

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Political Subdivisions

Proposed Readoption with Amendment: N.J.A.C. 4A:9

Proposed: June 15, 2015 at 47 N.J.R. 1284(a).

Adopted: November 5, 2015 by the Civil Service Commission, Robert M. Czech, Chairperson.

Filed: November 5, 2015 d. , without change.

Authority: N.J.S.A. 11A:2-6(d), 11A:3-1(a), 11A:6-3, 11A:6-5, and 11A:9-1 et seq.; and P.L. 2008 c. 29.

Effective Date: November 5, 2015

Expiration Date: November 5, 2022

Summary of Hearing Officer Recommendations and Agency Responses:

A public hearing on this readoption with amendments was held on

July 15, 2015 in Trenton, New Jersey. Walker Ristau served as hearing officer. No comments were received on the readoption with amendments at that time, and no recommendations were made by the hearing officer. No written comments were received. The record of the public hearing may be reviewed by contacting Henry Maurer, Director, Division of Appeals and Regulatory Affairs, Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

Federal Standards Statement

The proposed amendment would ensure that all users of the rules are aware of the current title and statutory powers of the Chairperson of the Civil Service Commission and is not subject to any Federal standards or requirements. Moreover, the area of regulation governed by N.J.A.C. 4A:9 is the exclusive province of Title 11A, New Jersey Statutes, which sets forth State Civil Service laws. Therefore, a Federal standards analysis is not necessary.

Full text of the proposal follows (addition indicated in **boldface** thus; deletion indicated in brackets [thus]):

SUBCHAPTER 1. PROCEDURES FOLLOWING TITLE 11A COVERAGE

4A:9-1.1 Jurisdictions adopting Title 11A, New Jersey Statutes by referendum

(a) Upon the adoption by referendum of Title 11A, New Jersey Statutes, by a political subdivision, the [Commissioner] **Chairperson** shall provide for the classification of all positions in the jurisdiction. See N.J.S.A. 11A:9-2 through 11A:9-7 for referendum procedures.

(b) Any employee who holds a position allocated to the career service and who has been continuously employed by the political subdivision for a period of at least one year prior to the adoption of Title 11A, New Jersey Statutes, including any such employee on an approved leave of absence, shall be considered a permanent employee under Title 11A, New Jersey Statutes and these rules as of the date of adoption.

(c) Seniority calculations for employees determined to be permanent under (b) above shall be based upon the length of their continuous service with that political subdivision.

(d) Vacation and sick leave entitlements under Title 11A, New Jersey Statutes, for employees determined to be permanent under (b) above shall be based upon seniority and are effective on a date set by the appointing authority. However, the date shall in no event be more than 60 days following the adoption of Title 11A, New Jersey Statutes.