerk from
12 satisfying such order, shall be guilty of a crime of the fourth
13 degree.

1 11A:9-5. School districts. All the provisions of this chapter
2 shall apply to school districts in which the board of education is
3 elected by the voters. School districts shall, in the submission of
4 the question to the voters, conform to the provisions of this
5 chapter as nearly as possible.

1 11A:9-6. Adoption of title; elections. The method of submitting
2 the question of the adoption of this title to the voters of a county
3 or municipality shall conform as nearly as possible to the provi-
4 sions of Title 19 of the Revised Statutes relating to the sub-
5 mission of public questions, and when submitted at a school district

6 election shall conform as nearly as possible to the provisions of
7 Title 18A of the New Jersey Statutes relating to the submission of
8 public questions in school districts.

1 11A:9-7. Results certified. The result of the election shall be
2 certified by the clerk of the political subdivision to the commis-
3 sioner.

1 11A:9-8. Consolidation of functions. When the functions of two
2 or more political subdivisions are consolidated, and any one of the
3 political subdivisions shall be operating under this title at the
4 time of such consolidation, the other political subdivision or sub-
5 divisions shall be deemed to have adopted this title with regard
6 to the combined functions.

1 11A:9-9. Status of employees. Any employee of a political
2 subdivision who, at the time of adoption of this title, was actively
3 employed by the political subdivision continuously for a period of
4 at least one year prior to the adoption of this title, or any em-
5 ployee who was on an approved leave of absence and had at least
6 one year of continuous service with the political subdivision prior
7 to the adoption of the title, and who comes within the career service,
8 shall continue to hold such position, and shall not be removed
9 except in accordance with the provisions contained in this title.

1 11A:9-10. Seniority rights. At the time of adoption of this title,
2 the seniority rights of employees shall be based upon the length
3 of their continuous service with that political subdivision.

1 11A:9-11. Rescission of title; petition. The clerk of any county,
2 municipality or school district operating under Title 11A of the
3 New Jersey Statutes shall submit to the voters of the political
4 subdivision at a general election in November the question of
5 rescinding the adoption of the provisions of Title 11A of the New
6 Jersey Statutes upon the filing with the clerk of a petition re-
7 questing the rescission. The petition shall be signed by the regis-
8 tered voters of the political subdivision equal in number to at
9 least 15% of the valid votes cast at the last general election in
10 November. Each name shall be signed in ink and the signer's place
11 of residence shall be indicated by street and number or other
12 description sufficient to identify the place. Attached to each sepa-
13 rate paper there shall be an affidavit of the circulator thereof that
14 the circulator, and only the circulator, personally circulated the
15 foregoing paper, that all signatures thereto were made in the
16 circulator's presence, and that the circulator believes them to be
17 genuine signatures of the persons whose names they purport to be.
18 Within 10 days from the date of filing the petition, the clerk shall

19 complete an examination and ascertain whether or not the petition
 20 is signed by the requisite number of qualified voters and shall
 21 attach to the petition a certificate showing the result of the
 22 examination.

1 11A:9-12. Rescission of title; question placed on ballot; public
 2 notice. If the petition is sufficient, the clerk shall, 15 days there-
 3 after, give public notice that the question will be submitted to the
 4 voters at the next general election in November. Public notice
 5 includes publication in the political subdivision's official newspaper,
 6 once a week for at least four weeks and posting the notice in five
 7 of the most public places in the political subdivision for at least
 8 four weeks before the election. The clerk shall also cause the
 9 question to be printed upon the ballots to be used at the election.

1 11A:9-13. Rescission of title; elections. The method of sub-
 2 mitting the question of the rescission of this title to the voters
 3 of a political subdivision shall conform as nearly as possible to
 4 the provisions of Title 19 of the Revised Statutes relating to the
 5 submission of public questions.

1 11A:9-14. Rescission of title; results certified; effect of vote
 2 to rescind. If the result of the election is favorable to the rescission
 3 of the adoption of Title 11A, the result shall be certified by the
 4 clerk to the commissioner. The rescission shall take effect three
 5 months following the election at which it was approved. Perma-
 6 nent employees in the career service on the effective date of the
 7 rescission shall retain rights under this title.

1 11A:9-15. Subsequent elections. If a majority of the votes cast
 2 at the election are against the rescission of Title 11A, a new elec-
 3 tion within the political subdivision may not be held on the same
 4 question before the third general election following the election
 5 at which rescission was disapproved.

6 If a political subdivision rescinds the adoption of Title 11A, it
 7 may not submit the question of adopting the provision of Title
 8 11A for a period of three years following the election at which
 9 the rescission was approved.

CHAPTER 10

VIOLATIONS AND PENALTIES

- 1 11A:10-1 Disapproval of salary.
 2 11A:10-2 Violation of title or order.
 3 11A:10-3 Noncompliance.
 4 11A:10-4 ***[Board or commissioner action]*** *Action for enforce-*
 5 *ment*.*
 6 11A:10-5 Resident actions.

1 11A:10-1. Disapproval of salary. The board or the commissioner
2 may disapprove and order the payment stopped of the salary of
3 any person employed in violation of this title or an order of the
4 board or commissioner and recover all disapproved salary from
5 such person. Any person or persons who authorizes the payment
6 of a disapproved salary or have employment authority over the
7 person whose salary has been disapproved may be subject to
8 penalties, including, but not limited to, the disapproval of their
9 salaries and payment from their personal funds of improper ex-
10 penditures of the moneys as may be provided by the rules of the
11 board. This section shall not be limited by the amounts set forth
12 in N. J. S. 11A:10-3.

1 11A:10-2. Criminal violation of title or order. Any person who
2 purposefully or knowingly violates or conspires to violate any
3 provision of this title or board or commissioner order shall be
4 guilty of a crime of the fourth degree.

1 11A:10-3. Noncompliance. The board or the commissioner may
2 assess all administrative costs incurred under N. J. S. 11A:4-5.
3 Other costs, charges and fines of not more than \$10,000.00 may
4 be assessed for noncompliance or violation of this title or any
5 order of the board or commissioner.

1 11A:10-4. ***[Board or commissioner action]*** *Action for en-*
2 *forcement**. The board ***[or]*** *,* the commissioner *or other party*
3 *in interest** may bring an action in the Superior Court for the en-
4 forcement of this title or an order of the board or commissioner.

1 11A:10-5. Resident actions. Any resident shall have standing
2 to enjoin payments in the Superior Court and require recovery
3 of remuneration paid in violation of this title in the jurisdiction
4 of residence, from the individuals signing, countersigning, autho-
5 rizing or having employment authority for the payments. Moneys
6 recovered in the action shall be paid from the personal funds of
7 those individuals and shall be paid to the State Treasurer or the
8 treasurer of the political subdivision as appropriate. The resi-
9 dent shall be entitled to receive not more than 25% of the amount
10 recovered and reasonable attorney fees at the discretion of the
11 court.

CHAPTER 11

AGENCY TRANSFER

1 11A:11-1 Commissioner of Personnel and Merit System Board.

2 11A:11-2 Department of Personnel.

3 11A:11-3 Names.

4 11A:11-4 Rules.

5 11A:11-5 Pending actions.

6 11A:11-6 Transfer.

1 11A:11-1. Commissioner of Personnel and Merit System Board.

2 The President of the Civil Service Commission on the effective

3 date of this act shall become the Commissioner of Personnel and

4 the remaining members of the Civil Service Commission on the

5 effective date of this act shall continue as members of the Merit

6 System Board for the duration of their current terms and any

7 reappointments and until their successors are appointed unless

8 removed for cause.

1 11A:11-2. Department of Personnel. The Department of Per-

2 sonnel shall replace the Department of Civil Service. Except as

3 otherwise stated in this title, all employees of the Department of

4 Civil Service shall become employees of the Department of Per-

5 sonnel.

6 The Commissioner of Personnel shall direct the consolidation

7 and coordination of personnel, training and related functions in

8 the executive branch of State government and transfer to the

9 Department of Personnel such employees, positions, funding, equip-

10 ment, powers, duties and functions from throughout the executive

11 branch of State government to effectuate such consolidation and

12 coordination.

1 11A:11-3. Names. Any law, rule, regulation, judicial or ad-

2 ministrative proceeding, appropriation or otherwise which refers

3 to the Department of Civil Service shall mean the Department

4 of Personnel; Civil Service Commission shall mean Merit System

5 Board; and President of the Civil Service Commission or Chief

6 Examiner and Secretary, or both shall mean Commissioner of

7 Personnel.

1 11A:11-4. Rules. All rules of the Civil Service Commission

2 shall remain in effect except as changed or modified by this title

3 or board action.

1 11A:11-5. Pending Actions. Any action pending on the effective

2 date of this act shall continue under the prior law and rule.

1 11A:11-6. Transfer. The transfers directed by this title, except

2 as otherwise provided, shall be made in accordance with the "State

3 Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq).

CHAPTER 12

MISCELLANEOUS

- 1 11A:12-1 Inconsistent laws.
- 2 11A:12-2 Rights of current employees.
- 3 11A:12-3 Statutes repealed.
- 4 11A:12-4 Implementation.
- 5 11A:12-5 Effective date.
- 1 11A:12-1. Inconsistent laws. Any law or statute which is in-
 2 consistent with any of the provisions of ***[the]*** **this** title are,
 3 to the extent of the inconsistency, hereby superseded*, *except that*
 4 *the title is not to be construed either to expand or to diminish*
 5 *collective negotiations rights existing under the "New Jersey Em-*
 6 *ployer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1*
 7 *et seq.)*.*
- 1 11A:12-2. Rights of current employees. Those employees with
 2 permanent classified status shall obtain permanent status in career
 3 service without loss of seniority or pension rights.
- 1 11A:12-3. Statutes repealed. The following statutes are re-
 2 pealed:
- 3 Title 11 of the Revised Statutes;
- 4 P. L. 1938, c. 76 (C. 11:2A-1)
- 5 P. L. 1938, c. 381, s. 10 (C. 11:27-13)
- 6 P. L. 1939, c. 219 (C. 11:4-3.3)
- 7 P. L. 1939, c. 232 (C. 11:24A-1 to 11:24A-6)
- 8 P. L. 1939, c. 322 (C. 11:10-6.1)
- 9 P. L. 1940, c. 15 (C. 11:4-3.4)
- 10 P. L. 1940, c. 178 (C. 11:22-11.1)
- 11 P. L. 1941, c. 91 (C. 11:4-3.5 and 11:4-3.6)
- 12 P. L. 1941, c. 286 (C. 11:4-3.7)
- 13 P. L. 1942, c. 65 (C. 11:20A-1)
- 14 P. L. 1942, c. 137, s. 2 (C. 11:27-1.2)
- 15 P. L. 1942, c. 253 (C. 11:24A-7)
- 16 P. L. 1944, c. 65, s. 11 (C. 11:7-10)
- 17 P. L. 1946, c. 148 (C. 11:24A-6.1 to 11:24A-6.3)
- 18 P. L. 1946, c. 198 (C. 11:4-3.8 and 11:4-3.9)
- 19 P. L. 1947, c. 201, ss. 2-4 (C. 11:14-3 to 11:14-5)
- 20 P. L. 1947, c. 272 (C. 11:20A-2)
- 21 P. L. 1948, c. 121, ss. 2-4,9 (C. 11:7-11 to 11:7-14)
- 22 P. L. 1948, c. 121, ss. 6-8 (C. 11:22-50 to 11:22-52)
- 23 P. L. 1948, c. 165 (C. 11:22-44.1 to 11:22-44.3)
- 24 P. L. 1948, c. 257 (C. 11:21-5.1)
- 25 P. L. 1948, c. 435 (C. 11:4-3.10)

- 26 P. L. 1948, c. 466 (C. 11:22-44.4 and 11:22-44.5)
27 P. L. 1950, c. 235 (C. 11:26B-1 to 11:26B-3)
28 P. L. 1951, c. 278 (C. 11:21-5.2)
29 P. L. 1951, c. 279 (C. 11:21-4.1)
30 P. L. 1952, c. 27 (C. 11:11-4)
31 P. L. 1952, c. 302 (C. 11:26C-1 to 11:26C-3)
32 P. L. 1952, c. 309 (C. 11:27-1.3)
33 P. L. 1952, c. 322, ss. 1 and 2 (C. 11:15-9 and 11:15-10)
34 P. L. 1952, c. 323, ss. 1 and 2 (C. 11:22-10.1 and 11:22-10.2)
35 P. L. 1953, c. 125 (C. 11:2C-1 to 11:2C-9)
36 P. L. 1953, c. 193 (C. 11:14-1.1)
37 P. L. 1953, c. 238 (C. 11:4-3.11)
38 P. L. 1953, c. 239 (C. 11:4-3.12)
39 P. L. 1953, c. 430 (C. 11:4-3.13 and 11:4-3.14)
40 P. L. 1954, c. 182 (C. 11:4-3.15)
41 P. L. 1954, c. 232 (C. 11:21-3.1)
42 P. L. 1955, c. 188 (C. 11:26C-4)
43 P. L. 1959, c. 88, s. 2 (C. 11:24A-1.1)
44 P. L. 1961, c. 18 (C. 11:26D-1)
45 P. L. 1962, c. 195 (C. 11:14-1.2)
46 P. L. 1962, c. 196 (C. 11:24A-1.2)
47 P. L. 1964, c. 169 (C. 11:27-1.4 and 11:27-1.5)
48 P. L. 1965, c. 46 (C. 11:21-5.3)
49 P. L. 1967, c. 199, s. 2 (C. 11:22-10.3)
50 P. L. 1968, c. 437 (C. 11:26C-5)
51 P. L. 1971, c. 1 (C. 11:21-4.2 and 11:21-4.3)
52 P. L. 1971, c. 153 (C. 11:1-20 to 11:1-24)
53 P. L. 1971, c. 274 (C. 11:1-25 to 11:1-28)
54 P. L. 1972, c. 74 (C. 11:14-6 to 11:14-8)
55 P. L. 1973, c. 130 (C. 11:14-9 to 11:14-17)
56 P. L. 1977, c. 160 (C. 11:24A-8 and 11:24A-9)
57 P. L. 1977, c. 261 (C. 11:9-10.1)
58 P. L. 1978, c. 81, s. 2 (C. 11:22-2.1)
59 P. L. 1978, c. 99 (C. 11:14-18)
60 P. L. 1978, c. 147 (C. 11:22-44.6)
61 P. L. 1980, c. 134 (C. 11:22-34.1)
62 P. L. 1981, c. 92 (C. 11:21-5.4)
63 P. L. 1981, c. 124 (C. 11:2D-1 to 11:2D-10)
64 P. L. 1981, c. 204 (C. 11:9-15 to 11:9-18)
65 P. L. 1981, c. 205 (C. 11:23-10 to 11:23-13)
66 P. L. 1981, c. 439 (C. 11:22-10.4)
67 P. L. 1981, c. 545, s. 3 (C. 11:21-9.1)

- 68 P. L. 1982, c. 181, ss. 2, 1 (C. 11:1-1.1 and C. 11:2-8)
69 P. L. 1983, c. 167 (C. 11:22-44.7 and 11:22-44.8)
70 P. L. 1983, c. 178 (C. 11:27-4.1)
71 P. L. 1983, c. 252 (C. 11:4-3.16)
72 P. L. 1983, c. 280 (C. 11:9-2.1 to 11:9-2.4)
73 P. L. 1983, c. 319 (C. 11:9-17.1)
74 P. L. 1984, c. 32 (C. 11:21-4.4)
75 P. L. 1984, c. 143 (C. 11:22-3.1)
76 P. L. 1984, c. 204 (C. 11:22-44.9 and 11:22-44.10)
77 P. L. 1985, c. 339 (C. 11:24A-2.1)
78 P.L. 1985, c. 484 (C. 11:21-5.5)
- 1 11A:12-4. Implementation. There is appropriated \$250,000.00
2 to implement this act.
- 1 11A:12-5. Effective date. This act shall take effect immediately
2 and any actions necessary to implement this act may be taken any
3 time thereafter. General implementation is to be completed no
4 later than twelve months following enactment.

STATE EMPLOYEES AND CIVIL SERVICE

Repeals the current Civil Service statutes and enacts new Title 11A,
establishing a new Department of Personnel.

ASSEMBLY, No. 2194

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1986

By Assemblymen VILLANE, RAFFERTY, Assemblywoman DONOVAN, Assemblyman MUZIANI, Assemblywoman OGDEN, Assemblyman SINGER and Assemblywoman RANDALL

AN Act to regulate the employment, tenure and discharge of certain State employees and certain employees of political subdivisions; to establish a Department of Personnel as a principal department in the Executive Branch of State Government; revising parts of the statutory law; enacting a new title to be known as Title 11A, Civil Service, of the New Jersey Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

TITLE 11A
CIVIL SERVICE
Table of Contents

Chapter

- 1 1. General provisions, 11A:1-1 to 11A:1-2.
- 2 2. Department of Personnel, 11A:2-1 to 11A:2-24.

Article

- 3 1. Organization, 11A:2-1 and 11A:2-2.
- 4 2. Merit System Board, 11A:2-3 to 11A:2-7.
- 5 3. Commissioner of Personnel, 11A:2-8 to 11A:2-12.
- 6 4. Appeals, 11A:2-13 to 11A:2-22.
- 7 5. Political activity, 11A:2-23.
- 8 6. Employee protection against reprisals, 11A:2-24.

- 9 3. Classification, services and compensation, 11A:3-1 to 11A:3-8.
 10 4. Selection and appointment, 11A:4-1 to 11A:4-16.
 11 5. Veterans preference, 11A:5-1 to 11A:5-13.
 12 6. Hours of work, leaves and employee development, 11A:6-1 to
 13 11A:6-30.

Article

- 14 1. Hours of work and leaves of absence and supplemental
 15 compensation, 11A:6-1 to 11A:6-22.
 16 2. Employee programs, 11A:6-23 to 11A:6-26.
 17 3. Awards, 11A:6-27 to 11A:6-30.
 18 7. Equal employment opportunity, 11A:7-1 to 11A:7-13.
 19 8. Layoffs, 11A:8-1 to 11A:8-4.
 20 9. Political subdivisions, 11A:9-1 to 11A:9-15.
 21 10. Violations and penalties, 11A:10-1 to 11A:10-4.
 22 11. Agency transfer, 11A:11-1 to 11A:11-7.
 23 12. Miscellaneous, 11A:12-1 to 11A:12-3.

CHAPTER 1

GENERAL PROVISIONS

Section

- 1 11A:1-1 Short title.
 2 11A:1-2 Declaration of policy.
 1 11A:1-1. Short title. This title shall be known and may be cited
 2 as the "Civil Service Act."
 1 11A:1-2. Declaration of policy. The Legislature finds and
 2 declares that:
 3 a. It is the public policy of this State to select and advance
 4 employees on the basis of their relative knowledge, skills and
 5 abilities;
 6 b. It is the public policy of this State to provide public officials
 7 with appropriate appointment, supervisory and other personnel
 8 authority to execute properly their constitutional and statutory
 9 responsibilities;
 10 c. It is the public policy of this State to encourage and reward
 11 meritorious performance by employees in the public service and to
 12 retain and separate employees on the basis of the adequacy of
 13 their performance; and
 14 d. It is the public policy of this State to ensure equal employ-
 15 ment opportunity at all levels of the public service.

CHAPTER 2
DEPARTMENT OF PERSONNEL

ARTICLE 1
Organization

- | Section | |
|-----------|----------------------------------|
| 1 11A:2-1 | Department of Personnel created. |
| 2 11A:2-2 | Implementation. |

ARTICLE 2
Merit System Board

- | | |
|-----------|----------------------------------------------------|
| 1 11A:2-3 | Members; term; quorum; vacancies. |
| 2 11A:2-4 | Removal of a board member other than commissioner. |
| 3 11A:2-5 | Compensation. |
| 4 11A:2-6 | Powers and duties. |
| 5 11A:2-7 | Subpenas; oaths. |

ARTICLE 3
Commissioner of Personnel

- | | |
|------------|----------------------------|
| 1 11A:2-8 | Commissioner of Personnel. |
| 2 11A:2-9 | Term. |
| 3 11A:2-10 | Compensation. |
| 4 11A:2-11 | Powers and duties. |
| 5 11A:2-12 | Delegation. |

ARTICLE 4
Appeals

- | | |
|-------------|------------------------------------------------------|
| 1 11A:2-13 | Opportunity for appointing authority review. |
| 2 11A:2-14 | Notice of employee of right of appeal. |
| 3 11A:2-15 | Appeal procedure. |
| 4 11A:2-16 | Appeal procedure for suspension or fine of five days |
| 5 | or less. |
| 6 11A:2-17 | Immunity. |
| 7 11A:2-18 | Representation. |
| 8 11A:2-19 | Authority to increase or decrease penalty imposed. |
| 9 11A:2-20 | Forms of disciplinary action. |
| 10 11A:2-21 | Burden of proof. |
| 11 11A:2-22 | Back pay, benefits and reasonable attorney fees. |

ARTICLE 5
Political Activity

- | | |
|------------|-----------------------------|
| 1 11A:2-23 | Political activity limited. |
|------------|-----------------------------|

ARTICLE 6
Employee Protection Against Reprisals

- | | |
|------------|-------------------------------|
| 1 11A:2-24 | Protection against reprisals. |
|------------|-------------------------------|

ARTICLE 1

Organization

1 11A:2-1. Department of Personnel created. There is established
2 in the Executive Branch of State Government a principal depart-
3 ment which shall be known as the Department of Personnel which
4 shall consist of a Merit System Board, a Commissioner of Per-
5 sonnel, subdivisions and officers and employees as specifically
6 referred to in this title and as may be constituted or employed by
7 virtue of the authority conferred by this title or any other law.
8 For the purposes of this title, "board" means Merit System Board,
9 "commissioner" means the Commissioner of Personnel and "de-
10 partment" means the Department of Personnel.

1 11A:2-2. Implementation. The department shall implement and
2 enforce this title.

ARTICLE 2

Merit System Board

1 11A:2-3. Members; term; quorum; vacancies. The Merit Sys-
2 tem Board shall consist of five members, one of whom shall be the
3 Commissioner of Personnel who shall serve as the chairperson.
4 The other members shall be appointed by the Governor with the
5 advice and consent of the Senate for staggered terms of four years
6 and until the appointment and qualification of their successors.
7 Three members of the board shall constitute a quorum.

8 The holding over of an incumbent beyond the expiration of the
9 term of office shall reduce, in commensurate length, the term of
10 office of a successor. Vacancies shall be filled for the unexpired
11 term in the same manner as original appointments. No member
12 shall hold any other State or federal office or position.

1 11A:2-4. Removal of a board member other than commissioner.
2 A board member other than the commissioner may be removed
3 from office by the Governor for cause, upon notice and an oppor-
4 tunity to be heard. A board member removed from office shall be
5 entitled to receive compensation only up to the date of the removal.

1 11A:2-5. Compensation. A board member other than the com-
2 missioner shall receive a salary as fixed by law and shall also be
3 entitled to sums incurred for necessary expenses.

1 11A:2-6. Powers and duties. In addition to other powers and
2 duties vested in it by this title or by any other law, the board shall:

3 a. After a hearing, render the final administrative decision on
4 appeals concerning permanent career service employees or those
5 in their working test period in the following categories:

6 (1) Removal,
 7 (2) Suspension or fine as prescribed in N. J. S. 11A:2-14,
 8 (3) Disciplinary demotion, and
 9 (4) Termination at the end of the work test period for unsatis-
 10 factory performance.

11 b. On a review of the written record, render the final administra-
 12 tive decision on other appeals except for those matters listed or
 13 delegated to the commissioner pursuant to subsection h. of N. J. S.
 14 11A:2-11;

15 c. Provide for interim remedies or relief in a pending appeal
 16 where warranted;

17 d. Adopt and enforce rules to carry out this title and to effec-
 18 tively implement a comprehensive personnel management system;

19 e. Interpret the application of this title to any public body or
 20 entity; and

21 f. Authorize and conduct such studies, inquiries, investigations
 22 or hearings in the operation of this title as it deems necessary.

1 11A:2-7. Subpenas, oaths. The commissioner or the board
 2 may subpoena and require the attendance of witnesses in this State
 3 and the production of evidence or documents relevant to any
 4 proceeding under this title. Those persons may also administer
 5 oaths and take testimony. Subpenas issued under this section
 6 shall be enforceable by order of the Superior Court.

ARTICLE 3

Commissioner of Personnel

1 11A:2-8. Commissioner of Personnel. The Governor shall, with
 2 the advice and consent of the Senate, appoint a Commissioner of
 3 Personnel who shall be the chief executive of the department. The
 4 commissioner shall give full-time to the duties of this office and
 5 shall hold no other public office or position.

1 11A:2-9. Term. The commissioner shall serve at the pleasure
 2 of the Governor.

1 11A:2-10. Compensation. The commissioner shall receive a
 2 salary as fixed by law and shall also be entitled to sums incurred
 3 for necessary expenses.

1 11A:2-11. Powers and duties of the commissioner. In addition
 2 to other powers and duties vested in the commissioner by this title
 3 or any other law, the commissioner:

4 a. Shall be the principal executive and request officer of the
 5 department allocating the functions and activities of the depart-
 6 ment among departmental subdivisions as the commissioner may
 7 establish;

8 b. May appoint one deputy commissioner who shall be in the

9 unclassified service and may appoint other necessary employees.
10 All employees shall be confidential employees for the purposes of
11 the "New Jersey Employer-Employee Relations Act" (P. L. 1941,
12 c. 100; C. 34:13A-1 *et seq.*, as amended);

13 c. Shall maintain a management information system necessary
14 to carry out the provisions of this title;

15 d. Shall have the authority to audit payrolls, reports or trans-
16 actions for conformity with the provisions of this title;

17 e. Shall plan, evaluate, administer and implement personnel
18 programs and policies in State government and political subdivi-
19 sions operating under this title;

20 f. Shall establish and supervise the selection process and em-
21 ployee performance evaluation procedures;

22 g. Shall develop programs to improve efficiency and effectiveness
23 of the public service, including, but not limited to, employee
24 training, development, assistance and incentives;

25 h. Shall set standards and procedures for review and render
26 the final administrative decision on a written record or after
27 recommendation by an independent reviewer assigned by the com-
28 missioner of appeals from classification, salary, layoff rights and
29 in the State service noncontractual grievances;

30 i. May establish pilot programs and other projects for a maxi-
31 mum of one year outside of the provisions of this title;

32 j. Shall provide for a public employee interchange program
33 pursuant to the "Government Employee Interchange Act of 1967,"
34 P. L. 1967, c. 77 (C. 52:14-6.10 *et seq.*) and may provide for an
35 employee interchange program between public and private sector
36 employees;

37 k. May establish an internship program;

38 l. Shall assist the Governor in general workforce planning,
39 personnel matters and labor relations;

40 m. Shall establish and consult with advisory boards representing
41 political subdivisions, personnel officers, labor organizations and
42 other appropriate groups;

43 n. Shall make an annual report to the Governor and Legislature
44 and all other special or periodic reports as may be required;

45 o. Shall have the authority to assess costs for special or other
46 services; and

47 p. Shall recommend rules to the board for the implementation of
48 this title.

1 11A:2-12. Delegation. The commissioner may delegate to an
2 appointing authority the responsibility for classifying positions,
3 administering examinations and other personnel functions accord-

4 ing to prescribed standards, but the commissioner may not delegate
5 any function of the board.

6 This delegation shall be written and shall conform to the provi-
7 sions of this title. The commissioner may assign staff of the
8 department to an appointing authority to assist the appointing
9 authority in its delegated personnel duties. The employees shall
10 continue as employees of the department. All delegation shall be
11 subject to supervision by the commissioner and post-audit and may
12 be cancelled, modified or limited at any time by the commissioner.

ARTICLE 4

Appeals

1 11A:2-13. Opportunity for appointing authority review. Be-
2 fore any disciplinary action in subsections a. (1), (2) and (3) of
3 N. J. S. 11A:2-6 is taken against a permanent employee in the
4 career service or a person serving a working test period, the em-
5 ployee shall be notified in writing and a review shall be held before
6 the appointing authority or its designated representative. The
7 review shall be held within 30 days of the notice of disciplinary
8 action unless both parties consent to an adjournment to a later
9 date. The board shall establish, by rule, procedures for suspen-
10 sions with or without pay.

1 11A:2-14. Notice to employee of right to appeal. Within 20
2 days of the review provided in N. J. S. 11A:2-13, the appointing
3 authority shall make a final disposition of the charges against
4 the employee and shall furnish the employee with written notice.
5 If the appointing authority determines that the employee is to be
6 removed, demoted or receive a suspension or a fine greater than
7 five days, the employee shall have a right to appeal to the board.
8 The suspension or fine of an employee for five days or less shall
9 be appealable if an employee's aggregate number of days sus-
10 pended or fined in any one calendar year is 15 days or more.
11 Where an employee receive more than three suspensions or fines
12 of five or less days in a calendar year, the last suspension or fine
13 is appealable.

1 11A:2-15. Appeal procedure. Any appeal from adverse actions
2 specified in N. J. S. 11A:2-13 shall be made in writing to the
3 board no later than 20 days from receipt of the final written deter-
4 mination of the appointing authority. If the appointing authority
5 fails to provide a written determination, an appeal may be made
6 directly to the board within a reasonable time.

1 11A:2-16. Appeal procedure for suspension or fine of five days
2 or less. If a State employee receives a suspension or fine of five

3 days or less, the employee may request review by the board under standards and procedures established by the board or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision. If an employee of a political subdivision receives a suspension or fine of five days or less, the employee may request review under standards and procedures established by the political subdivision or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision.

1 11A:2-17. Use immunity. A person shall not be excused from 2 testifying or producing evidence on the ground that the testimony 3 or the evidence might tend to incriminate the person, but an 4 answer shall not be used or admitted in any proceeding against 5 the person, except in a prosecution for perjury. The foregoing 6 use immunity shall not be granted without prior written approval 7 by the Attorney General.

1 11A:2-18. Representation. An employee may be represented 2 at any hearing before an appointing authority or the board by 3 an attorney or authorized union representative.

1 11A:2-19. Authority to increase or decrease penalty imposed. 2 The board may increase or decrease the penalty imposed by the 3 appointing authority, but removal shall not be substituted for a 4 lesser penalty.

1 11A:2-20. Forms of disciplinary action. The board shall es- 2 tablish by rule the general causes which constitute grounds for 3 disciplinary action and the kinds of disciplinary action which may 4 be taken by appointing authorities against permanent career ser- 5 vice employees or those serving in their working test period.

1 11A:2-21. Burden of proof. In categories listed in subsection 2 a.(1), (2) and (3) of N. J. S. 11A:2-6, the employer shall have 3 the burden of proof while in category (4), the employee shall have 4 the burden of proof.

1 11A:2-22. Back pay, benefits and reasonable attorney fees. The 2 board may award back pay, benefits and reasonable attorney fees 3 to an employee as provided by rule.

ARTICLE 5

Political Activity

1 11A:2-23. Political activity limited. A person holding a posi- 2 tion in the career service or senior executive service shall not 3 directly or indirectly use or seek to use the position to control 4 or affect the political action of another person or engage in political 5 activity during working hours.

ARTICLE 6

Employee Protection Against Reprisals

1 11A:2-24. Protection against reprisals. An appointing authority
 2 shall not take or threaten to take any action against an employee
 3 in the career, senior executive or unclassified service in retaliation
 4 for an employee's lawful disclosure of information on the violation
 5 of any law or rule, governmental mismanagement or abuse of
 6 authority. An employee who is the subject of a reprisal action by
 7 an appointing authority for the lawful disclosure of information
 8 may appeal such action to the board.

CHAPTER 3

CLASSIFICATION, SERVICES AND COMPENSATION

1 11A:3-1 Classification.
 2 11A:3-2 Career Service.
 3 11A:3-3 Senior executive service.
 4 11A:3-4 State unclassified service.
 5 11A:3-5 Political subdivision unclassified service.
 6 11A:3-6 Public hearing required when moving title from career
 7 to unclassified service.
 8 11A:3-7 Employee compensation.
 9 11A:3-8 Payroll audits.

1 11A:3-1. Classification. The board shall assign and reassign
 2 titles among the career service, senior executive service and un-
 3 classified service. The commissioner shall:
 4 a. Establish, administer, amend and continuously review a State
 5 classification plan governing all positions in State service and
 6 similar plans for political subdivisions;
 7 b. Establish and abolish titles;
 8 c. Ensure the grouping in a single title of positions with similar
 9 qualifications, authority and responsibility;
 10 d. Assign and reassign titles to appropriate positions; and
 11 e. Provide a specification for each title.

1 11A:3-2. Career service. The career service shall have two
 2 divisions, the competitive division and the noncompetitive division.
 3 The commissioner shall assign and reassign such titles to each
 4 division and may provide for movement, including promotion,
 5 of employees from one division to the other.

1 11A:3-3. Senior executive service. A senior executive service
 2 shall be established in State government and include those posi-
 3 tions having substantial managerial, policy influencing or policy
 4 executing responsibilities as determined by the board. The board

5 shall adopt rules providing for the selection, placement, transfer,
6 development, compensation, separation and performance appraisal
7 of senior executive service employees and for the reinstatement
8 of career service employees to the career service. The senior
9 executive service shall not be subject to the provisions of this
10 title unless otherwise specified. The senior executive service shall
11 include noncareer and career service employees. The number of
12 noncareer employees shall not exceed 15% of the entire senior ex-
13 ecutive service workforce.

14 Where an employee holds permanent career service status in a
15 position in a title that is assigned to the senior executive service,
16 the employee, with appointing authority approval, shall be pro-
17 vided the option of joining the senior executive service. Permanent
18 career service employees who opt not to join the senior executive
19 service or who do not receive approval to join the senior executive
20 service shall have a right to reinstatement to the career service
21 to a level directly under the senior executive service. Permanent
22 career service employees who join the senior executive service
23 and who are later separated from the senior executive service
24 shall have a right of reinstatement to the career service to a level
25 held prior to entry in the senior executive service unless the
26 employee has been separated, after opportunity for hearing, from
27 the senior executive service for reasons which constitute cause for
28 removal from the career service.

1 11A :3-4. State unclassified service. The State unclassified ser-
2 vice shall not be subject to the provisions of this title unless other-
3 wise specified and shall include the following:

- 4 a. Appointments of the Governor;
- 5 b. Department heads and members of boards and commissions
6 authorized by law;
- 7 c. Employees in the Legislative branch of State government;
- 8 d. Heads of institutions;
- 9 e. Physicians, surgeons and dentists;
- 10 f. Superintendents, teachers and instructors in the public
11 schools, the agricultural experiment station and State institu-
12 tions, where certified teachers are employed under the supervision
13 of and qualified by the State Department of Education, and other
14 institutions maintained wholly or in part by the State;
- 15 g. Assistant and Deputy Attorneys General and legal assistants
16 appointed by the Attorney General;
- 17 h. One secretary and one confidential assistant to each depart-
18 ment head, board, principal executive officer and commission;
- 19 i. Employees in the military or naval service of the State;

- 20 j. Student assistants;
- 21 k. Domestic employees in the Governor's household; and
- 22 l. All other titles as provided by law or as the board may
- 23 determine.

1 11A:3-5. Political subdivision unclassified service. The political
2 subdivision unclassified service shall not be subject to the pro-
3 visions of this title unless otherwise specified and shall include
4 the following:

- 5 a. Elected officials;
- 6 b. One secretary and one confidential assistant to each mayor;
- 7 c. Members of boards and commissions authorized by law;
- 8 d. Heads of institutions;
- 9 e. Physicians, surgeons and dentists;
- 10 f. Attorneys of a county, municipality or school district oper-
11 ating under this title;
- 12 g. Teaching staff as defined in N. J. S. 18A:1-1 in the public
13 schools and county superintendents and members and business
14 managers of boards of education;
- 15 h. Principal executive officers;
- 16 i. One secretary, clerk or executive director to each department,
17 board and commission authorized by law to make the appointment;
- 18 j. One secretary or clerk to each principal executive officer and
19 judge;
- 20 k. One deputy or first assistant to a principal executive officer
21 who is authorized by statute to act for and in place of the principal
22 executive officer;
- 23 l. No more than 12 county department heads and the heads of
24 divisions within such departments provided that the total number
25 of unclassified positions created by the county administrative
26 code pursuant to this subsection shall not exceed 20;
- 27 m. One secretary or confidential assistant to each unclassified
28 department or division head established in subsection (1);
- 29 n. Employees of county park commissions appointed pursuant
30 to R. S. 40:37-96 through R. S. 40:37-174 in counties of the
31 second class;
- 32 o. Directors of free public libraries in cities of the first class
33 having a population of more than 300,000;
- 34 p. One secretary to the municipal council in cities of the first
35 class having a population of less than 300,000;
- 36 q. One secretary or confidential assistant to each county free-
37 holder;
- 38 r. In school districts organized pursuant to N. J. S. 18A:17-1

39 et seq., the executive controller, public information officer and the
 40 executive directors of board affairs, personnel, budget, purchasing,
 41 physical facilities, data processing, financial affairs, and internal
 42 audits;

43 s. The executive director, assistant executive director, director
 44 of staff operations, director of administration, director of rede-
 45 velopment and the urban initiatives coordinator of a local housing
 46 authority; and

47 t. All other titles as provided by statute or as the board may
 48 determine in accordance with criteria established by rule.

1 11A:3-6. Public hearing required when moving title from career
 2 to unclassified service. Whenever the board considers moving a
 3 title from the career service to the unclassified service, the board
 4 shall first hold a public hearing before reaching a determination.

1 11A:3-7. Employee compensation. The commissioner shall estab-
 2 lish, administer and amend an equitable State employee compensa-
 3 tion plan which shall include pay schedules, the assignment and
 4 reassignment of salaries for all State titles, and standards and pro-
 5 cedures for salary adjustments other than as provided for in the
 6 State compensation plan for the career, senior executive and un-
 7 classified services. When an employee has erroneously received a
 8 salary overpayment, the commissioner may waive repayment based
 9 on a review of the case. Employees of political subdivisions are to
 10 be paid in reasonable relationship to titles and shall not be paid a
 11 base salary below the minimum or above the maximum established
 12 salary for an employee's title.

1 11A:3-8. Payroll audits. The commissioner may audit State pay-
 2 rolls of political subdivisions to determine compliance with this title.
 3 The commissioner may order and enforce immediate compliance as
 4 necessary.

CHAPTER 4

SELECTION AND APPOINTMENT

- | | | |
|----|----------|-----------------------------------|
| 1 | 11A:4-1 | Examinations. |
| 2 | 11A:4-2 | Holding of examinations. |
| 3 | 11A:4-3 | Admission to examinations. |
| 4 | 11A:4-4 | Eligible lists and certifications |
| 5 | 11A:4-5 | Use of eligible list. |
| 6 | 11A:4-6 | Duration of lists. |
| 7 | 11A:4-7 | Exceptions to duration of a list. |
| 8 | 11A:4-8 | Certification and appointment. |
| 9 | 11A:4-9 | Types of eligible lists. |
| 10 | 11A:4-10 | Arrests and criminal records. |

- 11 11A:4-11 Removal on criminal record.
- 12 11A:4-12 Priority of lists.
- 13 11A:4-13 Types of appointment.
- 14 11A:4-14 Promotion.
- 15 11A:4-15 Working test period.
- 16 11A:4-16 Transfer, reassignment and lateral title change
- 1 11A:4-1. Examinations. The commissioner shall provide for:
- 2 a. The announcement and administration of examinations which
- 3 shall test fairly the knowledge, skills and abilities required to
- 4 satisfactorily perform the duties of a title or group of titles. The
- 5 examinations may include, but are not limited to, written, oral, per-
- 6 formance and evaluation of education and experience;
- 7 b. The rating of examinations;
- 8 c. The security of the examination process and appropriate sanc-
- 9 tions for a breach of security;
- 10 d. The selection of special examiners to act as subject matter
- 11 specialists or to provide other assistance. Employees of the State
- 12 or political subdivisions may be so engaged as part of their official
- 13 duties during normal working hours with the approval of their
- 14 appointing authority. Extra compensation may be provided for
- 15 such service outside normal working hours; and
- 16 e. The right to appeal adverse actions relating to the examina-
- 17 tion and appointment process which shall include but not be limited
- 18 to rejection of an application, failure of an examination and re-
- 19 moval from an eligible list.
- 1 11A:4-2. Holding of examinations A vacancy shall be filled by a
- 2 promotional examination when considered by the commissioner to
- 3 be in the best interest of the career service.
- 1 11A:4-3. Admission to examinations. If it appears that an
- 2 eligible list is not likely to provide full certification for existing or
- 3 anticipated vacancies from among qualified residents of this State,
- 4 or of political subdivisions where required by law, the commissioner
- 5 may admit other qualified nonresident applicants. Where residency
- 6 preference is provided pursuant to any other statute, the commis-
- 7 sioner may limit applicants to such classes as are necessary to
- 8 establish a sufficient pool of eligibles.
- 1 11A:4-4. Eligible lists and certifications. The commissioner
- 2 shall provide for:
- 3 a. The establishment and cancellation of eligible lists;
- 4 b. The certification of an eligible list to positions in other appro-
- 5 priate titles; and
- 6 c. The consolidation of eligible lists which may include, but is not
- 7 limited to, the combining of names of eligibles by scores.

1 11A:4-5 Use of eligible list. Once the examination process has
2 been initiated due to the appointment of a provisional or an appoint-
3 ing authority's request for a list to fill a vacancy, the affected
4 appointing authority shall be required to make appointments from
5 the list if there is a complete certification unless otherwise permitted
6 by the commissioner for valid reason such as fiscal constraints. If
7 the commissioner permits an appointing authority to leave a posi-
8 tion vacant in the face of a complete list, the commissioner may
9 order the appointing authority to reimburse the department for the
10 costs of the selection process.

1 11A:4-6. Duration of lists. The commissioner shall set the dura-
2 tion of an eligible list which shall not be more than three years
3 from the date of its establishment, except that it may be extended
4 for good cause and a list shall not have a duration of more than
5 five years. Notwithstanding the duration of a list, the commissioner
6 may revive a list to implement a court order or decision of the
7 board or commissioner in the event of a successful appeal instituted
8 during the life of the list or to correct an administrative error. The
9 commissioner may revive a list to effect the appointment of an
10 eligible whose working test period was terminated by a layoff.

1 11A:4-7. Exceptions to duration of a list. Notwithstanding the
2 provisions of N. J. S. 11A:4-6, a special reemployment list, a police
3 reemployment list and a fire reemployment list shall have unlimited
4 duration

1 11A:4-8. Certification and appointment. The commissioner shall
2 certify the three eligibles who have received the highest ranking
3 on an open competitive or promotional list against the first pro-
4 visional or vacancy. For each additional provisional or vacancy
5 against whom a certification is issued at that time, the commis-
6 sioner shall certify the next ranked eligible. If more than one
7 eligible has the same score, the tie shall not be broken and they
8 shall have the same rank. If three or more eligibles can be certified
9 as the result of the ranking without resorting to all three highest
10 scores, only those eligibles shall be so certified.

11 A certification that contains the names of at least three interested
12 eligibles shall be complete and a regular appointment shall be made
13 from among those eligibles. An eligible on an incomplete list shall
14 be entitled to a provisional appointment if a permanent appoint-
15 ment is not made.

16 Eligibles on any type of reemployment list shall be certified and
17 appointed in the order of their ranking and the certification shall
18 not be considered incomplete.

1 11A:4-9. Types of eligible lists. The commissioner may establish
2 the following types of eligible lists:

3 a. Open competitive which shall include all qualified eligibles
4 without regard to whether they are currently employed by the
5 State or a political subdivision;

6 b. Promotional which shall include qualified permanent eligibles;

7 c. Regular reemployment which shall include former permanent
8 employees who resigned in good standing and whose reemployment
9 is certified by the appointing authority as in the best interest of the
10 service. The name of any such employee shall not remain on a
11 reemployment list for more than three years from the date of
12 resignation, unless otherwise extended pursuant to N. J. S. 11A:4-6;

13 d. Police or fire reemployment which shall include former
14 permanent uniformed members of a police or fire department who
15 have resigned in good standing and whose reemployment is certified
16 by the appointing authority as in the best interest of the service; and

17 e. Special reemployment which shall include permanent em-
18 ployees laid off or demoted in lieu of layoff from permanent titles.

1 11A:4-10. Arrests and criminal records. Eligibles may be ques-
2 tioned as to criminal convictions and pending criminal charges.
3 Eligibles for a law enforcement or correction officer title may also
4 be questioned as to any arrest.

1 11A:4-11 Removal on criminal record. Upon the request of an
2 appointing authority, the commissioner may remove an eligible
3 with a criminal record from a list when the criminal record includes
4 a conviction for a crime which adversely relates to the employment
5 sought. The following factors may be considered in such determina-
6 tion:

7 a. Nature and seriousness of the crime;

8 b. Circumstances under which the crime occurred;

9 c. Date of the crime and age of the eligible when the crime was
10 committed;

11 d. Whether the crime was an isolated event; and

12 e. Evidence of rehabilitation.

13 The presentation to an appointing authority of a pardon or
14 expungement shall prohibit an appointing authority from rejecting
15 an eligible based on such criminal conviction except for law enforce-
16 ment, correction officer and other titles as determined by the com-
17 missioner.

1 11A:4-12. Priority of lists. When more than one list exists, the
2 priority of lists shall be as follows:

3 a. Special reemployment when the available position is in the
4 department from which the eligible was laid off or demoted in lieu
5 of layoff;

6 b. Promotional;

7 c. Special reemployment when the available position is located in
8 a department other than that from which the eligible was laid off or
9 demoted;

10 d. Regular reemployment, police reemployment or fire reemploy-
11 ment; and

12 e. Open competitive.

1 11A:4-13. Types of appointment. The commissioner shall pro-
2 vide for the following types of appointment:

3 a. Regular appointments shall be to a title in the competitive
4 division of the career service upon examination and certification or
5 to a title in the noncompetitive division of the career service upon
6 appointment. The appointments shall be permanent after satis-
7 factory completion of a working test period;

8 b. Provisional appointments shall be made only in the competitive
9 division of the career service and only in the absence of a complete
10 certification if the appointing authority certifies that in each in-
11 dividual case the appointee meets the minimum qualifications for
12 the title at the time of appointment and that failure to make a pro-
13 visional appointment will seriously impair the work of the appoint-
14 ing authority;

15 c. Temporary appointments may be made, without regard to the
16 provisions of this chapter, to temporary positions established for a
17 period aggregating not more than six months in a 12 month period
18 as approved by the commissioner. These positions include, but are
19 not limited to, seasonal positions. Positions established as a result
20 of a short term grant may be established for a maximum of 12
21 months. Appointees to temporary positions shall meet the minimum
22 qualifications of a title;

23 d. Emergency appointments shall not exceed 30 days and shall
24 only be permitted where nonappointment will result in harm to
25 persons or property;

26 e. Senior executive service appointments shall be made pursuant
27 to N. J. S. 11A:3-3; and

28 f. Unclassified appointments shall be made pursuant to N. J. S.
29 11A:3-4 and N. J. S. 11A:3-5.

1 11A:4-14. Promotion. The commissioner shall establish the mini-
2 mum qualifications for promotion and shall provide for the granting
3 of credit for performance and seniority where appropriate.

1 11A:4-15. Working test period. The purpose of the working
2 test period is to permit an appointing authority to determine
3 whether an employee satisfactorily performs the duties of a title.
4 A working test period is part of the examination process which

5 shall be served in the title to which the certification was issued and
6 appointment made. The commissioner shall provide for :

7 a. A working test period following regular appointment for not
8 less than three months and not more than 12 months as set for a title
9 except that the working test period for entry level law enforcement
10 officer, correction officer and firefighter titles shall be for 12 months;

11 b. The extension of the working test period for good cause pro-
12 vided that the total duration shall not exceed 12 months;

13 c. Progress reports to be made by the appointing authority and
14 provided to the employee at the end of 1/3 and 2/3 of the working
15 test period and a final progress report at the end of the entire
16 working test period shall be provided to the employee and the com-
17 missioner;

18 d Termination of an employee at the end of the working test
19 period and termination of an employee for cause during the work-
20 ing test period; and

21 e. The retention of permanent status in the lower title by a pro-
22 moted employee during the working test period in the higher title
23 and the right to return to such permanent title if the employee does
24 not satisfactorily complete the working test period, but employees
25 removed for cause during a working test period shall not be so
26 returned.

1 11A:4-16. Transfer, reassignment and lateral title change. The
2 rules of the board shall define and establish the procedures for
3 transfer, reassignment and lateral title change.

CHAPTER 5

VETERANS PREFERENCE

- 1 11A:5-1 Definitions.
- 2 11A:5-2 Spouse of disabled veteran or deceased veteran.
- 3 11A:5-3 Parent and spouse of veteran who has died in service.
- 4 11A:5-4 Disabled veterans preference.
- 5 11A:5-5 Veterans preference.
- 6 11A:5-6 Appointment of veterans.
- 7 11A:5-7 Inapplication of statutes to promotions.
- 8 11A:5-8 Preference in appointment in noncompetitive division.
- 9 11A:5-9 Preference to veterans in layoffs.
- 10 11A:5-10 Hearing on dismissal of veteran.
- 11 11A:5-11 Veterans not to be discriminated against because of
12 physical defects.
- 13 11A:5-12 Employment or promotion of persons awarded Con-
14 gressional Medal of Honor, Distinguished Service
15 Cross, Air Force Cross or Navy Cross.

16 11A:5-13 World War soldiers in employment of a county, municipi-
17 pality or school district; promotion.

18 11A:5-14 Veteran police officer or firefighter in city of first class;
19 examination and promotion.

20 11A:5-15 Enforcement.

1 11A:5-1. Definitions. As used in this chapter:

2 a. "Disabled veteran" means any veteran who is eligible to be
3 compensated for a service-connected disability from war service
4 by the United States Veterans Administration or who receives or is
5 entitled to receive equivalent compensation for a service-connected
6 disability which arises out of military or naval service as set forth
7 in this chapter and who has submitted sufficient evidence of the
8 record of disability incurred in the line of duty to the commissioner
9 on or before the closing date for filing an application for an exam-
10 ination;

11 b. "Veteran" means any honorably discharged soldier, sailor,
12 marine or nurse who served in any army or navy of the allies of the
13 United States in World War I, between July 14, 1914 and November
14 11, 1918, or who served in any army or navy of the allies of the
15 United States in World War II, between September 1, 1939 and
16 September 2, 1945 and who was inducted into that service through
17 voluntary enlistment, and was a citizen of the United States at the
18 time of the enlistment, and who did not renounce or lose his or her
19 United States citizenship; or any soldier, sailor, marine, airman,
20 nurse or army field clerk, who has served in the active military or
21 naval service of the United States and has been discharged or re-
22 leased under other than dishonorable conditions from that service
23 in any of the following wars or conflicts and who has presented to
24 the commissioner sufficient evidence of the record of service on or
25 before the closing date for filing an application for an examination;

26 (1) World War I, between April 6, 1917 and November 11, 1918;

27 (2) World War II, after September 16, 1940, who shall have
28 served at least 90 days beginning on or before September 2, 1945
29 in such active service, exclusive of any period assigned for a course
30 of education or training under the Army Specialized Training Pro-
31 gram or the Navy College Training Program, which course was a
32 continuation of a civilian course and was pursued to completion, or
33 as a cadet or midshipman at one of the service academies; except
34 that any person receiving an actual service-incurred injury or dis-
35 ability shall be classed a veteran whether or not that person has
36 completed the 90-day service;

37 (3) Korean conflict, after June 23, 1950, who shall have served
38 at least 90 days beginning on or before July 27, 1953, in active

39 service, exclusive of any period assigned for a course in education or
40 training under the Army Specialized Training Program or the Navy
41 College Training Program, which course was a continuation of a
42 civilian course and was pursued to completion, or as a cadet or
43 midshipman at one of the service academies; except that any person
44 receiving an actual service-incurred injury or disability shall be
45 classed as a veteran whether or not that person has completed the
46 90-day service;

47 (4) Vietnam conflict, after December 31, 1960, who shall have
48 served at least 90 days beginning on or before August 1, 1974, in
49 active service, exclusive of any period assigned for a course of
50 education or training under the Army Specialized Training Pro-
51 gram or the Navy College Training Program, which course was a
52 continuation of a civilian course and was pursued to completion, or
53 as a cadet or midshipman at one of the service academies, and
54 exclusive of any service performed pursuant to the provisions of
55 section 511(d) of Title 10, United States Code, or exclusive of any
56 service performed pursuant to enlistment in the National Guard or
57 the Army Reserve, Naval Reserve, Air Force Reserve, Marine
58 Corps Reserve, or Coast Guard Reserve; except that any person
59 receiving an actual service-incurred injury or disability shall be
60 classed as a veteran whether or not that person has completed the
61 90-day service as provided;

62 c. "War service" means service by a veteran in any war or con-
63 flict described in this chapter during the periods specified.

1 11A:5-2. Spouse of disabled veteran or deceased veteran. The
2 spouse of any disabled veteran is eligible to receive disabled
3 veterans preference under this chapter, if that veteran is not in the
4 service of the State or any political subdivision which operates
5 under this title and the veteran officially waives, if able to do so,
6 any right to preference for the duration of the spouse's employment.

7 The surviving spouse of any disabled veteran or veteran shall be
8 entitled to receive the same preference under this chapter to which
9 the disabled veteran or deceased veteran would have been entitled
10 to if still living. The preference shall terminate upon the re-
11 marriage of the surviving spouse.

1 11A:5-3. Parent and spouse of veteran who has died in service.
2 A parent and spouse of any veteran who died while in service and
3 who would have qualified under this chapter as a veteran, shall be
4 entitled to a disabled veterans preference. Where both a parent and
5 spouse survive, the exercise of the preference by one shall suspend
6 the right of any other so long as the first individual who exercises
7 preferences remains in the employ of the State or any political
8 subdivision operating under the provisions of this title.

1 11A:5-4. Disabled veterans preference. The names of disabled
2 veterans who receive passing scores on open competitive examina-
3 tions shall be placed at the top of the employment list in the order
4 of their respective final scores.

1 11A:5-5. Veterans preference. The names of veterans who
2 receive passing scores on open competitive examinations shall be
3 placed on the employment list in the order of their respective
4 scores immediately after disabled veterans.

1 11A:5-6. Appointment of veterans. Whenever a disabled veteran
2 or veteran shall be certified to an appointing authority from an open
3 competitive employment list under the provisions of N. J. S.
4 11A:4-8, the appointing authority shall appoint the disabled veteran
5 or veteran in the order of ranking.

1 11A:5-7. Inapplication of statutes to promotions. Nothing
2 contained in N. J. S. 11A:5-4 through 11A:5-7 shall apply to pro-
3 motions but, whenever a veteran ranks highest on a promotional
4 certification, a nonveteran shall not be appointed unless the
5 appointing authority shall show cause before the board why a
6 veteran should not receive such promotion.

1 11A:5-8. Preference in appointment in noncompetitive division.
2 From among those eligible for appointment in the noncompetitive
3 division, preference shall be given to a qualified veteran. Before
4 an appointing authority shall select a nonveteran and not appoint
5 a qualified veteran, the appointing authority shall show cause
6 before the board why a veteran should not be appointed. In all
7 cases, a disabled veteran shall have preference over all others.

1 11A:5-9. Preference to veterans in layoffs. When a layoff occurs,
2 preference shall be given first to a disabled veteran and then to a
3 veteran; but, the preference shall apply only where the disabled
4 veteran or veteran has seniority in title equal to that of a non-
5 veteran also affected by the layoff.

1 11A:5-10. Hearing on dismissal of veteran. Before any de-
2 partment head shall dismiss any veteran, as provided in N. J. S.
3 11A:5-9, such department head shall show cause before the board
4 why such veteran should not be retained, at which time such veteran
5 or veterans may be privileged to attend. The board shall be the
6 sole judge of the facts constituting such qualification.

1 11A:5-11. Veterans not to be discriminated against because of
2 physical defects. Veterans suffering from any physical defect
3 caused by wounds or injuries received in the line of duty in the
4 military or naval forces of the United States during war service
5 set forth in N. J. S. 11A:5-1 shall not be discriminated against
6 in an examination, classification or appointment because of the

7 defect, unless this defect, in the opinion of the board, would in-
8 capacitate the veteran from properly performing the duties of the
9 office, position or employment for which applied.

1 11A:5-12. Employment or promotion of persons awarded Con-
2 gressional Medal of Honor, Distinguished Service Cross, Air Force
3 Cross or Navy Cross. Any individual who has served in the
4 Army, Air Force, Navy, or Marine Corps of the United States
5 and who has been awarded the Congressional Medal of Honor,
6 the Distinguished Service Cross, Air Force Cross or Navy Cross,
7 while a resident of this State, shall be appointed or promoted
8 without complying with the rules of the board. The appointing
9 authority to whom the individual applies for appointment or pro-
10 motion shall, at its discretion, appoint or promote that person.
11 Upon promotion or appointment, that person shall become subject
12 to the rules of the board. A person who qualifies under this sec-
13 tion shall not be limited to only one appointment or promotion.

1 11A:5-13. World War soldiers in employment of a county,
2 municipality or school district; promotion. A soldier who served
3 in the Army of the United States during the war between the
4 United States and Germany, who holds the French medaille
5 militaire, the croix de guerre with palm, croix de guerre with
6 silver star, croix de guerre with bronze star and who was on
7 March 26, 1926, employed by any county, municipality or school
8 district operating under the provisions of this title shall be eligible
9 for promotion without complying with any of the rules or regu-
10 lations of the board. The head, or person in charge of the office
11 in which the person is employed, may promote such employee for
12 the good of the service as may in his judgment seem proper.

1 11A:5-14. Veteran police officer or firefighter in city of first
2 class; examination and promotion. A member of the police or
3 fire department in a city of the first class who is a veteran shall
4 be entitled to be admitted to the examination for promotion to
5 a superior rank and upon successfully passing such examination
6 shall be entitled to appointment in such superior rank, notwith-
7 standing the fact that such person may not have held the position
8 or rank held or occupied by him at the time of taking the examina-
9 tion for a period of two years, if the employee has or shall have
10 held or occupied the same for a period of one year.

1 11A:5-15. Enforcement. The board may promulgate rules for
2 the proper administration and enforcement of this chapter.

3 Nothing herein contained shall be construed to amend, modify
4 or supersede N. J. S. 40A:14-25, N. J. S. 40A:14-115 or N. J. S.
5 40A:14-143.

CHAPTER 6

LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT

ARTICLE 1

Leaves of Absence, Supplemental Compensation and
Hours of Work

- 1 11A:6-1 Leaves.
- 2 11A:6-2 Vacation leave; full-time State employees.
- 3 11A:6-3 Vacation leave, full-time political subdivision em-
4 ployees.
- 5 11A:6-4 Death of employees having vacation credit.
- 6 11A:6-5 Sick leave.
- 7 11A:6-6 State administrative leave.
- 8 11A:6-7 Leaves for part-time employees.
- 9 11A:6-8 Sick leave injury in State service.
- 10 11A:6-9 Leaves of absence for police officers and firefighters.
- 11 11A:6-10 Convention leave of police officers and firefighters.
- 12 11A:6-11 Leave for athletic competition.
- 13 11A:6-12 Appointment by Governor; leave of absence without
14 pay.
- 15 11A:6-13 Elective office; leave of absence without pay; appoint-
16 ments to position; reemployment list.
- 17 11A:6-14 Eligibility for promotions during leave of absence.
- 18 11A:6-15 Supplemental compensation upon retirement in State
19 employment.
- 20 11A:6-16 Supplemental compensation; employees of Rutgers,
21 The State University of New Jersey, New Jersey
22 Institute of Technology and the University of Medi-
23 cine and Dentistry of New Jersey.
- 24 11A:6-17 Supplemental compensation; deferred retirement.
- 25 11A:6-18 Supplemental compensation; computation; limitation.
- 26 11A:6-19 Supplemental compensation; certification of accumu-
27 lated sick leave.
- 28 11A:6-20 Supplemental compensation; break in service.
- 29 11A:6-21 Supplemental compensation; ineligibility to other pen-
30 sion retirement benefits.
- 31 11A:6-22 Supplemental compensation; rules.
- 32 11A:6-23 Hours of work, overtime and holiday pay.

ARTICLE 2

Employee Programs

- 1 11A:6-24 State training programs.
- 2 11A:6-25 Employee career development.
- 3 11A:6-26 Political subdivisions.
- 4 11A:6-27 Employee performance evaluations.

ARTICLE 3

Awards

- 1 11A:6-28 Awards Committee.
- 2 11A:6-29 Awards.
- 3 11A:6-30 Powers and duties of committee.
- 4 11A:6-31 Payment of awards.

ARTICLE 1

Leaves of Absence, Supplemental Compensation and
Hours of Work

- 1 11A:6-1. Leaves. The board shall designate the types of leaves
2 and adopt rules for State employees in the career and senior
3 executive services regarding procedures for sick leave, vacation
4 leave and all other designated leaves with or without pay as the
5 board may designate. Any political subdivision subject to the
6 provisions of this title shall prepare procedures regarding these
7 items.
8 In all cases, a leave of absence with or without pay shall not
9 exceed a period of one year at any one time unless renewal or
10 extension is granted upon written approval of the commissioner.
- 1 11A:6-2. Vacation leave. Vacation leave; full-time State em-
2 ployees. Vacation leave for full-time State employees in the career
3 and senior executive service shall be:
 - 4 a. Up to one year of service, one working day for each month
5 of service;
 - 6 b. After one year and up to five years of continuous service,
7 12 working days;
 - 8 c. After five years and up to 12 years of continuous service,
9 15 working days;
 - 10 d. After 12 years and up to 20 years of continuous service, 20
11 working days;
 - 12 e. Over 20 years of continuous service, 25 working days; and
 - 13 f. Vacation not taken in a given year because of business de-
14 mands shall accumulate and be granted during the next succeeding
15 year only.
- 1 11A:6-3. Vacation leave; full-time political subdivision em-
2 ployees. Vacation leave for full-time political subdivision em-
3 ployees shall be:
 - 4 a. Up to one year of service, one working day for each month
5 of service;
 - 6 b. After one year and up to 10 years of continuous service,
7 12 working days;

8 c. After 10 years and up to 20 years of continuous service, 15
9 working days;

10 d. After 20 years of continuous service, 20 working days; and

11 e. Vacation not taken in a given year because of business de-
12 mands shall accumulate and be granted during the next succeeding
13 year only.

1 11A:6-4. Death of employee having vacation credit. The estate
2 of a deceased employee covered by this title who had accumulated
3 annual vacation leave, shall be paid a sum equal to the compensa-
4 tion for that vacation leave.

1 11A:6-5. Sick leave. Full-time State and political subdivision
2 employees shall receive a sick leave credit of no less than one
3 working day for each completed month of service during the re-
4 mainder of the first calendar year of service and 15 working days
5 in every year thereafter. Unused sick leave shall accumulate
6 without limit.

1 11A:6-6. State administrative leave. Administrative leave for
2 personal reasons including religious observances for full-time
3 State employees and those employees of Rutgers, The State Univer-
4 sity, New Jersey Institute of Technology and the University of
5 Medicine and Dentistry of New Jersey who perform services
6 similar to those performed by employees of the New Jersey
7 State Colleges who are in the career service shall be three working
8 days per calendar year. Administrative leave shall not be cumula-
9 tive and any administrative leave unused by an employee at the
10 end of any year shall be cancelled.

1 11A:6-7. Leaves for part-time employees. Part-time employees
2 shall receive proportionate vacation, sick and administrative leave.

1 11A:6-8. Sick leave injury in State service. Leaves of absence
2 for career, senior executive and unclassified employees in State
3 service due to injury or illness directly caused by and arising from
4 State employment shall be governed by rules of the board. Any
5 sick leave with pay shall be reduced by the amount of worker's
6 compensation or disability benefits, if any, received for the same
7 injury or illness.

1 11A:6-9. Leaves of absence for police officers and firefighters.
2 Leaves of absence for police officer and firefighter titles shall be
3 governed by the applicable provisions of Title 40A of the New
4 Jersey Statutes and N. J. S. 11A:6-10.

1 11A:6-10. Convention leave for police officers and firefighters.
2 A leave of absence with pay shall be given to every employee who
3 is a duly authorized representative of the New Jersey Patrolmen's
4 Benevolent Association, Inc., Fraternal Order of Police, Firemen's

5 Mutual Benevolent Association, Inc., the Fire Fighters Association
6 of New Jersey or the New Jersey State Association of Chiefs of
7 Police, to attend any State or national convention of the organiza-
8 tion. The leave of absence shall be for a period inclusive of the
9 duration of the convention with a reasonable time allowed for
10 travel to and from the convention. A certificate of attendance
11 to the convention shall, upon request, be submitted by the re-
12 presentative so attending.

1 11A:6-11. Leave for athletic competition. Any State employee
2 in the career, senior executive or unclassified service who qualifies
3 as a member of the United States team for athletic competition
4 at the world, Pan American or Olympic level, in a sport contested
5 in either Pan American or Olympic competitions, shall be granted
6 a leave of absence with pay and without loss of rights, privileges
7 and benefits and without interruption of membership in any re-
8 tirement system of the State for the purpose of preparing for
9 and engaging in the competition. The paid leave granted pursuant
10 to this title shall be no more than 90 calendar days in one year or
11 the combined days of the official training camp and competition,
12 whichever is less.

1 11A:6-12. Appointment by Governor; leave of absence without
2 pay. Any employee in the career or senior executive service who
3 is appointed to any position pursuant to P. L. 1947, c. 14 (C.
4 52:14-16.2) shall be entitled to a leave of absence without pay
5 from the permanent career or senior executive service title for
6 the length of the appointment. Upon the expiration of the leave,
7 the employee shall have the right to return to the former title
8 and receive all of the rights, privileges and benefits of that title
9 as if the employee had remained in that title.

1 11A:6-13. Elective office; leave of absence without pay; appoint-
2 ments to position; reemployment list. Any person holding a posi-
3 tion in the career service of any political subdivision shall upon
4 written request be granted a leave of absence, without pay, to fill
5 any elective public office for the term of the office. Upon the
6 expiration of the term of office, that person shall be entitled to
7 resume the position held at the time of the granting of the leave of
8 absence if the employee shall apply for reinstatement before the
9 expiration of the leave of absence and return to duty within six
10 years after the commencement of the leave. The time spent in
11 serving the term of an elective office, up to a maximum of six
12 years from the commencement of the leave, shall be included in
13 the computation of that person's seniority rights.

14 All appointments to the position of that person during the period
15 of six years from the date the leave of absence commences shall be
16 made from eligible lists and the appointments shall, during such
17 six-year period, be held to be interim and shall be terminated on
18 the return to duty within the six-year period of the person to
19 whom the leave of absence was granted.

20 In the event that the term of the elective public office of the
21 person to whom such leave was granted expires after six years
22 from the commencement of such leave, the name of such person,
23 upon the expiration of the six-year period, shall be placed on a
24 special reemployment list.

1 11A:6-14. Eligibility for promotions during leave of absence.
2 A leave of absence should not disqualify an applicant for a promo-
3 tional examination.

1 11A:6-15. Supplemental compensation upon retirement in State
2 employment. State employees in the career service, and those in
3 the senior executive and unclassified services who have been
4 granted sick leave under terms and conditions similar to career
5 service employees, shall be entitled upon retirement from a State
6 administered retirement system to receive a lump sum payment as
7 supplemental compensation for each full day of accumulated sick
8 leave which is credited on the effective date of retirement.

1 11A:6-16. Supplemental compensation; employees of Rutgers,
2 The State University, New Jersey Institute of Technology, and
3 the University of Medicine and Dentistry of New Jersey. The
4 supplemental compensation provided under this chapter shall also
5 be paid to each employee of Rutgers, The State University, New
6 Jersey Institute of Technology, and the University of Medicine
7 and Dentistry of New Jersey who performs services similar to
8 those performed by employees of the New Jersey State Colleges
9 who are in the career service or who have been granted sick leave
10 under terms and conditions similar to career service employees,
11 including those employees of the University of Medicine and
12 Dentistry of New Jersey who are members of the Newark Em-
13 ployees Retirement System.

1 11A:6-17. Supplemental compensation; deferred retirement. A
2 State employee who elects deferred retirement shall not be eligible
3 for the supplemental compensation provided under this chapter.

1 11A:6-18. Supplemental compensation, computation; limitation.
2 Supplemental compensation shall be computed at the rate of one-
3 half of the eligible employee's daily rate of pay for each day of
4 accumulated sick leave based upon the compensation received

5 during the last year of employment prior to the effective date of
6 retirement, but, supplemental compensation shall not exceed
7 \$12,000.00. If an employee dies after the effective date of retire-
8 ment but before payment is made, payment shall be made to the
9 employee's estate.

1 11A:6-19. Supplemental compensation; certification of accumu-
2 lated sick leave. Upon application for supplemental compensation
3 made by an employee, the appointing authority shall, within 45
4 days, certify the number of accumulated sick days for which
5 supplemental compensation is to be paid. Payment shall be made
6 from a special State account established for this purpose.

1 11A:6-20. Supplemental compensation; break in service. An
2 employee who has incurred or shall incur a break in service as a
3 result of separation due to layoff shall be credited with sick leave
4 accrued both before separation and after return to employment.
5 An employee incurring a break in service for any other type of
6 separation shall have sick leave computed only from the date of
7 return to employment.

1 11A:6-21. Supplemental compensation; inapplicability to other
2 pension retirement benefits. The supplemental compensation pro-
3 vided for accumulated sick leave shall in no way affect, increase
4 or decrease any pension or retirement benefits under any other
5 statute.

1 11A:6-22. Supplemental compensation; rules. The board shall
2 adopt rules for the implementation of supplemental compensation,
3 which shall include but need not be limited to application and
4 eligibility procedures.

1 11A:6-23. Hours of work, overtime and holiday pay. State
2 employees in the career, senior executive and unclassified services
3 in titles or circumstances designated by the board shall be eligible
4 for overtime compensation and holiday pay. Overtime compensa-
5 tion and holiday pay shall be either cash compensation at a rate
6 representing 1½ times the employee's hourly rate of base salary
7 or compensatory time off at a rate of 1½ hours for each hour
8 worked beyond the regular workweek at the discretion of the
9 department head with the approval of the commissioner.

10 The board shall adopt rules for the implementation of hours of
11 work, overtime compensation and holiday pay programs which
12 shall include but need not be limited to application and eligibility
13 procedures.

ARTICLE 2

Employee Programs

1 11A:6-24. State training programs. The commissioner may
2 establish and shall review and approve training and education
3 programs for State employees in the career, senior executive and
4 unclassified services and shall supervise a State training center
5 with appropriate courses and fee schedules. Particular training
6 may be required by the commissioner for certain employees for
7 which an assessment to State departments may be imposed.

1 11A:6-25. Employee career development. The commissioner
2 shall develop and stimulate employee career development and
3 improve management and efficiency in State government through
4 programs, for which an assessment to State departments may be
5 imposed, that include but are not limited to:

- 6 a. Career mobility and transferability;
- 7 b. Employee advisory services for counseling and rehabilitation;
- 8 c. Retirement planning; and
- 9 d. Interchange and internship programs.

1 11A:6-26. Political subdivisions. The commissioner may, at the
2 request of any political subdivision, initiate programs similar to
3 those authorized in this chapter and provide technical assistance
4 to political subdivisions to improve the efficiency and effectiveness
5 of their personnel management programs. The commissioner may
6 require reasonable reimbursement from a participating political
7 subdivision.

1 11A:6-27. Employee performance evaluations. The commis-
2 sioner shall establish an employee performance evaluation system
3 for State employees in the career and senior executive service.
4 The system shall utilize standards and criteria related to job
5 content and program goals.

6 Political subdivisions may adopt employee performance evalua-
7 tion systems for their employees.

8 The board shall adopt and enforce rules with respect to the
9 utilization of performance ratings in promotion, layoff or other
10 matters.

ARTICLE 3

Awards

1 11A:6-28. Awards Committee. The New Jersey Employee
2 Awards Committee shall be established in the department under
3 the supervision of the commissioner. The committee shall be
4 composed of seven persons, each of whom shall be employed in a
5 different department within the Executive Branch. Appointments

6 to the committee shall be made by the Governor, from nominations
 7 by the commissioner, for staggered terms of three years or until a
 8 successor is appointed. No member shall serve more than two
 9 consecutive full terms. Members shall serve without compensa-
 10 tion but shall be entitled to sums incurred for necessary expenses.
 11 The commissioner shall designate an employee of the department
 12 as executive secretary to the committee.

1 11A:6-29. Awards. The committee, subject to appropriations
 2 made for that purpose, may provide awards to State employees
 3 for, but not limited to:

- 4 a. Meritorious suggestions and accomplishments which promote
- 5 efficiency, productivity or economy;
- 6 b. Heroism or exceptional service;
- 7 c. Professional achievements; and
- 8 d. Service.

1 11A:6-30. Powers and duties of the committee. The committee
 2 shall:

- 3 a. Adopt rules for the implementation of the awards programs
- 4 subject to the approval of the commissioner;
- 5 b. Request and receive assistance from any department in State
- 6 government;
- 7 c. Prepare an annual report to the Governor from the commis-
- 8 sioner concerning the operation of the awards program; and
- 9 d. Establish and supervise the awards committees in the depart-
- 10 ments in State government.

11 11A:6-31. Payment of awards. Suggestion awards shall be
 12 paid from State funds appropriated for that purpose.

CHAPTER 7

EQUAL EMPLOYMENT OPPORTUNITY

- 1 11A:7-1 Equal employment opportunity.
- 2 11A:7-2 Division of Equal Employment Opportunity and
- 3 Affirmative Action.
- 4 11A:7-3 Equal employment opportunity and affirmative action
- 5 program.
- 6 11A:7-4 Agency goals.
- 7 11A:7-5 Department responsibilities.
- 8 11A:7-6 Agency affirmative action officer.
- 9 11A:7-7 Agency accountability for affirmative action plan.
- 10 11A:7-8 Agency affirmative action plan.
- 11 11A:7-9 Agency failure to achieve affirmative action goals;
- 12 penalties.

- 13 11A:7-10 Citation by Governor for attaining affirmative action
14 results.
- 15 11A:7-11 Equal Employment Opportunity Advisory Commis-
16 sion; creation.
- 17 11A:7-12 Equal Employment Opportunity Advisory Committee;
18 membership; term; vacancy; meetings; executive
19 secretary.
- 20 11A:7-13 Accommodation for the handicapped and examination
21 waiver.

1 11A:7-1. Equal employment opportunity. The head of each State
2 agency shall ensure equality of opportunity for all of its employees
3 and applicants seeking employment. Equal employment oppor-
4 tunity includes, but is not limited to, the following areas: recruit-
5 ment, selection, hiring, training, promotion, transfer, layoff, return
6 from layoff, compensation and fringe benefits. Equal employment
7 opportunity further includes policies, procedures, and programs
8 for recruitment, employment, training, promotion, and retention of
9 minorities, women and handicapped persons

10 The head of each State agency shall expore innovative personnel
11 policies in order to enhance these efforts and where appropriate
12 shall implement them to the fullest extent authorized. Where the
13 implementation of those policies is not authorized, an agency head
14 shall recommend implementation to the appropriate State agency.

1 11A:7-2. Division of Equal Employment Opportunity and Affir-
2 mative Action. A division of Equal Employment Opportunity and
3 Affirmative Action is established in the department. The division
4 shall have all of the powers and shall exercise all of the functions
5 and duties set forth in this chapter, subject to the supervision and
6 control of the commissioner.

1 11A:7-3. Equal employment opportunity and affirmative action
2 program. The division shall develop, implement and administer an
3 equal employment opportunity and affirmative action program for
4 all State agencies. The program shall consider the particular per-
5 sonnel requirements that are reasonably related to job performance
6 of each State agency. The director of the division shall ensure that
7 the affirmative action and equal employment goals of each State
8 agency for minorities, women and handicapped persons shall be
9 reasonably related to their population in the relevant surrounding
10 labor market area. The director, in accordance with applicable
11 federal and State guidelines, shall:

12 a. Ensure each State agency's compliance with all laws and rules
13 relating to equal employment opportunity and seek correction of
14 discriminatory practices, policies and procedures;

15 b Recommend appropriate sanctions for noncompliance to the
16 commissioner who, with the concurrence of the Governor, is au-
17 thorized to implement sanctions;

18 c. Review State personnel practices, policies and procedures, in-
19 clusive of recruitment, selection, and promotion in order to identify
20 and eliminate artificial barriers to equal employment opportunity;

21 d. Act as liaison with federal, State, and local enforcement
22 agencies; and

23 e. Recommend appropriate legislation to the commissioner and
24 perform other actions deemed necessary by the commissioner to
25 implement this chapter.

26 f. Provide, under rules adopted by the board, for review of equal
27 employment complaints.

1 11A:7-4. Agency goals. The department shall establish reason-
2 able equal employment and affirmative action goals for State
3 agencies in the form of regulations.

1 11A:7-5. Department responsibilities. The department, through
2 the Division of Equal Employment Opportunity and Affirmative
3 Action, shall:

4 a. Ensure that the pool of applicants for all vacant positions in
5 State agencies includes minorities, women and handicapped per-
6 sons so that affirmative action goals are attainable through agency
7 selection decisions;

8 b Undertake a comprehensive review of its rules, regulations
9 and testing procedures in order to amend or eliminate those which
10 serve to discriminate against minorities, women and handicapped
11 persons;

12 c. Ensure that selection devices do not discriminate against
13 minorities, women and handicapped persons;

14 d. Analyze job specifications to isolate and eliminate prereq-
15 uisites that are artificial barriers to employment;

16 e. Review all discrimination complaints under Title VII of the
17 Civil Rights Act of 1964, Pub. L. 88-352 (42 U. S. C. § 2000e et seq.)
18 evaluate trends, and recommend appropriate policy changes; and

19 f. Receive, analyze and transmit to the Governor, at least semi-
20 annually, progress reports on affirmative action in all State
21 agencies.

1 11A:7-6. Affirmative action officer. The head of each State
2 agency shall appoint at least one person with the responsibility for
3 equal employment opportunity as the affirmative action officer.
4 Unless otherwise permitted by the director with the approval of the
5 commissioner, such person shall serve on a full-time basis and shall
6 be responsible to the Division of Equal Employment Opportunity
7 and Affirmative Action.

1 11A:7-7. Agency accountability for affirmative action plan. The
2 head of each State agency shall be accountable to the Governor for
3 achieving and maintaining agency compliance with the affirmative
4 action program.

1 11A:7-8. Agency affirmative action plan. Each State agency shall
2 submit an affirmative action plan, with goals and timetables, plus
3 quarterly and annual affirmative action reports to the director.
4 Each affirmative action plan shall identify existing inequities in
5 hiring, promotion, and all other conditions of employment and
6 provide specific remedies for these inequities and establish the time
7 periods for the accomplishment of remedial action. Each State
8 agency shall make good faith efforts to meet its goals and time-
9 tables.

1 11A:7-9. Agency failure to achieve affirmative action goals;
2 penalties. If there is a failure by a State agency to achieve its
3 affirmative action goals, or to demonstrate good faith efforts, appro-
4 priate sanctions and penalties may be imposed by the department
5 in accordance with federal and State regulations, subject to the
6 concurrence of the Governor and the commissioner. These sanctions
7 may include, but are not limited to, placing a moratorium on depart-
8 mental personnel actions in the career, senior executive and un-
9 classified services, and such other sanctions as may be allowed by
10 law.

1 11A:7-10. Citation by Governor for attaining affirmative action
2 results. State agencies which achieve outstanding affirmative action
3 results shall be cited by the Governor for their efforts.

1 11A:7-11. Equal Employment Opportunity Advisory Commis-
2 sion; creation. There is established in the department an Equal
3 Employment Opportunity Advisory Commission which shall advise
4 the Division of Equal Employment Opportunity and Affirmative
5 Action and recommend improvements in the State's affirmative
6 action efforts.

1 11A:7-12. Equal Employment Opportunity Advisory Commis-
2 sion; membership; term; vacancy; meetings; executive secretary.
3 The Equal Employment Opportunity Advisory Commission shall
4 consist of 11 members appointed by the Governor, at least six of
5 whom shall be minorities, women and handicapped persons. Con-
6 sideration shall be given to appropriate representation of each
7 group. The remaining members of the commission may be com-
8 prised of State agency heads or their designated representatives
9 All members of the commission shall be residents of the State.
10 Members shall be appointed for staggered term of four years but
11 members appointed under section 10 of P. L. 1981, c. 124 (C.

12 11:2D-10) shall continue on the commission for the duration of
13 their respective terms. Each member shall hold office for the term
14 of the appointment and until a successor is appointed. Members
15 may not serve more than two consecutive terms. A vacancy in the
16 membership of the commission shall be filled by appointment by the
17 Governor for the remainder of the term. The commission shall
18 meet at least quarterly to review implementation of this chapter.
19 The Director of the Division of Equal Employment Opportunity
20 and Affirmative Action shall serve as executive secretary.

1 11A:7-13. Accommodation for the handicapped and examination
2 waiver. The commissioner may establish procedures for the reason-
3 able accommodation of handicapped persons in the employee selec-
4 tion process for the State and the political subdivisions covered by
5 this Title. Pursuant to rules adopted by the board, the commis-
6 sioner may waive an examination for an applicant who suffers from
7 a physical, mental or emotional affliction, injury, dysfunction, im-
8 pairment or disability which:

9 a. Makes it physically or psychologically not practicable for that
10 person to undergo the testing procedure for the title for which
11 applied, but

12 b. Does not prevent that person from satisfactorily performing
13 the responsibilities of the title under conditions of actual service;
14 and

15 c. In making such determinations, the commissioner may require
16 the submission of sufficient and appropriate medical documentation.

CHAPTER 8

LAYOFFS

1 11A:8-1 Layoff.

2 11A:8-2 Pre-layoff actions.

3 11A:8-3 Alternatives to layoff.

4 11A:8-4 Appeals.

1 11A:8-1. Layoff. A permanent employee may be laid off for
2 economy, efficiency or other related reason. The employee shall be
3 demoted in lieu of layoff whenever possible. A permanent employee
4 shall receive written 45 days' notice, unless in State government a
5 greater time period is ordered by the commissioner, which shall be
6 served personally or by certified mail, of impending layoff or
7 demotion and the reasons therefor. At the same time the notice is
8 served, the appointing authority shall provide the commissioner
9 with a list of the names and permanent titles of all employees
10 receiving the notice. The board shall adopt rules regarding the
11 order of layoff and employee rights.

1 11A:8-2. Pre-layoff actions. The board shall adopt rules for
2 preventive actions to lessen the possibility of a layoff or demotion
3 of permanent employees.

1 11A:8-3. Alternatives to layoff. The commissioner, in consulta-
2 tion with the advisory committee established pursuant to subsec-
3 tion m. of N. J. S. 11A:2-11, may recommend rules to the board on
4 voluntary reduced worktime or other alternatives to layoffs. Em-
5 ployee participation in the program shall not affect special reem-
6 ployment or retention rights.

1 11A:8-4. Appeals. A permanent employee who is laid off or
2 demoted in lieu of layoff shall have a right to appeal the good faith
3 of such layoff or demotion to the board. Appeals must be filed
4 within 20 days of final notice of such layoff or demotion. The burden
5 of proof in such actions shall be on the employee and rules adopted
6 pursuant to N. J. S. 11A:2-22 would also be applicable to these
7 appeals.

CHAPTER 9

POLITICAL SUBDIVISIONS

- 1 11A:9-1 Application.
- 2 11A:9-2 Adoption of title; petition.
- 3 11A:9-3 Adoption of title; question placed on ballot; public
4 notice.
- 5 11A:9-4 Refusal to comply.
- 6 11A:9-5 School districts.
- 7 11A:9-6 Adoption of title; elections.
- 8 11A:9-7 Results certified.
- 9 11A:9-8 Consolidation of functions.
- 10 11A:9-9 Status of employee;
- 11 11A:9-10 Seniority rights.
- 12 11A:9-11 Rescission of title; petition.
- 13 11A:9-12 Rescission of title; question placed on ballot; public
14 notice.
- 15 11A:9-13 Rescission of title; elections.
- 16 11A:9-14 Rescission of title; results certified; effect of vote to
17 rescind.
- 18 11A:9-15 Subsequent elections.

1 11A:9-1. Application. This title shall apply to any political
2 subdivision to which the provisions of Title 11 of the Revised
3 Statutes and the supplements thereto applied immediately prior to
4 their repeal and to any political subdivision which hereafter
5 adopts the provisions of this title.

1 11A:9-2. Adoption of title; petition. The clerk of any county or
2 municipality not operating under the provisions of this title shall

3 submit the question of adopting the provisions of Title 11A of the
4 New Jersey Statutes to the voters of the county or municipality
5 upon the filing with the clerk of a petition requesting the adoption.
6 The petition shall be signed by the registered voters of the county
7 or municipality equal to 15% of the valid votes cast in the county
8 or municipality during the last general election. Each name shall
9 be signed in ink and the place of residence indicated by street and
10 number or other description sufficient to identify the place. At-
11 tached to each separate paper there shall be an affidavit of the
12 circulator thereof that the circulator, and only the circulator,
13 personally circulated the foregoing paper, that all signatures
14 thereto were made in the circulator's presence, and that the
15 circulator believes them to be genuine signatures of the persons
16 whose names they purport to be. Within 10 days from the date of
17 filing the petition, the clerk shall complete an examination and
18 ascertain whether or not the petition is signed by the requisite
19 number of qualified voters and shall attach to the petition a
20 certificate showing the result of the examination.

1 11A:9-3. Adoption of title; question placed on ballot; public
2 notice. If the petition is sufficient, the clerk shall, 15 days there-
3 after, give public notice that the question will be submitted to the
4 voters at the next general or municipal election. Public notice
5 includes, but is not limited to, publication in the political sub-
6 division's official newspaper once a week for at least four weeks
7 and posting the notice in five of the most public places in the
8 political subdivision for at least four weeks before the election.
9 The clerk shall also cause the question to be printed upon the
10 ballots to be used at the election.

1 11A:9-4. Refusal to comply. If the clerk refuses or neglects to
2 comply with the provisions of N. J. S. 11A:9-2 and N. J. S.
3 11A:9-3, a registered voter of the political subdivision or the
4 commissioner may apply to a judge of the Superior Court in the
5 county in which the political subdivision is located for an order
6 directing and compelling the submission of the question involved
7 in the petition. The judge shall hear the matter summarily. If
8 the judge finds and determines that the petition is in accordance
9 with law, an appropriate order shall be issued. Any clerk failing
10 to comply with the order of the court, or any public official, officer,
11 agent or employee interfering with, or preventing, such clerk from
12 satisfying such order, shall be guilty of a crime of the fourth
13 degree.

1 11A:9-5. School districts. All the provisions of this chapter

2 shall apply to school districts in which the board of education is
3 elected by the voters. School districts shall, in the submission of
4 the question to the voters, conform to the provisions of this
5 chapter as nearly as possible.

1 11A:9-6. Adoption of title; elections. The method of submitting
2 the question of the adoption of this title to the voters of a county
3 or municipality shall conform as nearly as possible to the provi-
4 sions of Title 19 of the Revised Statutes relating to the sub-
5 mission of public questions, and when submitted at a school district
6 election shall conform as nearly as possible to the provisions of
7 Title 18A of the New Jersey Statutes relating to the submission of
8 public questions in school districts.

1 11A:9-7. Results certified. The result of the election shall be
2 certified by the clerk of the political subdivision to the commis-
3 sioner.

1 11A:9-8. Consolidation of functions. When the functions of two
2 or more political subdivisions are consolidated, and any one of the
3 political subdivisions shall be operating under this title at the
4 time of such consolidation, the other political subdivision or sub-
5 divisions shall be deemed to have adopted this title with regard
6 to the combined functions.

1 11A:9-9. Status of employees. Any employee of a political
2 subdivision who, at the time of adoption of this title, was actively
3 employed by the political subdivision continuously for a period of
4 at least one year prior to the adoption of this title, or any em-
5 ployee who was on an approved leave of absence and had at least
6 one year of continuous service with the political subdivision prior
7 to the adoption of the title, and who comes within the career service,
8 shall continue to hold such position, and shall not be removed
9 except in accordance with the provisions contained in this title.

1 11A:9-10. Seniority rights. At the time of adoption of this title,
2 the seniority rights of employees shall be based upon the length
3 of their continuous service with that political subdivision.

1 11A:9-11. Rescission of title; petition. The clerk of any county,
2 municipality or school district operating under Title 11A of the
3 New Jersey Statutes shall submit to the voters of the political
4 subdivision at a general election in November the question of
5 rescinding the adoption of the provisions of Title 11A of the New
6 Jersey Statutes upon the filing with the clerk of a petition re-
7 questing the rescission. The petition shall be signed by the regis-
8 tered voters of the political subdivision equal in number to at
9 least 15% of the valid votes cast at the last general election in
10 November. Each name shall be signed in ink and the signer's place

11 of residence shall be indicated by street and number or other
12 description sufficient to identify the place. Attached to each sepa-
13 rate paper there shall be an affidavit of the circulator thereof that
14 the circulator, and only the circulator, personally circulated the
15 foregoing paper, that all signatures thereto were made in the
16 circulator's presence, and that the circulator believes them to be
17 genuine signatures of the persons whose names they purport to be.
18 Within 10 days from the date of filing the petition, the clerk shall
19 complete an examination and ascertain whether or not the petition
20 is signed by the requisite number of qualified voters and shall
21 attach to the petition a certificate showing the result of the
22 examination.

1 11A:9-12. Rescission of title; question placed on ballot; public
2 notice. If the petition is sufficient, the clerk shall, 15 days there-
3 after, give public notice that the question will be submitted to the
4 voters at the next general election in November. Public notice
5 includes publication in the political subdivision's official newspaper,
6 once a week for at least four weeks and posting the notice in five
7 of the most public places in the political subdivision for at least
8 four weeks before the election. The clerk shall also cause the
9 question to be printed upon the ballots to be used at the election.

1 11A:9-13. Rescission of title; elections. The method of sub-
2 mitting the question of the rescission of this title to the voters
3 of a political subdivision shall conform as nearly as possible to
4 the provisions of Title 19 of the Revised Statutes relating to the
5 submission of public questions.

1 11A:9-14. Rescission of title; results certified; effect of vote
2 to rescind. If the result of the election is favorable to the rescission
3 of the adoption of Title 11A, the result shall be certified by the
4 clerk to the commissioner. The rescission shall take effect three
5 months following the election at which it was approved. Perma-
6 nent employees in the career service on the effective date of the
7 rescission shall retain rights under this title.

1 11A:9-15. Subsequent elections. If a majority of the votes cast
2 at the election are against the rescission of Title 11A, a new elec-
3 tion within the political subdivision may not be held on the same
4 question before the third general election following the election
5 at which rescission was disapproved.

6 If a political subdivision rescinds the adoption of Title 11A, it
7 may not submit the question of adopting the provision of Title
8 11A for a period of three years following the election at which
9 the rescission was approved.

CHAPTER 10
VIOLATIONS AND PENALTIES

- 1 11A:10-1 Disapproval of salary.
2 11A:10-2 Violation of title or order.
3 11A:10-3 Noncompliance.
4 11A:10-4 Board or commissioner action.
5 11A:10-5 Resident actions.

1 11A:10-1. Disapproval of salary. The board or the commissioner
2 may disapprove and order the payment stopped of the salary of
3 any person employed in violation of this title or an order of the
4 board or commissioner and recover all disapproved salary from
5 such person. Any person or persons who authorizes the payment
6 of a disapproved salary or have employment authority over the
7 person whose salary has been disapproved may be subject to
8 penalties, including, but not limited to, the disapproval of their
9 salaries and payment from their personal funds of improper ex-
10 penditures of the moneys as may be provided by the rules of the
11 board. This section shall not be limited by the amounts set forth
12 in N. J. S. 11A:10-3.

1 11A:10-2. Criminal violation of title or order. Any person who
2 purposefully or knowingly violates or conspires to violate any
3 provision of this title or board or commissioner order shall be
4 guilty of a crime of the fourth degree.

1 11A:10-3. Noncompliance. The board or the commissioner may
2 assess all administrative costs incurred under N. J. S. 11A:4-5.
3 Other costs, charges and fines of not more than \$10,000.00 may
4 be assessed for noncompliance or violation of this title or any
5 order of the board or commissioner.

1 11A:10-4. Board or commissioner action. The board or the com-
2 missioner may bring an action in the Superior Court for the en-
3 forcement of this title or an order of the board or commissioner.

1 11A:10-5. Resident actions. Any resident shall have standing
2 to enjoin payments in the Superior Court and require recovery
3 of remuneration paid in violation of this title in the jurisdiction
4 of residence, from the individuals signing, countersigning, autho-
5 rizing or having employment authority for the payments. Moneys
6 recovered in the action shall be paid from the personal funds of
7 those individuals and shall be paid to the State Treasurer or the
8 treasurer of the political subdivision as appropriate. The resi-
9 dent shall be entitled to receive not more than 25% of the amount
10 recovered and reasonable attorney fees at the discretion of the
11 court.

CHAPTER 11
AGENCY TRANSFER

- 1 11A:11-1 Commissioner of Personnel and Merit System Board.
- 2 11A:11-2 Department of Personnel.
- 3 11A:11-3 Names.
- 4 11A:11-4 Rules.
- 5 11A:11-5 Pending actions.
- 6 11A:11-6 Transfer.

1 11A:11-1. Commissioner of Personnel and Merit System Board.
2 The President of the Civil Service Commission on the effective
3 date of this act shall become the Commissioner of Personnel and
4 the remaining members of the Civil Service Commission on the
5 effective date of this act shall continue as members of the Merit
6 System Board for the duration of their current terms and any
7 reappointments and until their successors are appointed unless
8 removed for cause.

1 11A:11-2. Department of Personnel. The Department of Per-
2 sonnel shall replace the Department of Civil Service. Except as
3 otherwise stated in this title, all employees of the Department of
4 Civil Service shall become employees of the Department of Per-
5 sonnel.

6 The Commissioner of Personnel shall direct the consolidation
7 and coordination of personnel, training and related functions in
8 the executive branch of State government and transfer to the
9 Department of Personnel such employees, positions, funding, equip-
10 ment, powers, duties and functions from throughout the executive
11 branch of State government to effectuate such consolidation and
12 coordination.

1 11A:11-3. Names. Any law, rule, regulation, judicial or ad-
2 ministrative proceeding, appropriation or otherwise which refers
3 to the Department of Civil Service shall mean the Department
4 of Personnel; Civil Service Commission shall mean Merit System
5 Board; and President of the Civil Service Commission or Chief
6 Examiner and Secretary, or both shall mean Commissioner of
7 Personnel.

1 11A:11-4. Rules. All rules of the Civil Service Commission
2 shall remain in effect except as changed or modified by this title
3 or board action.

1 11A:11-5. Pending Actions. Any action pending on the effective
2 date of this act shall continue under the prior law and rule.

1 11A:11-6. Transfer. The transfers directed by this title, except
2 as otherwise provided, shall be made in accordance with the "State
3 Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq).

CHAPTER 12

MISCELLANEOUS

- 1 11A:12-1 Inconsistent laws.
 2 11A:12-2 Rights of current employees.
 3 11A:12-3 Statutes repealed.
 4 11A:12-4 Implementation.
 5 11A:12-5 Effective date.
- 1 11A:12-1. Inconsistent laws. Any law or statute which is in-
 2 consistent with any of the provisions of the title are, to the extent
 3 of the inconsistency, hereby superseded.
- 1 11A:12-2. Rights of current employees. Those employees with
 2 permanent classified status shall obtain permanent status in career
 3 service without loss of seniority or pension rights.
- 1 11A:12-3. Statutes repealed. The following statutes are re-
 2 pealed:
- 3 Title 11 of the Revised Statutes;
 4 P. L. 1938, c. 76 (C. 11:2A-1)
 5 P. L. 1938, c. 381, s. 10 (C. 11:27-13)
 6 P. L. 1939, c. 219 (C. 11:4-3.3)
 7 P. L. 1939, c. 232 (C. 11:24A-1 to 11:24A-6)
 8 P. L. 1939, c. 322 (C. 11:10-6.1)
 9 P. L. 1940, c. 15 (C. 11:4-3.4)
 10 P. L. 1940, c. 178 (C. 11:22-11.1)
 11 P. L. 1941, c. 91 (C. 11:4-3.5 and 11:4-3.6)
 12 P. L. 1941, c. 286 (C. 11:4-3.7)
 13 P. L. 1942, c. 65 (C. 11:20A-1)
 14 P. L. 1942, c. 137, s. 2 (C. 11:27-1.2)
 15 P. L. 1942, c. 253 (C. 11:24A-7)
 16 P. L. 1944, c. 65, s. 11 (C. 11:7-10)
 17 P. L. 1946, c. 148 (C. 11:24A-6.1 to 11:24A-6.3)
 18 P. L. 1946, c. 198 (C. 11:4-3.8 and 11:4-3.9)
 19 P. L. 1947, c. 201, ss. 2-4 (C. 11:14-3 to 11:14-5)
 20 P. L. 1947, c. 272 (C. 11:20A-2)
 21 P. L. 1948, c. 121, ss. 2-4,9 (C. 11:7-11 to 11:7-14)
 22 P. L. 1948, c. 121, ss. 6-8 (C. 11:22-50 to 11:22-52)
 23 P. L. 1948, c. 165 (C. 11:22-44.1 to 11:22-44.3)
 24 P. L. 1948, c. 257 (C. 11:21-5.1)
 25 P. L. 1948, c. 435 (C. 11:4-3.10)
 26 P. L. 1948, c. 466 (C. 11:22-44.4 and 11:22-44.5)
 27 P. L. 1950, c. 235 (C. 11:26B-1 to 11:26B-3)
 28 P. L. 1951, c. 278 (C. 11:21-5.2)
 29 P. L. 1951, c. 279 (C. 11:21-4.1)

- 30 P. L. 1952, c. 27 (C. 11:11-4)
- 31 P. L. 1952, c. 302 (C. 11:26C-1 to 11:26C-3)
- 32 P. L. 1952, c. 309 (C. 11:27-1.3)
- 33 P. L. 1952, c. 322, ss. 1 and 2 (C. 11:15-9 and 11:15-10)
- 34 P. L. 1952, c. 323, ss. 1 and 2 (C. 11:22-10.1 and 11:22-10.2)
- 35 P. L. 1953, c. 125 (C. 11:2C-1 to 11:2C-9)
- 36 P. L. 1953, c. 193 (C. 11:14-1.1)
- 37 P. L. 1953, c. 238 (C. 11:4-3.11)
- 38 P. L. 1953, c. 239 (C. 11:4-3.12)
- 39 P. L. 1953, c. 430 (C. 11:4-3.13 and 11:4-3.14)
- 40 P. L. 1954, c. 182 (C. 11:4-3.15)
- 41 P. L. 1954, c. 232 (C. 11:21-3.1)
- 42 P. L. 1955, c. 188 (C. 11:26C-4)
- 43 P. L. 1959, c. 88, s. 2 (C. 11:24A-1.1)
- 44 P. L. 1961, c. 18 (C. 11:26D-1)
- 45 P. L. 1962, c. 195 (C. 11:14-1.2)
- 46 P. L. 1962, c. 196 (C. 11:24A-1.2)
- 47 P. L. 1964, c. 169 (C. 11:27-1.4 and 11:27-1.5)
- 48 P. L. 1965, c. 46 (C. 11:21-5.3)
- 49 P. L. 1967, c. 199, s. 2 (C. 11:22-10.3)
- 50 P. L. 1968, c. 437 (C. 11:26C-5)
- 51 P. L. 1971, c. 1 (C. 11:21-4.2 and 11:21-4.3)
- 52 P. L. 1971, c. 153 (C. 11:1-20 to 11:1-24)
- 53 P. L. 1971, c. 274 (C. 11:1-25 to 11:1-28)
- 54 P. L. 1972, c. 74 (C. 11:14-6 to 11:14-8)
- 55 P. L. 1973, c. 130 (C. 11:14-9 to 11:14-17)
- 56 P. L. 1977, c. 160 (C. 11:24A-8 and 11:24A-9)
- 57 P. L. 1977, c. 261 (C. 11:9-10.1)
- 58 P. L. 1978, c. 81, s. 2 (C. 11:22-2.1)
- 59 P. L. 1978, c. 99 (C. 11:14-18)
- 60 P. L. 1978, c. 147 (C. 11:22-44.6)
- 61 P. L. 1980, c. 134 (C. 11:22-34.1)
- 62 P. L. 1981, c. 92 (C. 11:21-5.4)
- 63 P. L. 1981, c. 124 (C. 11:2D-1 to 11:2D-10)
- 64 P. L. 1981, c. 204 (C. 11:9-15 to 11:9-18)
- 65 P. L. 1981, c. 205 (C. 11:23-10 to 11:23-13)
- 66 P. L. 1981, c. 439 (C. 11:22-10.4)
- 67 P. L. 1981, c. 545, s. 3 (C. 11:21-9.1)
- 68 P. L. 1982, c. 181, ss. 2, 1 (C. 11:1-1.1 and C. 11:2-8)
- 69 P. L. 1983, c. 167 (C. 11:22-44.7 and 11:22-44.8)
- 70 P. L. 1983, c. 178 (C. 11:27-4.1)
- 71 P. L. 1983, c. 252 (C. 11:4-3.16)

- 72 P. L. 1983, c. 280 (C. 11:9-2.1 to 11:9-2.4)
73 P. L. 1983, c. 319 (C. 11:9-17.1)
74 P. L. 1984, c. 32 (C. 11:21-4.4)
75 P. L. 1984, c. 143 (C. 11:22-3.1)
76 P. L. 1984, c. 204 (C. 11:22-44.9 and 11:22-44.10)
77 P. L. 1985, c. 339 (C. 11:24A-2.1)
78 P.L. 1985, c. 484 (C. 11:21-5.5)
1 11A:12-4. Implementation. There is appropriated \$250,000.00
2 to implement this act.
1 11A:12-5. Effective date. This act shall take effect immediately
2 and any actions necessary to implement this act may be taken any
3 time thereafter. General implementation is to be completed no
4 later than twelve months following enactment.

STATEMENT

This bill would repeal the current Civil Service statutes under Title 11 of the Revised Statutes and enact a new title to be known as Title 11A of the New Jersey Statutes establishing a new Department of Personnel which would be composed of a Merit System Board and a Commissioner of Personnel.

STATE EMPLOYEES AND CIVIL SERVICE

Repeals the current Civil Service statutes and enacts new Title 11A, establishing a new Department of Personnel.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2194

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: MARCH 6, 1986

The committee reports this bill favorably.

Assembly Bill No. 2194 (OCR) establishes a Department of Personnel and repeals the current Civil Service statutes. The bill regulates the employment, tenure and discharge of certain State employees, enacts a new title, known as Title 11A and makes an appropriation.

FISCAL IMPACT:

The Department of Civil Service indicated that the appropriation of \$250,000.00 for implementation will be expended as follows:

1—3 new employees to develop new regulations and procedures	\$ 90,000
2—Consultant and management services for title allocations and Senior Executive Service	60,000
3—Printing/distribution of booklets, etc.	70,000
4—Consultant and management service for Department analysis and organization plan	30,000
Total	\$250,000

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2194

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 1986

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 2194.

This bill, the "Civil Service Act," would repeal Title 11 of the Revised Statutes and enact in its place a new civil service law, Title 11A of the New Jersey Statutes.

The bill would replace the Department of Civil Service with a new Department of Personnel. The new department would consist of a Merit System Board, a Commissioner of Personnel, a Division of Equal Employment Opportunity and Affirmative Action, and such other subdivisions and employees as may be established under authority conferred by law.

The Merit System Board would consist of five members, including the Commissioner of Personnel, serving *ex officio* as chairperson, and four other members appointed by the Governor with the advice and consent of the Senate. The four appointed members would serve staggered terms of four years. The general powers of the board would include the power to hear appeals brought by permanent career employees and those in their working test period on termination and disciplinary actions. The board would also hear other appeals not delegated to the commissioner and have the power to provide for interim relief in pending appeals. Finally, the Merit System Board would adopt and enforce rules to implement the civil service statute.

The Commissioner of Personnel would be appointed by the Governor with the advice and consent of the Senate and would serve at the Governor's pleasure. The commissioner's general powers and duties would include: serving as the chief executive officer of the Department of Personnel; establishing and supervising the employee selection and performance evaluation processes; and hearing appeals from classification, salary, layoff rights and, in the State service, noncontractual grievances. The commissioner could delegate to an appointing authority the responsibility for classifying positions, administering examinations and other technical personnel functions, but could not dele-

gate any function of the Merit Service Board. The commissioner could assign department staff to assist an appointing authority in performing the personnel functions delegated to it.

The bill establishes general procedural guidelines for the commencement and the review of disciplinary actions.

The Merit System Board would assign titles of positions in the State and local government service among the career service, a new senior executive service, and the unclassified service. The career service would be composed of a competitive division and a noncompetitive division. The senior executive service would be established in accordance with rules adopted by the board and would not be subject to the provisions of the civil service law; it would be composed of noncareer and career service employees, with the former accounting for not more than 15% of the total number of employees in the senior executive service. Employees eligible to enter the senior executive service from the permanent career service could, if they wished, retain their positions in the career service, and a permanent career service employee who joined the senior executive service would, upon separation therefrom, have the right of reinstatement in the career service. The unclassified service would consist of persons holding various specified positions, including elective public office. The senior executive service and the nonclassified service would not be subject to the provisions of the civil service law.

Employee compensation would be governed by a compensation plan established, administered and amended by the commissioner. The commissioner would also have the responsibility of providing for examinations. Preference for admission to the examination would be accorded to State residents. On the basis of examination results, lists of persons eligible for appointment to public service positions would be prepared. The three eligibles receiving the highest rank on an open competitive or promotional list would be certified by the commissioner for regular appointment. Eligibles on any type of reemployment list would be certified and appointed in the order of their ranking. The current provisions of law regarding preference to veterans in the establishment of eligible lists would be retained.

The bill provides explicitly that working test periods would be considered part of the examination process. The bill provides that a test period for law enforcement and corrections officer and firefighter titles would be 12 months in length; test periods for other titles would be three to 12 months long, as set by the commissioner.

The bill would require the head of each State agency to ensure equality of opportunity for all of its employees and applicants for employment. A Division of Equal Employment Opportunity and Affirmative Action would be established to develop and administer an equal

employment and affirmative action program for State agencies. The director of the division would be charged with responsibility for ensuring that the goals of the program for minorities, women and the handicapped be reasonably related to their population in the relevant labor market area.

The bill would explicitly prohibit an appointing authority from taking or threatening to take reprisal action against an employee in retaliation for his lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority.

The committee amended the bill to:

(1) Require that the annual report of the commissioner indicate the total number of senior executive service appointees, and the number of those appointees who are noncareer employees, in employment as of the last day of each calendar quarter;

(2) Clarify that the commissioner's power of delegating to appointing authorities his responsibility for personnel functions extends only to technical functions;

(3) Authorize the Merit System Board, following disposition of an employee's appeal of a disciplinary action, to award seniority, as well as back pay, benefits and attorney fees;

(4) Prohibit union-covered titles from being included in the senior executive service;

(5) Reduce from five years to four years the maximum duration of eligible lists, other than reemployment lists, and clarify that extension of such lists shall be the responsibility of the commissioner;

(6) Clarify the applicability to fire officer titles, as well as to law enforcement and correction officer titles, of the provisions of the bill regarding the questioning of eligibles as to any arrest and the authorization of an appointing authority to reject an eligible based on a criminal conviction notwithstanding presentation of a pardon or expungement;

(7) Protect employees already undergoing a working test on the date on which the bill takes effect as law from being subject to the revised provisions concerning the working test period;

(8) Increase from \$12,000.00 to \$15,000.00 the maximum amount of supplemental compensation payable to a retiring employee for accumulated unused sick leave;

(9) Allow actions in Superior Court for enforcement of the new title to be brought by any interested party, and not only the Merit System Board or Commissioner of Personnel; and

(10) Provide explicitly that enactment of the proposed law should not be construed to expand or diminish collective negotiations rights under the "New Jersey Employer-Employee Relations Act."

SENATE, No. 1829

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1986

By Senators CARDINALE and DiFRANCESCO

Referred to Committee on State Government and Federal and
Interstate Relations and Veterans Affairs

AN ACT to regulate the employment, tenure and discharge of certain State employees and certain employees of political subdivisions; to establish a Department of Personnel as a principal department in the Executive Branch of State Government; revising parts of the statutory law; enacting a new title to be known as Title 11A, Civil Service, of the New Jersey Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

TITLE 11A
CIVIL SERVICE
Table of Contents

Chapter

- 1 1. General provisions, 11A:1-1 to 11A:1-2.
2 2. Department of Personnel, 11A:2-1 to 11A:2-24.

Article

- 3 1. Organization, 11A:2-1 and 11A:2-2.
4 2. Merit System Board, 11A:2-3 to 11A:2-7.
5 3. Commissioner of Personnel, 11A:2-8 to 11A:2-12.
6 4. Appeals, 11A:2-13 to 11:2-22.
7 5. Political activity, 11A:2-23.
8 6. Employee protection against reprisals, 11A:2-24.

- 9 3. Classification, services and compensation, 11A:3-1 to 11A:3-8.
 10 4. Selection and appointment, 11A:4-1 to 11A:4-16.
 11 5. Veterans preference, 11A:5-1 to 11A:5-13.
 12 6. Hours of work, leaves and employee development, 11A:6-1 to
 13 11A:6-30.

Article

- 14 1. Hours of work and leaves of absence and supplemental
 15 compensation, 11A:6-1 to 11A:6-22.
 16 2. Employee programs, 11A:6-23 to 11A:6-26.
 17 3. Awards, 11A:6-27 to 11A:6-30.
 18 7. Equal employment opportunity, 11A:7-1 to 11A:7-13.
 19 8. Layoffs, 11A:8-1 to 11A:8-4.
 20 9. Political subdivisions, 11A:9-1 to 11A:9-15.
 21 10. Violations and penalties, 11A:10-1 to 11A:10-4.
 22 11. Agency transfer, 11A:11-1 to 11A:11-7.
 23 12. Miscellaneous, 11A:12-1 to 11A:12-3.

CHAPTER 1

GENERAL PROVISIONS

Section

- 1 11A:1-1 Short title.
 2 11A:1-2 Declaration of policy.
 1 11A:1-1. Short title. This title shall be known and may be cited
 2 as the "Civil Service Act."
 1 11A:1-2. Declaration of policy. The Legislature finds and
 2 declares that:
 3 a. It is the public policy of this State to select and advance
 4 employees on the basis of their relative knowledge, skills and
 5 abilities;
 6 b. It is the public policy of this State to provide public officials
 7 with appropriate appointment, supervisory and other personnel
 8 authority to execute properly their constitutional and statutory
 9 responsibilities;
 10 c. It is the public policy of this State to encourage and reward
 11 meritorious performance by employees in the public service and to
 12 retain and separate employees on the basis of the adequacy of
 13 their performance; and
 14 d. It is the public policy of this State to ensure equal employ-
 15 ment opportunity at all levels of the public service.

CHAPTER 2
DEPARTMENT OF PERSONNEL

ARTICLE 1
Organization

- | Section | |
|-----------|----------------------------------|
| 1 11A:2-1 | Department of Personnel created. |
| 2 11A:2-2 | Implementation. |

ARTICLE 2
Merit System Board

- | | |
|-----------|----------------------------------------------------|
| 1 11A:2-3 | Members; term; quorum; vacancies. |
| 2 11A:2-4 | Removal of a board member other than commissioner. |
| 3 11A:2-5 | Compensation. |
| 4 11A:2-6 | Powers and duties. |
| 5 11A:2-7 | Subpenas; oaths. |

ARTICLE 3
Commissioner of Personnel

- | | |
|------------|----------------------------|
| 1 11A:2-8 | Commissioner of Personnel. |
| 2 11A:2-9 | Term. |
| 3 11A:2-10 | Compensation. |
| 4 11A:2-11 | Powers and duties. |
| 5 11A:2-12 | Delegation. |

ARTICLE 4
Appeals

- | | |
|-------------|------------------------------------------------------|
| 1 11A:2-13 | Opportunity for appointing authority review. |
| 2 11A:2-14 | Notice of employee of right of appeal. |
| 3 11A:2-15 | Appeal procedure. |
| 4 11A:2-16 | Appeal procedure for suspension or fine of five days |
| 5 | or less. |
| 6 11A:2-17 | Immunity. |
| 7 11A:2-18 | Representation. |
| 8 11A:2-19 | Authority to increase or decrease penalty imposed. |
| 9 11A:2-20 | Forms of disciplinary action. |
| 10 11A:2-21 | Burden of proof. |
| 11 11A:2-22 | Back pay, benefits and reasonable attorney fees. |

ARTICLE 5
Political Activity

- | | |
|------------|-----------------------------|
| 1 11A:2-23 | Political activity limited. |
|------------|-----------------------------|

ARTICLE 6
Employee Protection Against Reprisals

- | | |
|------------|-------------------------------|
| 1 11A:2-24 | Protection against reprisals. |
|------------|-------------------------------|

ARTICLE 1

Organization

1 11A:2-1. Department of Personnel created. There is established
2 in the Executive Branch of State Government a principal depart-
3 ment which shall be known as the Department of Personnel which
4 shall consist of a Merit System Board, a Commissioner of Per-
5 sonnel, subdivisions and officers and employees as specifically
6 referred to in this title and as may be constituted or employed by
7 virtue of the authority conferred by this title or any other law.
8 For the purposes of this title, "board" means Merit System Board,
9 "commissioner" means the Commissioner of Personnel and "de-
10 partment" means the Department of Personnel.

1 11A:2-2. Implementation. The department shall implement and
2 enforce this title.

ARTICLE 2

Merit System Board

1 11A:2-3. Members; term; quorum; vacancies. The Merit Sys-
2 tem Board shall consist of five members, one of whom shall be the
3 Commissioner of Personnel who shall serve as the chairperson.
4 The other members shall be appointed by the Governor with the
5 advice and consent of the Senate for staggered terms of four years
6 and until the appointment and qualification of their successors.
7 Three members of the board shall constitute a quorum.

8 The holding over of an incumbent beyond the expiration of the
9 term of office shall reduce, in commensurate length, the term of
10 office of a successor. Vacancies shall be filled for the unexpired
11 term in the same manner as original appointments. No member
12 shall hold any other State or federal office or position.

1 11A:2-4. Removal of a board member other than commissioner.
2 A board member other than the commissioner may be removed
3 from office by the Governor for cause, upon notice and an oppor-
4 tunity to be heard. A board member removed from office shall be
5 entitled to receive compensation only up to the date of the removal.

1 11A:2-5. Compensation. A board member other than the com-
2 missioner shall receive a salary as fixed by law and shall also be
3 entitled to sums incurred for necessary expenses.

1 11A:2-6. Powers and duties. In addition to other powers and
2 duties vested in it by this title or by any other law, the board shall:
3 a. After a hearing, render the final administrative decision on
4 appeals concerning permanent career service employees or those
5 in their working test period in the following categories:

6 (1) Removal,
 7 (2) Suspension or fine as prescribed in N. J. S. 11A :2-14,
 8 (3) Disciplinary demotion, and
 9 (4) Termination at the end of the work test period for unsatis-
 10 factory performance.

11 b. On a review of the written record, render the final administra-
 12 tive decision on other appeals except for those matters listed or
 13 delegated to the commissioner pursuant to subsection h. of N. J. S.
 14 11A :2-11;

15 c. Provide for interim remedies or relief in a pending appeal
 16 where warranted;

17 d. Adopt and enforce rules to carry out this title and to effec-
 18 tively implement a comprehensive personnel management system;

19 e. Interpret the application of this title to any public body or
 20 entity; and

21 f. Authorize and conduct such studies, inquiries, investigations
 22 or hearings in the operation of this title as it deems necessary.

1 11A :2-7. Subpenas, oaths. The commissioner or the board
 2 may subpoena and require the attendance of witnesses in this State
 3 and the production of evidence or documents relevant to any
 4 proceeding under this title. Those persons may also administer
 5 oaths and take testimony. Subpenas issued under this section
 6 shall be enforceable by order of the Superior Court.

ARTICLE 3

Commissioner of Personnel

1 11A :2-8. Commissioner of Personnel. The Governor shall, with
 2 the advice and consent of the Senate, appoint a Commissioner of
 3 Personnel who shall be the chief executive of the department. The
 4 commissioner shall give full-time to the duties of this office and
 5 shall hold no other public office or position.

1 11A :2-9. Term. The commissioner shall serve at the pleasure
 2 of the Governor.

1 11A :2-10. Compensation. The commissioner shall receive a
 2 salary as fixed by law and shall also be entitled to sums incurred
 3 for necessary expenses.

1 11A :2-11. Powers and duties of the commissioner. In addition
 2 to other powers and duties vested in the commissioner by this title
 3 or any other law, the commissioner:

4 a. Shall be the principal executive and request officer of the
 5 department allocating the functions and activities of the depart-
 6 ment among departmental subdivisions as the commissioner may
 7 establish;

8 b. May appoint one deputy commissioner who shall be in the

9 unclassified service and may appoint other necessary employees.
10 All employees shall be confidential employees for the purposes of
11 the "New Jersey Employer-Employee Relations Act" (P. L. 1941,
12 c. 100; C. 34:13A-1 *et seq.*, as amended);

13 c. Shall maintain a management information system necessary
14 to carry out the provisions of this title;

15 d. Shall have the authority to audit payrolls, reports or trans-
16 actions for conformity with the provisions of this title;

17 e. Shall plan, evaluate, administer and implement personnel
18 programs and policies in State government and political subdivi-
19 sions operating under this title;

20 f. Shall establish and supervise the selection process and em-
21 ployee performance evaluation procedures;

22 g. Shall develop programs to improve efficiency and effectiveness
23 of the public service, including, but not limited to, employee
24 training, development, assistance and incentives;

25 h. Shall set standards and procedures for review and render
26 the final administrative decision on a written record or after
27 recommendation by an independent reviewer assigned by the com-
28 missioner of appeals from classification, salary, layoff rights and
29 in the State service noncontractual grievances;

30 i. May establish pilot programs and other projects for a maxi-
31 mum of one year outside of the provisions of this title;

32 j. Shall provide for a public employee interchange program
33 pursuant to the "Government Employee Interchange Act of 1967,"
34 P. L. 1967, c. 77 (C. 52:14-6.10 *et seq.*) and may provide for an
35 employee interchange program between public and private sector
36 employees;

37 k. May establish an internship program;

38 l. Shall assist the Governor in general workforce planning,
39 personnel matters and labor relations;

40 m. Shall establish and consult with advisory boards representing
41 political subdivisions, personnel officers, labor organizations and
42 other appropriate groups;

43 n. Shall make an annual report to the Governor and Legislature
44 and all other special or periodic reports as may be required;

45 o. Shall have the authority to assess costs for special or other
46 services; and

47 p. Shall recommend rules to the board for the implementation of
48 this title.

1 11A:2-12. Delegation. The commissioner may delegate to an
2 appointing authority the responsibility for classifying positions,
3 administering examinations and other personnel functions accord-

4 ing to prescribed standards, but the commissioner may not delegate
5 any function of the board.

6 This delegation shall be written and shall conform to the provi-
7 sions of this title. The commissioner may assign staff of the
8 department to an appointing authority to assist the appointing
9 authority in its delegated personnel duties. The employees shall
10 continue as employees of the department. All delegation shall be
11 subject to supervision by the commissioner and post-audit and may
12 be cancelled, modified or limited at any time by the commissioner.

ARTICLE 4

Appeals

1 11A:2-13. Opportunity for appointing authority review. Be-
2 fore any disciplinary action in subsections a. (1), (2) and (3) of
3 N. J. S. 11A:2-6 is taken against a permanent employee in the
4 career service or a person serving a working test period, the em-
5 ployee shall be notified in writing and a review shall be held before
6 the appointing authority or its designated representative. The
7 review shall be held within 30 days of the notice of disciplinary
8 action unless both parties consent to an adjournment to a later
9 date. The board shall establish, by rule, procedures for suspen-
10 sions with or without pay.

1 11A:2-14. Notice to employee of right to appeal. Within 20
2 days of the review provided in N. J. S. 11A:2-13, the appointing
3 authority shall make a final disposition of the charges against
4 the employee and shall furnish the employee with written notice.
5 If the appointing authority determines that the employee is to be
6 removed, demoted or receive a suspension or a fine greater than
7 five days, the employee shall have a right to appeal to the board.
8 The suspension or fine of an employee for five days or less shall
9 be appealable if an employee's aggregate number of days sus-
10 pended or fined in any one calendar year is 15 days or more.
11 Where an employee receive more than three suspensions or fines
12 of five or less days in a calendar year, the last suspension or fine
13 is appealable.

1 11A:2-15. Appeal procedure. Any appeal from adverse actions
2 specified in N. J. S. 11A:2-13 shall be made in writing to the
3 board no later than 20 days from receipt of the final written deter-
4 mination of the appointing authority. If the appointing authority
5 fails to provide a written determination, an appeal may be made
6 directly to the board within a reasonable time.

1 11A:2-16. Appeal procedure for suspension or fine of five days
2 or less. If a State employee receives a suspension or fine of five

3 days or less, the employee may request review by the board under
4 standards and procedures established by the board or appeal pur-
5 suant to an alternate appeal procedure where provided by a
6 negotiated contract provision. If an employee of a political sub-
7 division receives a suspension or fine of five days or less, the
8 employee may request review under standards and procedures
9 established by the political subdivision or appeal pursuant to an
10 alternate appeal procedure where provided by a negotiated con-
11 tract provision.

1 11A:2-17. Use immunity. A person shall not be excused from
2 testifying or producing evidence on the ground that the testimony
3 or the evidence might tend to incriminate the person, but an
4 answer shall not be used or admitted in any proceeding against
5 the person, except in a prosecution for perjury. The foregoing
6 use immunity shall not be granted without prior written approval
7 by the Attorney General.

1 11A:2-18. Representation. An employee may be represented
2 at any hearing before an appointing authority or the board by
3 an attorney or authorized union representative.

1 11A:2-19. Authority to increase or decrease penalty imposed.
2 The board may increase or decrease the penalty imposed by the
3 appointing authority, but removal shall not be substituted for a
4 lesser penalty.

1 11A:2-20. Forms of disciplinary action. The board shall es-
2 tablish by rule the general causes which constitute grounds for
3 disciplinary action and the kinds of disciplinary action which may
4 be taken by appointing authorities against permanent career ser-
5 vice employees or those serving in their working test period.

1 11A:2-21. Burden of proof. In categories listed in subsection
2 a.(1), (2) and (3) of N. J. S. 11A:2-6, the employer shall have
3 the burden of proof while in category (4), the employee shall have
4 the burden of proof.

1 11A:2-22. Back pay, benefits and reasonable attorney fees. The
2 board may award back pay, benefits and reasonable attorney fees
3 to an employee as provided by rule.

ARTICLE 5

Political Activity

1 11A:2-23. Political activity limited. A person holding a posi-
2 tion in the career service or senior executive service shall not
3 directly or indirectly use or seek to use the position to control
4 or affect the political action of another person or engage in political
5 activity during working hours.

ARTICLE 6

Employee Protection Against Reprisals

1 11A:2-24. Protection against reprisals. An appointing authority
 2 shall not take or threaten to take any action against an employee
 3 in the career, senior executive or unclassified service in retaliation
 4 for an employee's lawful disclosure of information on the violation
 5 of any law or rule, governmental mismanagement or abuse of
 6 authority. An employee who is the subject of a reprisal action by
 7 an appointing authority for the lawful disclosure of information
 8 may appeal such action to the board.

CHAPTER 3

CLASSIFICATION, SERVICES AND COMPENSATION

- 1 11A:3-1 Classification.
 2 11A:3-2 Career Service.
 3 11A:3-3 Senior executive service.
 4 11A:3-4 State unclassified service.
 5 11A:3-5 Political subdivision unclassified service.
 6 11A:3-6 Public hearing required when moving title from career
 7 to unclassified service.
 8 11A:3-7 Employee compensation.
 9 11A:3-8 Payroll audits.
- 1 11A:3-1. Classification. The board shall assign and reassign
 2 titles among the career service, senior executive service and un-
 3 classified service. The commissioner shall:
- 4 a. Establish, administer, amend and continuously review a State
 5 classification plan governing all positions in State service and
 6 similar plans for political subdivisions;
 - 7 b. Establish and abolish titles;
 - 8 c. Ensure the grouping in a single title of positions with similar
 9 qualifications, authority and responsibility;
 - 10 d. Assign and reassign titles to appropriate positions; and
 - 11 e. Provide a specification for each title.
- 1 11A:3-2. Career service. The career service shall have two
 2 divisions, the competitive division and the noncompetitive division.
 3 The commissioner shall assign and reassign such titles to each
 4 division and may provide for movement, including promotion,
 5 of employees from one division to the other.
- 1 11A:3-3. Senior executive service. A senior executive service
 2 shall be established in State government and include those posi-
 3 tions having substantial managerial, policy influencing or policy
 4 executing responsibilities as determined by the board. The board

5 shall adopt rules providing for the selection, placement, transfer,
6 development, compensation, separation and performance appraisal
7 of senior executive service employees and for the reinstatement
8 of career service employees to the career service. The senior
9 executive service shall not be subject to the provisions of this
10 title unless otherwise specified. The senior executive service shall
11 include noncareer and career service employees. The number of
12 noncareer employees shall not exceed 15% of the entire senior ex-
13 ecutive service workforce.

14 Where an employee holds permanent career service status in a
15 position in a title that is assigned to the senior executive service,
16 the employee, with appointing authority approval, shall be pro-
17 vided the option of joining the senior executive service. Permanent
18 career service employees who opt not to join the senior executive
19 service or who do not receive approval to join the senior executive
20 service shall have a right to reinstatement to the career service
21 to a level directly under the senior executive service. Permanent
22 career service employees who join the senior executive service
23 and who are later separated from the senior executive service
24 shall have a right of reinstatement to the career service to a level
25 held prior to entry in the senior executive service unless the
26 employee has been separated, after opportunity for hearing, from
27 the senior executive service for reasons which constitute cause for
28 removal from the career service.

1 11A:3-4. State unclassified service. The State unclassified ser-
2 vice shall not be subject to the provisions of this title unless other-
3 wise specified and shall include the following:

- 4 a. Appointments of the Governor;
- 5 b. Department heads and members of boards and commissions
6 authorized by law;
- 7 c. Employees in the Legislative branch of State government;
- 8 d. Heads of institutions;
- 9 e. Physicians, surgeons and dentists;
- 10 f. Superintendents, teachers and instructors in the public
11 schools, the agricultural experiment station and State institu-
12 tions, where certified teachers are employed under the supervision
13 of and qualified by the State Department of Education, and other
14 institutions maintained wholly or in part by the State;
- 15 g. Assistant and Deputy Attorneys General and legal assistants
16 appointed by the Attorney General;
- 17 h. One secretary and one confidential assistant to each depart-
18 ment head, board, principal executive officer and commission;
- 19 i. Employees in the military or naval service of the State;

20 j. Student assistants;
21 k. Domestic employees in the Governor's household; and
22 l. All other titles as provided by law or as the board may
23 determine.

1 11A:3-5. Political subdivision unclassified service. The political
2 subdivision unclassified service shall not be subject to the pro-
3 visions of this title unless otherwise specified and shall include
4 the following:

- 5 a. Elected officials;
6 b. One secretary and one confidential assistant to each mayor;
7 c. Members of boards and commissions authorized by law;
8 d. Heads of institutions;
9 e. Physicians, surgeons and dentists;
10 f. Attorneys of a county, municipality or school district oper-
11 ating under this title;
12 g. Teaching staff as defined in N. J. S. 18A:1-1 in the public
13 schools and county superintendents and members and business
14 managers of boards of education;
15 h. Principal executive officers;
16 i. One secretary, clerk or executive director to each department,
17 board and commission authorized by law to make the appointment;
18 j. One secretary or clerk to each principal executive officer and
19 judge;
20 k. One deputy or first assistant to a principal executive officer
21 who is authorized by statute to act for and in place of the principal
22 executive officer;
23 l. No more than 12 county department heads and the heads of
24 divisions within such departments provided that the total number
25 of unclassified positions created by the county administrative
26 code pursuant to this subsection shall not exceed 20;
27 m. One secretary or confidential assistant to each unclassified
28 department or division head established in subsection (1);
29 n. Employees of county park commissions appointed pursuant
30 to R. S. 40:37-96 through R. S. 40:37-174 in counties of the
31 second class;
32 o. Directors of free public libraries in cities of the first class
33 having a population of more than 300,000;
34 p. One secretary to the municipal council in cities of the first
35 class having a population of less than 300,000;
36 q. One secretary or confidential assistant to each county free-
37 holder;
38 r. In school districts organized pursuant to N. J. S. 18A:17-1

39 et seq., the executive controller, public information officer and the
 40 executive directors of board affairs, personnel, budget, purchasing,
 41 physical facilities, data processing, financial affairs, and internal
 42 audits;

43 s. The executive director, assistant executive director, director
 44 of staff operations, director of administration, director of rede-
 45 velopment and the urban initiatives coordinator of a local housing
 46 authority; and

47 t. All other titles as provided by statute or as the board may
 48 determine in accordance with criteria established by rule.

1 11A:3-6. Public hearing required when moving title from career
 2 to unclassified service. Whenever the board considers moving a
 3 title from the career service to the unclassified service, the board
 4 shall first hold a public hearing before reaching a determination.

1 11A:3-7. Employee compensation. The commissioner shall estab-
 2 lish, administer and amend an equitable State employee compensa-
 3 tion plan which shall include pay schedules, the assignment and
 4 reassignment of salaries for all State titles, and standards and pro-
 5 cedures for salary adjustments other than as provided for in the
 6 State compensation plan for the career, senior executive and un-
 7 classified services. When an employee has erroneously received a
 8 salary overpayment, the commissioner may waive repayment based
 9 on a review of the case. Employees of political subdivisions are to
 10 be paid in reasonable relationship to titles and shall not be paid a
 11 base salary below the minimum or above the maximum established
 12 salary for an employee's title.

1 11A:3-8. Payroll audits. The commissioner may audit State pay-
 2 rolls of political subdivisions to determine compliance with this title.
 3 The commissioner may order and enforce immediate compliance as
 4 necessary.

CHAPTER 4

SELECTION AND APPOINTMENT

- | | | |
|----|----------|-----------------------------------|
| 1 | 11A:4-1 | Examinations. |
| 2 | 11A:4-2 | Holding of examinations. |
| 3 | 11A:4-3 | Admission to examinations. |
| 4 | 11A:4-4 | Eligible lists and certifications |
| 5 | 11A:4-5 | Use of eligible list. |
| 6 | 11A:4-6 | Duration of lists. |
| 7 | 11A:4-7 | Exceptions to duration of a list. |
| 8 | 11A:4-8 | Certification and appointment. |
| 9 | 11A:4-9 | Types of eligible lists. |
| 10 | 11A:4-10 | Arrests and criminal records. |

- 11 11A:4-11 Removal on criminal record.
12 11A:4-12 Priority of lists.
13 11A:4-13 Types of appointment.
14 11A:4-14 Promotion.
15 11A:4-15 Working test period.
16 11A:4-16 Transfer, reassignment and lateral title change
- 1 11A:4-1. Examinations. The commissioner shall provide for:
2 a. The announcement and administration of examinations which
3 shall test fairly the knowledge, skills and abilities required to
4 satisfactorily perform the duties of a title or group of titles. The
5 examinations may include, but are not limited to, written, oral, per-
6 formance and evaluation of education and experience;
7 b. The rating of examinations;
8 c. The security of the examination process and appropriate sanc-
9 tions for a breach of security;
10 d. The selection of special examiners to act as subject matter
11 specialists or to provide other assistance. Employees of the State
12 or political subdivisions may be so engaged as part of their official
13 duties during normal working hours with the approval of their
14 appointing authority. Extra compensation may be provided for
15 such service outside normal working hours; and
16 e. The right to appeal adverse actions relating to the examina-
17 tion and appointment process which shall include but not be limited
18 to rejection of an application, failure of an examination and re-
19 moval from an eligible list.
- 1 11A:4-2. Holding of examinations A vacancy shall be filled by a
2 promotional examination when considered by the commissioner to
3 be in the best interest of the career service.
- 1 11A:4-3. Admission to examinations. If it appears that an
2 eligible list is not likely to provide full certification for existing or
3 anticipated vacancies from among qualified residents of this State,
4 or of political subdivisions where required by law, the commissioner
5 may admit other qualified nonresident applicants. Where residency
6 preference is provided pursuant to any other statute, the commis-
7 sioner may limit applicants to such classes as are necessary to
8 establish a sufficient pool of eligibles.
- 1 11A:4-4. Eligible lists and certifications. The commissioner
2 shall provide for:
3 a. The establishment and cancellation of eligible lists;
4 b. The certification of an eligible list to positions in other appro-
5 priate titles; and
6 c. The consolidation of eligible lists which may include, but is not
7 limited to, the combining of names of eligibles by scores.

1 11A:4-5 Use of eligible list. Once the examination process has
2 been initiated due to the appointment of a provisional or an appoint-
3 ing authority's request for a list to fill a vacancy, the affected
4 appointing authority shall be required to make appointments from
5 the list if there is a complete certification unless otherwise permitted
6 by the commissioner for valid reason such as fiscal constraints. If
7 the commissioner permits an appointing authority to leave a posi-
8 tion vacant in the face of a complete list, the commissioner may
9 order the appointing authority to reimburse the department for the
10 costs of the selection process.

1 11A:4-6. Duration of lists. The commissioner shall set the dura-
2 tion of an eligible list which shall not be more than three years
3 from the date of its establishment, except that it may be extended
4 for good cause and a list shall not have a duration of more than
5 five years. Notwithstanding the duration of a list, the commissioner
6 may revive a list to implement a court order or decision of the
7 board or commissioner in the event of a successful appeal instituted
8 during the life of the list or to correct an administrative error. The
9 commissioner may revive a list to effect the appointment of an
10 eligible whose working test period was terminated by a layoff.

1 11A:4-7. Exceptions to duration of a list. Notwithstanding the
2 provisions of N. J. S. 11A:4-6, a special reemployment list, a police
3 reemployment list and a fire reemployment list shall have unlimited
4 duration

1 11A:4-8. Certification and appointment. The commissioner shall
2 certify the three eligibles who have received the highest ranking
3 on an open competitive or promotional list against the first pro-
4 visional or vacancy. For each additional provisional or vacancy
5 against whom a certification is issued at that time, the commis-
6 sioner shall certify the next ranked eligible. If more than one
7 eligible has the same score, the tie shall not be broken and they
8 shall have the same rank. If three or more eligibles can be certified
9 as the result of the ranking without resorting to all three highest
10 scores, only those eligibles shall be so certified.

11 A certification that contains the names of at least three interested
12 eligibles shall be complete and a regular appointment shall be made
13 from among those eligibles. An eligible on an incomplete list shall
14 be entitled to a provisional appointment if a permanent appoint-
15 ment is not made.

16 Eligibles on any type of reemployment list shall be certified and
17 appointed in the order of their ranking and the certification shall
18 not be considered incomplete.

1 11A:4-9. Types of eligible lists. The commissioner may establish
2 the following types of eligible lists:

3 a. Open competitive which shall include all qualified eligibles
4 without regard to whether they are currently employed by the
5 State or a political subdivision;

6 b. Promotional which shall include qualified permanent eligibles;

7 c. Regular reemployment which shall include former permanent
8 employees who resigned in good standing and whose reemployment
9 is certified by the appointing authority as in the best interest of the
10 service. The name of any such employee shall not remain on a
11 reemployment list for more than three years from the date of
12 resignation, unless otherwise extended pursuant to N. J. S. 11A:4-6;

13 d. Police or fire reemployment which shall include former
14 permanent uniformed members of a police or fire department who
15 have resigned in good standing and whose reemployment is certified
16 by the appointing authority as in the best interest of the service; and

17 e. Special reemployment which shall include permanent em-
18 ployees laid off or demoted in lieu of layoff from permanent titles.

1 11A:4-10. Arrests and criminal records. Eligibles may be ques-
2 tioned as to criminal convictions and pending criminal charges.
3 Eligibles for a law enforcement or correction officer title may also
4 be questioned as to any arrest.

1 11A:4-11 Removal on criminal record. Upon the request of an
2 appointing authority, the commissioner may remove an eligible
3 with a criminal record from a list when the criminal record includes
4 a conviction for a crime which adversely relates to the employment
5 sought. The following factors may be considered in such determina-
6 tion:

7 a. Nature and seriousness of the crime;

8 b. Circumstances under which the crime occurred;

9 c. Date of the crime and age of the eligible when the crime was
10 committed;

11 d. Whether the crime was an isolated event; and

12 e. Evidence of rehabilitation.

13 The presentation to an appointing authority of a pardon or
14 expungement shall prohibit an appointing authority from rejecting
15 an eligible based on such criminal conviction except for law enforce-
16 ment, correction officer and other titles as determined by the com-
17 missioner.

1 11A:4-12. Priority of lists. When more than one list exists, the
2 priority of lists shall be as follows:

3 a. Special reemployment when the available position is in the
4 department from which the eligible was laid off or demoted in lieu
5 of layoff;

6 b. Promotional;

7 c. Special reemployment when the available position is located in
8 a department other than that from which the eligible was laid off or
9 demoted;

10 d. Regular reemployment, police reemployment or fire reemploy-
11 ment; and

12 e. Open competitive.

1 11A:4-13. Types of appointment. The commissioner shall pro-
2 vide for the following types of appointment:

3 a. Regular appointments shall be to a title in the competitive
4 division of the career service upon examination and certification or
5 to a title in the noncompetitive division of the career service upon
6 appointment. The appointments shall be permanent after satis-
7 factory completion of a working test period;

8 b. Provisional appointments shall be made only in the competitive
9 division of the career service and only in the absence of a complete
10 certification if the appointing authority certifies that in each in-
11 dividual case the appointee meets the minimum qualifications for
12 the title at the time of appointment and that failure to make a pro-
13 visional appointment will seriously impair the work of the appoint-
14 ing authority;

15 c. Temporary appointments may be made, without regard to the
16 provisions of this chapter, to temporary positions established for a
17 period aggregating not more than six months in a 12 month period
18 as approved by the commissioner. These positions include, but are
19 not limited to, seasonal positions. Positions established as a result
20 of a short term grant may be established for a maximum of 12
21 months. Appointees to temporary positions shall meet the minimum
22 qualifications of a title;

23 d. Emergency appointments shall not exceed 30 days and shall
24 only be permitted where nonappointment will result in harm to
25 persons or property;

26 e. Senior executive service appointments shall be made pursuant
27 to N. J. S. 11A:3-3; and

28 f. Unclassified appointments shall be made pursuant to N. J. S.
29 11A:3-4 and N. J. S. 11A:3-5.

1 11A:4-14. Promotion. The commissioner shall establish the mini-
2 mum qualifications for promotion and shall provide for the granting
3 of credit for performance and seniority where appropriate.

1 11A:4-15. Working test period. The purpose of the working
2 test period is to permit an appointing authority to determine
3 whether an employee satisfactorily performs the duties of a title.
4 A working test period is part of the examination process which

5 shall be served in the title to which the certification was issued and
6 appointment made. The commissioner shall provide for :

7 a. A working test period following regular appointment for not
8 less than three months and not more than 12 months as set for a title
9 except that the working test period for entry level law enforcement
10 officer, correction officer and firefighter titles shall be for 12 months;

11 b. The extension of the working test period for good cause pro-
12 vided that the total duration shall not exceed 12 months;

13 c. Progress reports to be made by the appointing authority and
14 provided to the employee at the end of 1/3 and 2/3 of the working
15 test period and a final progress report at the end of the entire
16 working test period shall be provided to the employee and the com-
17 missioner;

18 d Termination of an employee at the end of the working test
19 period and termination of an employee for cause during the work-
20 ing test period; and

21 e. The retention of permanent status in the lower title by a pro-
22 moted employee during the working test period in the higher title
23 and the right to return to such permanent title if the employee does
24 not satisfactorily complete the working test period, but employees
25 removed for cause during a working test period shall not be so
26 returned.

1 11A:4-16. Transfer, reassignment and lateral title change. The
2 rules of the board shall define and establish the procedures for
3 transfer, reassignment and lateral title change.

CHAPTER 5

VETERANS PREFERENCE

- 1 11A:5-1 Definitions.
- 2 11A:5-2 Spouse of disabled veteran or deceased veteran.
- 3 11A:5-3 Parent and spouse of veteran who has died in service.
- 4 11A:5-4 Disabled veterans preference.
- 5 11A:5-5 Veterans preference.
- 6 11A:5-6 Appointment of veterans.
- 7 11A:5-7 Inapplication of statutes to promotions.
- 8 11A:5-8 Preference in appointment in noncompetitive division.
- 9 11A:5-9 Preference to veterans in layoffs.
- 10 11A:5-10 Hearing on dismissal of veteran.
- 11 11A:5-11 Veterans not to be discriminated against because of
12 physical defects.
- 13 11A:5-12 Employment or promotion of persons awarded Con-
14 gressional Medal of Honor, Distinguished Service
15 Cross, Air Force Cross or Navy Cross.

16 11A :5-13 World War soldiers in employment of a county, munic-
17 pality or school district; promotion.

18 11A :5-14 Veteran police officer or firefighter in city of first class;
19 examination and promotion.

20 11A :5-15 Enforcement.

1 11A :5-1. Definitions. As used in this chapter:

2 a. "Disabled veteran" means any veteran who is eligible to be
3 compensated for a service-connected disability from war service
4 by the United States Veterans Administration or who receives or is
5 entitled to receive equivalent compensation for a service-connected
6 disability which arises out of military or naval service as set forth
7 in this chapter and who has submitted sufficient evidence of the
8 record of disability incurred in the line of duty to the commissioner
9 on or before the closing date for filing an application for an exam-
10 ination;

11 b. "Veteran" means any honorably discharged soldier, sailor,
12 marine or nurse who served in any army or navy of the allies of the
13 United States in World War I, between July 14, 1914 and November
14 11, 1918, or who served in any army or navy of the allies of the
15 United States in World War II, between September 1, 1939 and
16 September 2, 1945 and who was inducted into that service through
17 voluntary enlistment, and was a citizen of the United States at the
18 time of the enlistment, and who did not renounce or lose his or her
19 United States citizenship; or any soldier, sailor, marine, airman,
20 nurse or army field clerk, who has served in the active military or
21 naval service of the United States and has been discharged or re-
22 leased under other than dishonorable conditions from that service
23 in any of the following wars or conflicts and who has presented to
24 the commissioner sufficient evidence of the record of service on or
25 before the closing date for filing an application for an examination;

26 (1) World War I, between April 6, 1917 and November 11, 1918;

27 (2) World War II, after September 16, 1940, who shall have
28 served at least 90 days beginning on or before September 2, 1945
29 in such active service, exclusive of any period assigned for a course
30 of education or training under the Army Specialized Training Pro-
31 gram or the Navy College Training Program, which course was a
32 continuation of a civilian course and was pursued to completion, or
33 as a cadet or midshipman at one of the service academies; except
34 that any person receiving an actual service-incurred injury or dis-
35 ability shall be classed a veteran whether or not that person has
36 completed the 90-day service;

37 (3) Korean conflict, after June 23, 1950, who shall have served
38 at least 90 days beginning on or before July 27, 1953, in active

39 service, exclusive of any period assigned for a course in education or
40 training under the Army Specialized Training Program or the Navy
41 College Training Program, which course was a continuation of a
42 civilian course and was pursued to completion, or as a cadet or
43 midshipman at one of the service academies; except that any person
44 receiving an actual service-incurred injury or disability shall be
45 classed as a veteran whether or not that person has completed the
46 90-day service;

47 (4) Vietnam conflict, after December 31, 1960, who shall have
48 served at least 90 days beginning on or before August 1, 1974, in
49 active service, exclusive of any period assigned for a course of
50 education or training under the Army Specialized Training Pro-
51 gram or the Navy College Training Program, which course was a
52 continuation of a civilian course and was pursued to completion, or
53 as a cadet or midshipman at one of the service academies, and
54 exclusive of any service performed pursuant to the provisions of
55 section 511(d) of Title 10, United States Code, or exclusive of any
56 service performed pursuant to enlistment in the National Guard or
57 the Army Reserve, Naval Reserve, Air Force Reserve, Marine
58 Corps Reserve, or Coast Guard Reserve; except that any person
59 receiving an actual service-incurred injury or disability shall be
60 classed as a veteran whether or not that person has completed the
61 90-day service as provided;

62 c. "War service" means service by a veteran in any war or con-
63 flict described in this chapter during the periods specified.

1 11A:5-2. Spouse of disabled veteran or deceased veteran. The
2 spouse of any disabled veteran is eligible to receive disabled
3 veterans preference under this chapter, if that veteran is not in the
4 service of the State or any political subdivision which operates
5 under this title and the veteran officially waives, if able to do so,
6 any right to preference for the duration of the spouse's employment.

7 The surviving spouse of any disabled veteran or veteran shall be
8 entitled to receive the same preference under this chapter to which
9 the disabled veteran or deceased veteran would have been entitled
10 to if still living. The preference shall terminate upon the re-
11 marriage of the surviving spouse.

1 11A:5-3. Parent and spouse of veteran who has died in service.
2 A parent and spouse of any veteran who died while in service and
3 who would have qualified under this chapter as a veteran, shall be
4 entitled to a disabled veterans preference. Where both a parent and
5 spouse survive, the exercise of the preference by one shall suspend
6 the right of any other so long as the first individual who exercises
7 preferences remains in the employ of the State or any political
8 subdivision operating under the provisions of this title.

1 11A:5-4. Disabled veterans preference. The names of disabled
2 veterans who receive passing scores on open competitive examina-
3 tions shall be placed at the top of the employment list in the order
4 of their respective final scores.

1 11A:5-5. Veterans preference. The names of veterans who
2 receive passing scores on open competitive examinations shall be
3 placed on the employment list in the order of their respective
4 scores immediately after disabled veterans.

1 11A:5-6. Appointment of veterans. Whenever a disabled veteran
2 or veteran shall be certified to an appointing authority from an open
3 competitive employment list under the provisions of N. J. S.
4 11A:4-8, the appointing authority shall appoint the disabled veteran
5 or veteran in the order of ranking.

1 11A:5-7. Inapplication of statutes to promotions. Nothing
2 contained in N. J. S. 11A:5-4 through 11A:5-7 shall apply to pro-
3 motions but, whenever a veteran ranks highest on a promotional
4 certification, a nonveteran shall not be appointed unless the
5 appointing authority shall show cause before the board why a
6 veteran should not receive such promotion.

1 11A:5-8. Preference in appointment in noncompetitive division.
2 From among those eligible for appointment in the noncompetitive
3 division, preference shall be given to a qualified veteran. Before
4 an appointing authority shall select a nonveteran and not appoint
5 a qualified veteran, the appointing authority shall show cause
6 before the board why a veteran should not be appointed. In all
7 cases, a disabled veteran shall have preference over all others.

1 11A:5-9. Preference to veterans in layoffs. When a layoff occurs,
2 preference shall be given first to a disabled veteran and then to a
3 veteran; but, the preference shall apply only where the disabled
4 veteran or veteran has seniority in title equal to that of a non-
5 veteran also affected by the layoff.

1 11A:5-10. Hearing on dismissal of veteran. Before any de-
2 partment head shall dismiss any veteran, as provided in N. J. S.
3 11A:5-9, such department head shall show cause before the board
4 why such veteran should not be retained, at which time such veteran
5 or veterans may be privileged to attend. The board shall be the
6 sole judge of the facts constituting such qualification.

1 11A:5-11. Veterans not to be discriminated against because of
2 physical defects. Veterans suffering from any physical defect
3 caused by wounds or injuries received in the line of duty in the
4 military or naval forces of the United States during war service
5 set forth in N. J. S. 11A:5-1 shall not be discriminated against
6 in an examination, classification or appointment because of the

7 defect, unless this defect, in the opinion of the board, would in-
8 capacitate the veteran from properly performing the duties of the
9 office, position or employment for which applied.

1 11A:5-12. Employment or promotion of persons awarded Con-
2 gressional Medal of Honor, Distinguished Service Cross, Air Force
3 Cross or Navy Cross. Any individual who has served in the
4 Army, Air Force, Navy, or Marine Corps of the United States
5 and who has been awarded the Congressional Medal of Honor,
6 the Distinguished Service Cross, Air Force Cross or Navy Cross,
7 while a resident of this State, shall be appointed or promoted
8 without complying with the rules of the board. The appointing
9 authority to whom the individual applies for appointment or pro-
10 motion shall, at its discretion, appoint or promote that person.
11 Upon promotion or appointment, that person shall become subject
12 to the rules of the board. A person who qualifies under this sec-
13 tion shall not be limited to only one appointment or promotion.

1 11A:5-13. World War soldiers in employment of a county,
2 municipality or school district; promotion. A soldier who served
3 in the Army of the United States during the war between the
4 United States and Germany, who holds the French medaille
5 militaire, the croix de guerre with palm, croix de guerre with
6 silver star, croix de guerre with bronze star and who was on
7 March 26, 1926, employed by any county, municipality or school
8 district operating under the provisions of this title shall be eligible
9 for promotion without complying with any of the rules or regu-
10 lations of the board. The head, or person in charge of the office
11 in which the person is employed, may promote such employee for
12 the good of the service as may in his judgment seem proper.

1 11A:5-14. Veteran police officer or firefighter in city of first
2 class; examination and promotion. A member of the police or
3 fire department in a city of the first class who is a veteran shall
4 be entitled to be admitted to the examination for promotion to
5 a superior rank and upon successfully passing such examination
6 shall be entitled to appointment in such superior rank, notwith-
7 standing the fact that such person may not have held the position
8 or rank held or occupied by him at the time of taking the examina-
9 tion for a period of two years, if the employee has or shall have
10 held or occupied the same for a period of one year.

1 11A:5-15. Enforcement. The board may promulgate rules for
2 the proper administration and enforcement of this chapter.

3 Nothing herein contained shall be construed to amend, modify
4 or supersede N. J. S. 40A:14-25, N. J. S. 40A:14-115 or N. J. S.
5 40A:14-143.

CHAPTER 6

LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT

ARTICLE 1

Leaves of Absence, Supplemental Compensation and
Hours of Work

- 1 11A:6-1 Leaves.
- 2 11A:6-2 Vacation leave; full-time State employees.
- 3 11A:6-3 Vacation leave, full-time political subdivision em-
4 ployees.
- 5 11A:6-4 Death of employees having vacation credit.
- 6 11A:6-5 Sick leave.
- 7 11A:6-6 State administrative leave.
- 8 11A:6-7 Leaves for part-time employees.
- 9 11A:6-8 Sick leave injury in State service.
- 10 11A:6-9 Leaves of absence for police officers and firefighters.
- 11 11A:6-10 Convention leave of police officers and firefighters.
- 12 11A:6-11 Leave for athletic competition.
- 13 11A:6-12 Appointment by Governor; leave of absence without
14 pay.
- 15 11A:6-13 Elective office; leave of absence without pay; appoint-
16 ments to position; reemployment list.
- 17 11A:6-14 Eligibility for promotions during leave of absence.
- 18 11A:6-15 Supplemental compensation upon retirement in State
19 employment.
- 20 11A:6-16 Supplemental compensation; employees of Rutgers,
21 The State University of New Jersey, New Jersey
22 Institute of Technology and the University of Medi-
23 cine and Dentistry of New Jersey.
- 24 11A:6-17 Supplemental compensation; deferred retirement.
- 25 11A:6-18 Supplemental compensation; computation; limitation.
- 26 11A:6-19 Supplemental compensation; certification of accumu-
27 lated sick leave.
- 28 11A:6-20 Supplemental compensation; break in service.
- 29 11A:6-21 Supplemental compensation; ineligibility to other pen-
30 sion retirement benefits.
- 31 11A:6-22 Supplemental compensation; rules.
- 32 11A:6-23 Hours of work, overtime and holiday pay.

ARTICLE 2

Employee Programs

- 1 11A:6-24 State training programs.
- 2 11A:6-25 Employee career development.
- 3 11A:6-26 Political subdivisions.
- 4 11A:6-27 Employee performance evaluations.

ARTICLE 3

Awards

- 1 11A:6-28 Awards Committee.
- 2 11A:6-29 Awards.
- 3 11A:6-30 Powers and duties of committee.
- 4 11A:6-31 Payment of awards.

ARTICLE 1

Leaves of Absence, Supplemental Compensation and
Hours of Work

- 1 11A:6-1. Leaves. The board shall designate the types of leaves
- 2 and adopt rules for State employees in the career and senior
- 3 executive services regarding procedures for sick leave, vacation
- 4 leave and all other designated leaves with or without pay as the
- 5 board may designate. Any political subdivision subject to the
- 6 provisions of this title shall prepare procedures regarding these
- 7 items.
- 8 In all cases, a leave of absence with or without pay shall not
- 9 exceed a period of one year at any one time unless renewal or
- 10 extension is granted upon written approval of the commissioner.
- 1 11A:6-2. Vacation leave. Vacation leave; full-time State em-
- 2 ployees. Vacation leave for full-time State employees in the career
- 3 and senior executive service shall be:
- 4 a. Up to one year of service, one working day for each month
- 5 of service;
- 6 b. After one year and up to five years of continuous service,
- 7 12 working days;
- 8 c. After five years and up to 12 years of continuous service,
- 9 15 working days;
- 10 d. After 12 years and up to 20 years of continuous service, 20
- 11 working days;
- 12 e. Over 20 years of continuous service, 25 working days; and
- 13 f. Vacation not taken in a given year because of business de-
- 14 mands shall accumulate and be granted during the next succeeding
- 15 year only.
- 1 11A:6-3. Vacation leave; full-time political subdivision em-
- 2 ployees. Vacation leave for full-time political subdivision em-
- 3 ployees shall be:
- 4 a. Up to one year of service, one working day for each month
- 5 of service;
- 6 b. After one year and up to 10 years of continuous service,
- 7 12 working days;

8 c. After 10 years and up to 20 years of continuous service, 15
9 working days;

10 d. After 20 years of continuous service, 20 working days; and

11 e. Vacation not taken in a given year because of business de-
12 mands shall accumulate and be granted during the next succeeding
13 year only.

1 11A:6-4. Death of employee having vacation credit. The estate
2 of a deceased employee covered by this title who had accumulated
3 annual vacation leave, shall be paid a sum equal to the compensa-
4 tion for that vacation leave.

1 11A:6-5. Sick leave. Full-time State and political subdivision
2 employees shall receive a sick leave credit of no less than one
3 working day for each completed month of service during the re-
4 mainder of the first calendar year of service and 15 working days
5 in every year thereafter. Unused sick leave shall accumulate
6 without limit.

1 11A:6-6. State administrative leave. Administrative leave for
2 personal reasons including religious observances for full-time
3 State employees and those employees of Rutgers, The State Univer-
4 sity, New Jersey Institute of Technology and the University of
5 Medicine and Dentistry of New Jersey who perform services
6 similar to those performed by employees of the New Jersey
7 State Colleges who are in the career service shall be three working
8 days per calendar year. Administrative leave shall not be cumula-
9 tive and any administrative leave unused by an employee at the
10 end of any year shall be cancelled.

1 11A:6-7. Leaves for part-time employees. Part-time employees
2 shall receive proportionate vacation, sick and administrative leave.

1 11A:6-8. Sick leave injury in State service. Leaves of absence
2 for career, senior executive and unclassified employees in State
3 service due to injury or illness directly caused by and arising from
4 State employment shall be governed by rules of the board. Any
5 sick leave with pay shall be reduced by the amount of worker's
6 compensation or disability benefits, if any, received for the same
7 injury or illness.

1 11A:6-9. Leaves of absence for police officers and firefighters.
2 Leaves of absence for police officer and firefighter titles shall be
3 governed by the applicable provisions of Title 40A of the New
4 Jersey Statutes and N. J. S. 11A:6-10.

1 11A:6-10. Convention leave for police officers and firefighters.
2 A leave of absence with pay shall be given to every employee who
3 is a duly authorized representative of the New Jersey Patrolmen's
4 Benevolent Association, Inc., Fraternal Order of Police, Firemen's

5 Mutual Benevolent Association, Inc., the Fire Fighters Association
6 of New Jersey or the New Jersey State Association of Chiefs of
7 Police, to attend any State or national convention of the organiza-
8 tion. The leave of absence shall be for a period inclusive of the
9 duration of the convention with a reasonable time allowed for
10 travel to and from the convention. A certificate of attendance
11 to the convention shall, upon request, be submitted by the re-
12 presentative so attending.

1 11A:6-11. Leave for athletic competition. Any State employee
2 in the career, senior executive or unclassified service who qualifies
3 as a member of the United States team for athletic competition
4 at the world, Pan American or Olympic level, in a sport contested
5 in either Pan American or Olympic competitions, shall be granted
6 a leave of absence with pay and without loss of rights, privileges
7 and benefits and without interruption of membership in any re-
8 tirement system of the State for the purpose of preparing for
9 and engaging in the competition. The paid leave granted pursuant
10 to this title shall be no more than 90 calendar days in one year or
11 the combined days of the official training camp and competition,
12 whichever is less.

1 11A:6-12. Appointment by Governor; leave of absence without
2 pay. Any employee in the career or senior executive service who
3 is appointed to any position pursuant to P. L. 1947, c. 14 (C.
4 52:14-16.2) shall be entitled to a leave of absence without pay
5 from the permanent career or senior executive service title for
6 the length of the appointment. Upon the expiration of the leave,
7 the employee shall have the right to return to the former title
8 and receive all of the rights, privileges and benefits of that title
9 as if the employee had remained in that title.

1 11A:6-13. Elective office; leave of absence without pay; appoint-
2 ments to position; reemployment list. Any person holding a posi-
3 tion in the career service of any political subdivision shall upon
4 written request be granted a leave of absence, without pay, to fill
5 any elective public office for the term of the office. Upon the
6 expiration of the term of office, that person shall be entitled to
7 resume the position held at the time of the granting of the leave of
8 absence if the employee shall apply for reinstatement before the
9 expiration of the leave of absence and return to duty within six
10 years after the commencement of the leave. The time spent in
11 serving the term of an elective office, up to a maximum of six
12 years from the commencement of the leave, shall be included in
13 the computation of that person's seniority rights.

14 All appointments to the position of that person during the period
15 of six years from the date the leave of absence commences shall be
16 made from eligible lists and the appointments shall, during such
17 six-year period, be held to be interim and shall be terminated on
18 the return to duty within the six-year period of the person to
19 whom the leave of absence was granted.

20 In the event that the term of the elective public office of the
21 person to whom such leave was granted expires after six years
22 from the commencement of such leave, the name of such person,
23 upon the expiration of the six-year period, shall be placed on a
24 special reemployment list.

1 11A:6-14. Eligibility for promotions during leave of absence.
2 A leave of absence should not disqualify an applicant for a promo-
3 tional examination.

1 11A:6-15. Supplemental compensation upon retirement in State
2 employment. State employees in the career service, and those in
3 the senior executive and unclassified services who have been
4 granted sick leave under terms and conditions similar to career
5 service employees, shall be entitled upon retirement from a State
6 administered retirement system to receive a lump sum payment as
7 supplemental compensation for each full day of accumulated sick
8 leave which is credited on the effective date of retirement.

1 11A:6-16. Supplemental compensation; employees of Rutgers,
2 The State University, New Jersey Institute of Technology, and
3 the University of Medicine and Dentistry of New Jersey. The
4 supplemental compensation provided under this chapter shall also
5 be paid to each employee of Rutgers, The State University, New
6 Jersey Institute of Technology, and the University of Medicine
7 and Dentistry of New Jersey who performs services similar to
8 those performed by employees of the New Jersey State Colleges
9 who are in the career service or who have been granted sick leave
10 under terms and conditions similar to career service employees,
11 including those employees of the University of Medicine and
12 Dentistry of New Jersey who are members of the Newark Em-
13 ployees Retirement System.

1 11A:6-17. Supplemental compensation; deferred retirement. A
2 State employee who elects deferred retirement shall not be eligible
3 for the supplemental compensation provided under this chapter.

1 11A:6-18. Supplemental compensation, computation; limitation.
2 Supplemental compensation shall be computed at the rate of one-
3 half of the eligible employee's daily rate of pay for each day of
4 accumulated sick leave based upon the compensation received

5 during the last year of employment prior to the effective date of
6 retirement, but, supplemental compensation shall not exceed
7 \$12,000.00. If an employee dies after the effective date of retire-
8 ment but before payment is made, payment shall be made to the
9 employee's estate.

1 11A:6-19. Supplemental compensation; certification of accumu-
2 lated sick leave. Upon application for supplemental compensation
3 made by an employee, the appointing authority shall, within 45
4 days, certify the number of accumulated sick days for which
5 supplemental compensation is to be paid. Payment shall be made
6 from a special State account established for this purpose.

1 11A:6-20. Supplemental compensation; break in service. An
2 employee who has incurred or shall incur a break in service as a
3 result of separation due to layoff shall be credited with sick leave
4 accrued both before separation and after return to employment.
5 An employee incurring a break in service for any other type of
6 separation shall have sick leave computed only from the date of
7 return to employment.

1 11A:6-21. Supplemental compensation; inapplicability to other
2 pension retirement benefits. The supplemental compensation pro-
3 vided for accumulated sick leave shall in no way affect, increase
4 or decrease any pension or retirement benefits under any other
5 statute.

1 11A:6-22. Supplemental compensation; rules. The board shall
2 adopt rules for the implementation of supplemental compensation,
3 which shall include but need not be limited to application and
4 eligibility procedures.

1 11A:6-23. Hours of work, overtime and holiday pay. State
2 employees in the career, senior executive and unclassified services
3 in titles or circumstances designated by the board shall be eligible
4 for overtime compensation and holiday pay. Overtime compensa-
5 tion and holiday pay shall be either cash compensation at a rate
6 representing 1½ times the employee's hourly rate of base salary
7 or compensatory time off at a rate of 1½ hours for each hour
8 worked beyond the regular workweek at the discretion of the
9 department head with the approval of the commissioner.

10 The board shall adopt rules for the implementation of hours of
11 work, overtime compensation and holiday pay programs which
12 shall include but need not be limited to application and eligibility
13 procedures.

ARTICLE 2

Employee Programs

1 11A:6-24. State training programs. The commissioner may
2 establish and shall review and approve training and education
3 programs for State employees in the career, senior executive and
4 unclassified services and shall supervise a State training center
5 with appropriate courses and fee schedules. Particular training
6 may be required by the commissioner for certain employees for
7 which an assessment to State departments may be imposed.

1 11A:6-25. Employee career development. The commissioner
2 shall develop and stimulate employee career development and
3 improve management and efficiency in State government through
4 programs, for which an assessment to State departments may be
5 imposed, that include but are not limited to:

- 6 a. Career mobility and transferability;
- 7 b. Employee advisory services for counseling and rehabilitation;
- 8 c. Retirement planning; and
- 9 d. Interchange and internship programs.

1 11A:6-26. Political subdivisions. The commissioner may, at the
2 request of any political subdivision, initiate programs similar to
3 those authorized in this chapter and provide technical assistance
4 to political subdivisions to improve the efficiency and effectiveness
5 of their personnel management programs. The commissioner may
6 require reasonable reimbursement from a participating political
7 subdivision.

1 11A:6-27. Employee performance evaluations. The commis-
2 sioner shall establish an employee performance evaluation system
3 for State employees in the career and senior executive service.
4 The system shall utilize standards and criteria related to job
5 content and program goals.

6 Political subdivisions may adopt employee performance evalua-
7 tion systems for their employees.

8 The board shall adopt and enforce rules with respect to the
9 utilization of performance ratings in promotion, layoff or other
10 matters.

ARTICLE 3

Awards

1 11A:6-28. Awards Committee. The New Jersey Employee
2 Awards Committee shall be established in the department under
3 the supervision of the commissioner. The committee shall be
4 composed of seven persons, each of whom shall be employed in a
5 different department within the Executive Branch. Appointments

6 to the committee shall be made by the Governor, from nominations
 7 by the commissioner, for staggered terms of three years or until a
 8 successor is appointed. No member shall serve more than two
 9 consecutive full terms. Members shall serve without compensa-
 10 tion but shall be entitled to sums incurred for necessary expenses.
 11 The commissioner shall designate an employee of the department
 12 as executive secretary to the committee.

1 11A:6-29. Awards. The committee, subject to appropriations
 2 made for that purpose, may provide awards to State employees
 3 for, but not limited to:

- 4 a. Meritorious suggestions and accomplishments which promote
- 5 efficiency, productivity or economy;
- 6 b. Heroism or exceptional service;
- 7 c. Professional achievements; and
- 8 d. Service.

1 11A:6-30. Powers and duties of the committee. The committee
 2 shall:

- 3 a. Adopt rules for the implementation of the awards programs
- 4 subject to the approval of the commissioner;
- 5 b. Request and receive assistance from any department in State
- 6 government;
- 7 c. Prepare an annual report to the Governor from the commis-
- 8 sioner concerning the operation of the awards program; and
- 9 d. Establish and supervise the awards committees in the depart-
- 10 ments in State government.

11 11A:6-31. Payment of awards. Suggestion awards shall be
 12 paid from State funds appropriated for that purpose.

CHAPTER 7

EQUAL EMPLOYMENT OPPORTUNITY

- 1 11A:7-1 Equal employment opportunity.
- 2 11A:7-2 Division of Equal Employment Opportunity and
- 3 Affirmative Action.
- 4 11A:7-3 Equal employment opportunity and affirmative action
- 5 program.
- 6 11A:7-4 Agency goals.
- 7 11A:7-5 Department responsibilities.
- 8 11A:7-6 Agency affirmative action officer.
- 9 11A:7-7 Agency accountability for affirmative action plan.
- 10 11A:7-8 Agency affirmative action plan.
- 11 11A:7-9 Agency failure to achieve affirmative action goals;
- 12 penalties.

- 13 11A:7-10 Citation by Governor for attaining affirmative action
14 results.
- 15 11A:7-11 Equal Employment Opportunity Advisory Commis-
16 sion; creation.
- 17 11A:7-12 Equal Employment Opportunity Advisory Committee;
18 membership; term; vacancy; meetings; executive
19 secretary.
- 20 11A:7-13 Accommodation for the handicapped and examination
21 waiver.

1 11A:7-1. Equal employment opportunity. The head of each State
2 agency shall ensure equality of opportunity for all of its employees
3 and applicants seeking employment. Equal employment oppor-
4 tunity includes, but is not limited to, the following areas: recruit-
5 ment, selection, hiring, training, promotion, transfer, layoff, return
6 from layoff, compensation and fringe benefits. Equal employment
7 opportunity further includes policies, procedures, and programs
8 for recruitment, employment, training, promotion, and retention of
9 minorities, women and handicapped persons

10 The head of each State agency shall expore innovative personnel
11 policies in order to enhance these efforts and where appropriate
12 shall implement them to the fullest extent authorized. Where the
13 implementation of those policies is not authorized, an agency head
14 shall recommend implementation to the appropriate State agency.

1 11A:7-2. Division of Equal Employment Opportunity and Affir-
2 mative Action. A division of Equal Employment Opportunity and
3 Affirmative Action is established in the department. The division
4 shall have all of the powers and shall exercise all of the functions
5 and duties set forth in this chapter, subject to the supervision and
6 control of the commissioner.

1 11A:7-3. Equal employment opportunity and affirmative action
2 program. The division shall develop, implement and administer an
3 equal employment opportunity and affirmative action program for
4 all State agencies. The program shall consider the particular per-
5 sonnel requirements that are reasonably related to job performance
6 of each State agency. The director of the division shall ensure that
7 the affirmative action and equal employment goals of each State
8 agency for minorities, women and handicapped persons shall be
9 reasonably related to their population in the relevant surrounding
10 labor market area. The director, in accordance with applicable
11 federal and State guidelines, shall:

12 a. Ensure each State agency's compliance with all laws and rules
13 relating to equal employment opportunity and seek correction of
14 discriminatory practices, policies and procedures;

15 b Recommend appropriate sanctions for noncompliance to the
16 commissioner who, with the concurrence of the Governor, is au-
17 thorized to implement sanctions;

18 c. Review State personnel practices, policies and procedures, in-
19 clusive of recruitment, selection, and promotion in order to identify
20 and eliminate artificial barriers to equal employment opportunity;

21 d. Act as liaison with federal, State, and local enforcement
22 agencies; and

23 e. Recommend appropriate legislation to the commissioner and
24 perform other actions deemed necessary by the commissioner to
25 implement this chapter.

26 f. Provide, under rules adopted by the board, for review of equal
27 employment complaints.

1 11A:7-4. Agency goals. The department shall establish reason-
2 able equal employment and affirmative action goals for State
3 agencies in the form of regulations.

1 11A:7-5. Department responsibilities. The department, through
2 the Division of Equal Employment Opportunity and Affirmative
3 Action, shall:

4 a. Ensure that the pool of applicants for all vacant positions in
5 State agencies includes minorities, women and handicapped per-
6 sons so that affirmative action goals are attainable through agency
7 selection decisions;

8 b Undertake a comprehensive review of its rules, regulations
9 and testing procedures in order to amend or eliminate those which
10 serve to discriminate against minorities, women and handicapped
11 persons;

12 c. Ensure that selection devices do not discriminate against
13 minorities, women and handicapped persons;

14 d. Analyze job specifications to isolate and eliminate prereq-
15 uisites that are artificial barriers to employment;

16 e. Review all discrimination complaints under Title VII of the
17 Civil Rights Act of 1964, Pub. L. 88-352 (42 U. S. C. § 2000e et seq.)
18 evaluate trends, and recommend appropriate policy changes; and

19 f. Receive, analyze and transmit to the Governor, at least semi-
20 annually, progress reports on affirmative action in all State
21 agencies.

1 11A:7-6. Affirmative action officer. The head of each State
2 agency shall appoint at least one person with the responsibility for
3 equal employment opportunity as the affirmative action officer.
4 Unless otherwise permitted by the director with the approval of the
5 commissioner, such person shall serve on a full-time basis and shall
6 be responsible to the Division of Equal Employment Opportunity
7 and Affirmative Action.

1 11A:7-7. Agency accountability for affirmative action plan. The
2 head of each State agency shall be accountable to the Governor for
3 achieving and maintaining agency compliance with the affirmative
4 action program.

1 11A:7-8. Agency affirmative action plan. Each State agency shall
2 submit an affirmative action plan, with goals and timetables, plus
3 quarterly and annual affirmative action reports to the director.
4 Each affirmative action plan shall identify existing inequities in
5 hiring, promotion, and all other conditions of employment and
6 provide specific remedies for these inequities and establish the time
7 periods for the accomplishment of remedial action. Each State
8 agency shall make good faith efforts to meet its goals and time-
9 tables.

1 11A:7-9. Agency failure to achieve affirmative action goals;
2 penalties. If there is a failure by a State agency to achieve its
3 affirmative action goals, or to demonstrate good faith efforts, appro-
4 priate sanctions and penalties may be imposed by the department
5 in accordance with federal and State regulations, subject to the
6 concurrence of the Governor and the commissioner. These sanctions
7 may include, but are not limited to, placing a moratorium on depart-
8 mental personnel actions in the career, senior executive and un-
9 classified services, and such other sanctions as may be allowed by
10 law.

1 11A:7-10. Citation by Governor for attaining affirmative action
2 results. State agencies which achieve outstanding affirmative action
3 results shall be cited by the Governor for their efforts.

1 11A:7-11. Equal Employment Opportunity Advisory Commis-
2 sion; creation. There is established in the department an Equal
3 Employment Opportunity Advisory Commission which shall advise
4 the Division of Equal Employment Opportunity and Affirmative
5 Action and recommend improvements in the State's affirmative
6 action efforts.

1 11A:7-12. Equal Employment Opportunity Advisory Commis-
2 sion; membership; term; vacancy; meetings; executive secretary.
3 The Equal Employment Opportunity Advisory Commission shall
4 consist of 11 members appointed by the Governor, at least six of
5 whom shall be minorities, women and handicapped persons. Con-
6 sideration shall be given to appropriate representation of each
7 group. The remaining members of the commission may be com-
8 prised of State agency heads or their designated representatives
9 All members of the commission shall be residents of the State.
10 Members shall be appointed for staggered term of four years but
11 members appointed under section 10 of P. L. 1981, c. 124 (C.

12 11:2D-10) shall continue on the commission for the duration of
 13 their respective terms. Each member shall hold office for the term
 14 of the appointment and until a successor is appointed. Members
 15 may not serve more than two consecutive terms. A vacancy in the
 16 membership of the commission shall be filled by appointment by the
 17 Governor for the remainder of the term. The commission shall
 18 meet at least quarterly to review implementation of this chapter.
 19 The Director of the Division of Equal Employment Opportunity
 20 and Affirmative Action shall serve as executive secretary.

1 11A:7-13. Accommodation for the handicapped and examination
 2 waiver. The commissioner may establish procedures for the reason-
 3 able accommodation of handicapped persons in the employee selec-
 4 tion process for the State and the political subdivisions covered by
 5 this Title. Pursuant to rules adopted by the board, the commis-
 6 sioner may waive an examination for an applicant who suffers from
 7 a physical, mental or emotional affliction, injury, dysfunction, im-
 8 pairment or disability which:

9 a. Makes it physically or psychologically not practicable for that
 10 person to undergo the testing procedure for the title for which
 11 applied, but

12 b. Does not prevent that person from satisfactorily performing
 13 the responsibilities of the title under conditions of actual service;
 14 and

15 c. In making such determinations, the commissioner may require
 16 the submission of sufficient and appropriate medical documentation.

CHAPTER 8

LAYOFFS

1 11A:8-1 Layoff.

2 11A:8-2 Pre-layoff actions.

3 11A:8-3 Alternatives to layoff.

4 11A:8-4 Appeals.

1 11A:8-1. Layoff. A permanent employee may be laid off for
 2 economy, efficiency or other related reason. The employee shall be
 3 demoted in lieu of layoff whenever possible. A permanent employee
 4 shall receive written 45 days' notice, unless in State government a
 5 greater time period is ordered by the commissioner, which shall be
 6 served personally or by certified mail, of impending layoff or
 7 demotion and the reasons therefor. At the same time the notice is
 8 served, the appointing authority shall provide the commissioner
 9 with a list of the names and permanent titles of all employees
 10 receiving the notice. The board shall adopt rules regarding the
 11 order of layoff and employee rights.

1 11A:8-2. Pre-layoff actions. The board shall adopt rules for
2 preventive actions to lessen the possibility of a layoff or demotion
3 of permanent employees.

1 11A:8-3. Alternatives to layoff. The commissioner, in consulta-
2 tion with the advisory committee established pursuant to subsec-
3 tion m. of N. J. S 11A:2-11, may recommend rules to the board on
4 voluntary reduced worktime or other alternatives to layoffs. Em-
5 ployee participation in the program shall not affect special reem-
6 ployment or retention rights.

1 11A:8-4. Appeals. A permanent employee who is laid off or
2 demoted in lieu of layoff shall have a right to appeal the good faith
3 of such layoff or demotion to the board. Appeals must be filed
4 within 20 days of final notice of such layoff or demotion. The burden
5 of proof in such actions shall be on the employee and rules adopted
6 pursuant to N. J. S. 11A:2-22 would also be applicable to these
7 appeals.

CHAPTER 9

POLITICAL SUBDIVISIONS

- 1 11A:9-1 Application.
2 11A:9-2 Adoption of title; petition.
3 11A:9-3 Adoption of title; question placed on ballot; public
4 notice.
5 11A:9-4 Refusal to comply.
6 11A:9-5 School districts.
7 11A:9-6 Adoption of title; elections.
8 11A:9-7 Results certified.
9 11A:9-8 Consolidation of functions.
10 11A:9-9 Status of employee;
11 11A:9-10 Seniority rights.
12 11A:9-11 Rescission of title; petition.
13 11A:9-12 Rescission of title; question placed on ballot; public
14 notice.
15 11A:9-13 Rescission of title; elections.
16 11A:9-14 Rescission of title; results certified; effect of vote to
17 rescind.
18 11A:9-15 Subsequent elections.

1 11A:9-1. Application. This title shall apply to any political
2 subdivision to which the provisions of Title 11 of the Revised
3 Statutes and the supplements thereto applied immediately prior to
4 their repeal and to any political subdivision which hereafter
5 adopts the provisions of this title.

1 11A:9-2. Adoption of title; petition. The clerk of any county or
2 municipality not operating under the provisions of this title shall

3 submit the question of adopting the provisions of Title 11A of the
4 New Jersey Statutes to the voters of the county or municipality
5 upon the filing with the clerk of a petition requesting the adoption.
6 The petition shall be signed by the registered voters of the county
7 or municipality equal to 15% of the valid votes cast in the county
8 or municipality during the last general election. Each name shall
9 be signed in ink and the place of residence indicated by street and
10 number or other description sufficient to identify the place. At-
11 tached to each separate paper there shall be an affidavit of the
12 circulator thereof that the circulator, and only the circulator,
13 personally circulated the foregoing paper, that all signatures
14 thereto were made in the circulator's presence, and that the
15 circulator believes them to be genuine signatures of the persons
16 whose names they purport to be. Within 10 days from the date of
17 filing the petition, the clerk shall complete an examination and
18 ascertain whether or not the petition is signed by the requisite
19 number of qualified voters and shall attach to the petition a
20 certificate showing the result of the examination.

1 11A:9-3. Adoption of title; question placed on ballot; public
2 notice. If the petition is sufficient, the clerk shall, 15 days there-
3 after, give public notice that the question will be submitted to the
4 voters at the next general or municipal election. Public notice
5 includes, but is not limited to, publication in the political sub-
6 division's official newspaper once a week for at least four weeks
7 and posting the notice in five of the most public places in the
8 political subdivision for at least four weeks before the election.
9 The clerk shall also cause the question to be printed upon the
10 ballots to be used at the election.

1 11A:9-4. Refusal to comply. If the clerk refuses or neglects to
2 comply with the provisions of N. J. S. 11A:9-2 and N. J. S.
3 11A:9-3, a registered voter of the political subdivision or the
4 commissioner may apply to a judge of the Superior Court in the
5 county in which the political subdivision is located for an order
6 directing and compelling the submission of the question involved
7 in the petition. The judge shall hear the matter summarily. If
8 the judge finds and determines that the petition is in accordance
9 with law, an appropriate order shall be issued. Any clerk failing
10 to comply with the order of the court, or any public official, officer,
11 agent or employee interfering with, or preventing, such clerk from
12 satisfying such order, shall be guilty of a crime of the fourth
13 degree.

1 11A:9-5. School districts. All the provisions of this chapter

2 shall apply to school districts in which the board of education is
3 elected by the voters. School districts shall, in the submission of
4 the question to the voters, conform to the provisions of this
5 chapter as nearly as possible.

1 11A:9-6. Adoption of title; elections. The method of submitting
2 the question of the adoption of this title to the voters of a county
3 or municipality shall conform as nearly as possible to the provi-
4 sions of Title 19 of the Revised Statutes relating to the sub-
5 mission of public questions, and when submitted at a school district
6 election shall conform as nearly as possible to the provisions of
7 Title 18A of the New Jersey Statutes relating to the submission of
8 public questions in school districts.

1 11A:9-7. Results certified. The result of the election shall be
2 certified by the clerk of the political subdivision to the commis-
3 sioner.

1 11A:9-8. Consolidation of functions. When the functions of two
2 or more political subdivisions are consolidated, and any one of the
3 political subdivisions shall be operating under this title at the
4 time of such consolidation, the other political subdivision or sub-
5 divisions shall be deemed to have adopted this title with regard
6 to the combined functions.

1 11A:9-9. Status of employees. Any employee of a political
2 subdivision who, at the time of adoption of this title, was actively
3 employed by the political subdivision continuously for a period of
4 at least one year prior to the adoption of this title, or any em-
5 ployee who was on an approved leave of absence and had at least
6 one year of continuous service with the political subdivision prior
7 to the adoption of the title, and who comes within the career service,
8 shall continue to hold such position, and shall not be removed
9 except in accordance with the provisions contained in this title.

1 11A:9-10. Seniority rights. At the time of adoption of this title,
2 the seniority rights of employees shall be based upon the length
3 of their continuous service with that political subdivision.

1 11A:9-11. Rescission of title; petition. The clerk of any county,
2 municipality or school district operating under Title 11A of the
3 New Jersey Statutes shall submit to the voters of the political
4 subdivision at a general election in November the question of
5 rescinding the adoption of the provisions of Title 11A of the New
6 Jersey Statutes upon the filing with the clerk of a petition re-
7 questing the rescission. The petition shall be signed by the regis-
8 tered voters of the political subdivision equal in number to at
9 least 15% of the valid votes cast at the last general election in
10 November. Each name shall be signed in ink and the signer's place

11 of residence shall be indicated by street and number or other
12 description sufficient to identify the place. Attached to each sepa-
13 rate paper there shall be an affidavit of the circulator thereof that
14 the circulator, and only the circulator, personally circulated the
15 foregoing paper, that all signatures thereto were made in the
16 circulator's presence, and that the circulator believes them to be
17 genuine signatures of the persons whose names they purport to be.
18 Within 10 days from the date of filing the petition, the clerk shall
19 complete an examination and ascertain whether or not the petition
20 is signed by the requisite number of qualified voters and shall
21 attach to the petition a certificate showing the result of the
22 examination.

1 11A:9-12. Rescission of title; question placed on ballot; public
2 notice. If the petition is sufficient, the clerk shall, 15 days there-
3 after, give public notice that the question will be submitted to the
4 voters at the next general election in November. Public notice
5 includes publication in the political subdivision's official newspaper,
6 once a week for at least four weeks and posting the notice in five
7 of the most public places in the political subdivision for at least
8 four weeks before the election. The clerk shall also cause the
9 question to be printed upon the ballots to be used at the election.

1 11A:9-13. Rescission of title; elections. The method of sub-
2 mitting the question of the rescission of this title to the voters
3 of a political subdivision shall conform as nearly as possible to
4 the provisions of Title 19 of the Revised Statutes relating to the
5 submission of public questions.

1 11A:9-14. Rescission of title; results certified; effect of vote
2 to rescind. If the result of the election is favorable to the rescission
3 of the adoption of Title 11A, the result shall be certified by the
4 clerk to the commissioner. The rescission shall take effect three
5 months following the election at which it was approved. Perma-
6 nent employees in the career service on the effective date of the
7 rescission shall retain rights under this title.

1 11A:9-15. Subsequent elections. If a majority of the votes cast
2 at the election are against the rescission of Title 11A, a new elec-
3 tion within the political subdivision may not be held on the same
4 question before the third general election following the election
5 at which rescission was disapproved.

6 If a political subdivision rescinds the adoption of Title 11A, it
7 may not submit the question of adopting the provision of Title
8 11A for a period of three years following the election at which
9 the rescission was approved.

CHAPTER 10

VIOLATIONS AND PENALTIES

- 1 11A:10-1 Disapproval of salary.
2 11A:10-2 Violation of title or order.
3 11A:10-3 Noncompliance.
4 11A:10-4 Board or commissioner action.
5 11A:10-5 Resident actions.

1 11A:10-1. Disapproval of salary. The board or the commissioner
2 may disapprove and order the payment stopped of the salary of
3 any person employed in violation of this title or an order of the
4 board or commissioner and recover all disapproved salary from
5 such person. Any person or persons who authorizes the payment
6 of a disapproved salary or have employment authority over the
7 person whose salary has been disapproved may be subject to
8 penalties, including, but not limited to, the disapproval of their
9 salaries and payment from their personal funds of improper ex-
10 penditures of the moneys as may be provided by the rules of the
11 board. This section shall not be limited by the amounts set forth
12 in N. J. S. 11A:10-3.

1 11A:10-2. Criminal violation of title or order. Any person who
2 purposefully or knowingly violates or conspires to violate any
3 provision of this title or board or commissioner order shall be
4 guilty of a crime of the fourth degree.

1 11A:10-3. Noncompliance. The board or the commissioner may
2 assess all administrative costs incurred under N. J. S. 11A:4-5.
3 Other costs, charges and fines of not more than \$10,000.00 may
4 be assessed for noncompliance or violation of this title or any
5 order of the board or commissioner.

1 11A:10-4. Board or commissioner action. The board or the com-
2 missioner may bring an action in the Superior Court for the en-
3 forcement of this title or an order of the board or commissioner.

1 11A:10-5. Resident actions. Any resident shall have standing
2 to enjoin payments in the Superior Court and require recovery
3 of remuneration paid in violation of this title in the jurisdiction
4 of residence, from the individuals signing, countersigning, autho-
5 rizing or having employment authority for the payments. Moneys
6 recovered in the action shall be paid from the personal funds of
7 those individuals and shall be paid to the State Treasurer or the
8 treasurer of the political subdivision as appropriate. The resi-
9 dent shall be entitled to receive not more than 25% of the amount
10 recovered and reasonable attorney fees at the discretion of the
11 court.

CHAPTER 11
AGENCY TRANSFER

- 1 11A:11-1 Commissioner of Personnel and Merit System Board.
- 2 11A:11-2 Department of Personnel.
- 3 11A:11-3 Names.
- 4 11A:11-4 Rules.
- 5 11A:11-5 Pending actions.
- 6 11A:11-6 Transfer.

1 11A:11-1. Commissioner of Personnel and Merit System Board.
2 The President of the Civil Service Commission on the effective
3 date of this act shall become the Commissioner of Personnel and
4 the remaining members of the Civil Service Commission on the
5 effective date of this act shall continue as members of the Merit
6 System Board for the duration of their current terms and any
7 reappointments and until their successors are appointed unless
8 removed for cause.

1 11A:11-2. Department of Personnel. The Department of Per-
2 sonnel shall replace the Department of Civil Service. Except as
3 otherwise stated in this title, all employees of the Department of
4 Civil Service shall become employees of the Department of Per-
5 sonnel.

6 The Commissioner of Personnel shall direct the consolidation
7 and coordination of personnel, training and related functions in
8 the executive branch of State government and transfer to the
9 Department of Personnel such employees, positions, funding, equip-
10 ment, powers, duties and functions from throughout the executive
11 branch of State government to effectuate such consolidation and
12 coordination.

1 11A:11-3. Names. Any law, rule, regulation, judicial or ad-
2 ministrative proceeding, appropriation or otherwise which refers
3 to the Department of Civil Service shall mean the Department
4 of Personnel; Civil Service Commission shall mean Merit System
5 Board; and President of the Civil Service Commission or Chief
6 Examiner and Secretary, or both shall mean Commissioner of
7 Personnel.

1 11A:11-4. Rules. All rules of the Civil Service Commission
2 shall remain in effect except as changed or modified by this title
3 or board action.

1 11A:11-5. Pending Actions. Any action pending on the effective
2 date of this act shall continue under the prior law and rule.

1 11A:11-6. Transfer. The transfers directed by this title, except
2 as otherwise provided, shall be made in accordance with the "State
3 Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq).

CHAPTER 12
MISCELLANEOUS

- 1 11A:12-1 Inconsistent laws.
 - 2 11A:12-2 Rights of current employees.
 - 3 11A:12-3 Statutes repealed.
 - 4 11A:12-4 Implementation.
 - 5 11A:12-5 Effective date.
- 1 11A:12-1. Inconsistent laws. Any law or statute which is in-
- 2 consistent with any of the provisions of the title are, to the extent
- 3 of the inconsistency, hereby superseded.
- 1 11A:12-2. Rights of current employees. Those employees with
- 2 permanent classified status shall obtain permanent status in career
- 3 service without loss of seniority or pension rights.
- 1 11A:12-3. Statutes repealed. The following statutes are re-
- 2 pealed:
- 3 Title 11 of the Revised Statutes;
- 4 P. L. 1938, c. 76 (C. 11:2A-1)
- 5 P. L. 1938, c. 381, s. 10 (C. 11:27-13)
- 6 P. L. 1939, c. 219 (C. 11:4-3.3)
- 7 P. L. 1939, c. 232 (C. 11:24A-1 to 11:24A-6)
- 8 P. L. 1939, c. 322 (C. 11:10-6.1)
- 9 P. L. 1940, c. 15 (C. 11:4-3.4)
- 10 P. L. 1940, c. 178 (C. 11:22-11.1)
- 11 P. L. 1941, c. 91 (C. 11:4-3.5 and 11:4-3.6)
- 12 P. L. 1941, c. 286 (C. 11:4-3.7)
- 13 P. L. 1942, c. 65 (C. 11:20A-1)
- 14 P. L. 1942, c. 137, s. 2 (C. 11:27-1.2)
- 15 P. L. 1942, c. 253 (C. 11:24A-7)
- 16 P. L. 1944, c. 65, s. 11 (C. 11:7-10)
- 17 P. L. 1946, c. 148 (C. 11:24A-6.1 to 11:24A-6.3)
- 18 P. L. 1946, c. 198 (C. 11:4-3.8 and 11:4-3.9)
- 19 P. L. 1947, c. 201, ss. 2-4 (C. 11:14-3 to 11:14-5)
- 20 P. L. 1947, c. 272 (C. 11:20A-2)
- 21 P. L. 1948, c. 121, ss. 2-4,9 (C. 11:7-11 to 11:7-14)
- 22 P. L. 1948, c. 121, ss. 6-8 (C. 11:22-50 to 11:22-52)
- 23 P. L. 1948, c. 165 (C. 11:22-44.1 to 11:22-44.3)
- 24 P. L. 1948, c. 257 (C. 11:21-5.1)
- 25 P. L. 1948, c. 435 (C. 11:4-3.10)
- 26 P. L. 1948, c. 466 (C. 11:22-44.4 and 11:22-44.5)
- 27 P. L. 1950, c. 235 (C. 11:26B-1 to 11:26B-3)
- 28 P. L. 1951, c. 278 (C. 11:21-5.2)
- 29 P. L. 1951, c. 279 (C. 11:21-4.1)

- 30 P. L. 1952, c. 27 (C. 11:11-4)
- 31 P. L. 1952, c. 302 (C. 11:26C-1 to 11:26C-3)
- 32 P. L. 1952, c. 309 (C. 11:27-1.3)
- 33 P. L. 1952, c. 322, ss. 1 and 2 (C. 11:15-9 and 11:15-10)
- 34 P. L. 1952, c. 323, ss. 1 and 2 (C. 11:22-10.1 and 11:22-10.2)
- 35 P. L. 1953, c. 125 (C. 11:2C-1 to 11:2C-9)
- 36 P. L. 1953, c. 193 (C. 11:14-1.1)
- 37 P. L. 1953, c. 238 (C. 11:4-3.11)
- 38 P. L. 1953, c. 239 (C. 11:4-3.12)
- 39 P. L. 1953, c. 430 (C. 11:4-3.13 and 11:4-3.14)
- 40 P. L. 1954, c. 182 (C. 11:4-3.15)
- 41 P. L. 1954, c. 232 (C. 11:21-3.1)
- 42 P. L. 1955, c. 188 (C. 11:26C-4)
- 43 P. L. 1959, c. 88, s. 2 (C. 11:24A-1.1)
- 44 P. L. 1961, c. 18 (C. 11:26D-1)
- 45 P. L. 1962, c. 195 (C. 11:14-1.2)
- 46 P. L. 1962, c. 196 (C. 11:24A-1.2)
- 47 P. L. 1964, c. 169 (C. 11:27-1.4 and 11:27-1.5)
- 48 P. L. 1965, c. 46 (C. 11:21-5.3)
- 49 P. L. 1967, c. 199, s. 2 (C. 11:22-10.3)
- 50 P. L. 1968, c. 437 (C. 11:26C-5)
- 51 P. L. 1971, c. 1 (C. 11:21-4.2 and 11:21-4.3)
- 52 P. L. 1971, c. 153 (C. 11:1-20 to 11:1-24)
- 53 P. L. 1971, c. 274 (C. 11:1-25 to 11:1-28)
- 54 P. L. 1972, c. 74 (C. 11:14-6 to 11:14-8)
- 55 P. L. 1973, c. 130 (C. 11:14-9 to 11:14-17)
- 56 P. L. 1977, c. 160 (C. 11:24A-8 and 11:24A-9)
- 57 P. L. 1977, c. 261 (C. 11:9-10.1)
- 58 P. L. 1978, c. 81, s. 2 (C. 11:22-2.1)
- 59 P. L. 1978, c. 99 (C. 11:14-18)
- 60 P. L. 1978, c. 147 (C. 11:22-44.6)
- 61 P. L. 1980, c. 134 (C. 11:22-34.1)
- 62 P. L. 1981, c. 92 (C. 11:21-5.4)
- 63 P. L. 1981, c. 124 (C. 11:2D-1 to 11:2D-10)
- 64 P. L. 1981, c. 204 (C. 11:9-15 to 11:9-18)
- 65 P. L. 1981, c. 205 (C. 11:23-10 to 11:23-13)
- 66 P. L. 1981, c. 439 (C. 11:22-10.4)
- 67 P. L. 1981, c. 545, s. 3 (C. 11:21-9.1)
- 68 P. L. 1982, c. 181, ss. 2, 1 (C. 11:1-1.1 and C. 11:2-8)
- 69 P. L. 1983, c. 167 (C. 11:22-44.7 and 11:22-44.8)
- 70 P. L. 1983, c. 178 (C. 11:27-4.1)
- 71 P. L. 1983, c. 252 (C. 11:4-3.16)

- 72 P. L. 1983, c. 280 (C. 11:9-2.1 to 11:9-2.4)
 73 P. L. 1983, c. 319 (C. 11:9-17.1)
 74 P. L. 1984, c. 32 (C. 11:21-4.4)
 75 P. L. 1984, c. 143 (C. 11:22-3.1)
 76 P. L. 1984, c. 204 (C. 11:22-44.9 and 11:22-44.10)
 77 P. L. 1985, c. 339 (C. 11:24A-2.1)
 78 P.L. 1985, c. 484 (C. 11:21-5.5)
- 1 11A:12-4. Implementation. There is appropriated \$250,000.00
 2 to implement this act.
- 1 11A:12-5. Effective date. This act shall take effect immediately
 2 and any actions necessary to implement this act may be taken any
 3 time thereafter. General implementation is to be completed no
 4 later than twelve months following enactment.

STATEMENT

This bill would repeal the current Civil Service statutes under Title 11 of the Revised Statutes and enact a new title to be known as Title 11A of the New Jersey Statutes establishing a new Department of Personnel which would be composed of a Merit System Board and a Commissioner of Personnel.

STATE EMPLOYEES AND CIVIL SERVICE

Repeals the current Civil Service statutes and enacts new Title 11A, establishing a new Department of Personnel.
