



# The Reporter

News from the Civil Service Commission

<https://nj.gov/csc/>

December 2018

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## Welcome!



Deirdre L. Webster Cobb, Esq.  
Chair/Chief Executive Officer

I cannot believe that 2018 is nearing an end. During the past 12 months, the Civil Service Commission (Commission) has worked to fulfill our core mission, which is to advance New Jersey government with fair and efficient human resource services responsive to the needs of the Civil Service workforce. In doing so, we have addressed key issues such as salary equity, gender equality, and government efficiency. I am happy to share these accomplishments with you in this special year-end edition of The Reporter.

As my second year begins as Chair/Chief Executive Officer of the Commission, I invite you to be a part of this movement to make New Jersey a better place to live and work. Your ideas and suggestions will help us develop an effective strategy to address the critical needs of public employers and employees. Our goal is to build a stronger and more effective public workforce to meet the needs of New Jersey taxpayers. That is why your input is so important.

Enclosed are some highlights of this past year. It is an honor to serve the employers and employees of this State. I thank you for all that you do throughout the State of New Jersey. The work you perform is critical for New Jersey to flourish and prosper and significantly impacts residents across the State. The Commission is committed to provide you with any human resource management and training tools necessary to foster your success.

Again, if you have questions, please feel free to contact us. I look forward to serving you in the new year.

Sincerely yours,

Deirdre L. Webster Cobb, Esq.  
Chair/CEO, New Jersey Civil Service Commission

## YEAR IN REVIEW

This year was a busy year as we launched new employee training initiatives, conducted a significant amount of testing and position classification reviews, implemented legislative directives, and re-established various Advisory Boards. We also relaunched *The Reporter* in August to provide newsworthy information to keep our constituents informed and to serve as a guide for the Civil Service community.

As you know, our government faces many significant challenges. Over the past year, the Commission has worked with the Governor's Office to develop solutions on key fundamental issues such as pay equity, domestic violence, opioid addiction, and a healthy working environment. Since the beginning of the year, we have been working with other state agencies to develop a state wide domestic violence policy. This policy requires employers to confidentially assist and accommodate workers who have been victimized by domestic violence, thereby ensuring that their professional lives are not negatively affected by the trauma they suffer in their personal lives.

Moreover, we have been working with other agencies and State departments to develop ways to make government more effective and efficient. In this regard, we have been reviewing Civil Service laws and rules and their application in today's modern society. As we work with State, county and local government agencies to promote a stronger and fairer New Jersey, the review and possible revisions. Title 11A of the New Jersey Statutes and Title 4A of the New Jersey Administrative Code can be made to be more in line with our core mission. In addition, we have been endeavoring to appoint new Commission members to fill the vacant positions in order to serve our constituents at full capacity. However, since March, we have held Commission meetings without the need to cancel due to lack of a quorum.

Regarding our training initiatives, in July we presented our new training office, which has been renamed as *Center for Learning and Improving Performance (CLIP)*, to the Civil Service community. CLIP develops and offers a variety of training courses

designed for public employees. CLIP partners with the New Jersey Community College Consortium for Workforce Development and Rutgers University to enhance its ability to provide public employees with state of the art classroom courses. CLIP also uses a Learning Management System (LMS) to offer online training as a fast and efficient way to educate staff and complement instructor led courses.

Additionally, in July, Chair Webster Cobb had the privilege of attending the National Association of State Personnel Executives (NASPE) Conference in South Dakota. The conference was a collaborative forum for human resource leaders to share effective leading practices. In addition, Chair Webster Cobb was honored at the Black Issues Conference in October 2018 for her accomplishments and work in government. Furthermore, agency representatives attended and/or hosted various events throughout the year, including:

- Governor Murphy's State of the State Address in January
- Martin Luther King, Jr., Volunteer Day of Service (Book Reading) in January
- Governor Murphy's Cabinet Retreat in early 2018
- Governor Murphy's Black History Month Reception in February
- Governor Murphy's Women's History Month Reception in March
- Governor Murphy's 100<sup>th</sup> day speech in April
- Pay equity bill signing in April
- Women health (Planned Parenthood/Family Planning) bill signing in early 2018
- Bring Your Child to Work Day in April
- IPMA -HR Conference in May
- Conference of Mayors in May
- Governor's LGBT Pride Reception in June
- Certified Public Managers Graduation in August
- Department of Corrections Fallen Officers Memorial Ceremony in August
- Governor Murphy's Economic address in October
- League of Municipalities Annual Conference in November

# CIVIL SERVICE COMMISSION DECISIONS

notable cases rendered in 2018.

## In the Matter of P.D. (CSC, decided March 27, 2018)

### Discrimination Appeals

The New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy) is set forth in Chapter 7, Subchapter 3, Title 4A of the New Jersey Administrative Code (*N.J.A.C.*). Under the State Policy, “forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. To achieve the goal of maintaining a work environment free from discrimination and harassment, the State of New Jersey strictly prohibits the conduct that is described in this policy. This is a zero tolerance policy. This means that the State and its agencies reserve the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.” *N.J.A.C. 4A:4-3.1(a)*. Moreover, pursuant to *N.J.A.C. 4A:4-3.2(m)*, a complainant who is in the career, unclassified, or senior executive service of the State, or who is an applicant for employment, who disagrees with a determination of a State agency head or designee may submit a written appeal to the Commission. Additionally, *N.J.A.C. 4A:4-3.2(n)* provides that where a violation of the State Policy has been substantiated, and no disciplinary action recommended, the party(ies) against whom the complaint was filed (the respondent) may appeal the determination to the Commission. If disciplinary action has been recommended the party(ies) charged may appeal using disciplinary procedures. The burden of proof in discrimination appeals rests with an appellant. *N.J.A.C. 4A:4-3.2(m)4* and *N.J.A.C. 4A:4-3.2(n)1*. The Commission’s authority to review determinations made by a State agency head or designee regarding claims and violations of the State Policy is demonstrated in the following

P.D., a female African-American Correction Sergeant with South Woods State Prison, filed a complaint with the Equal Employment Division (EED) alleging that an unknown respondent subjected her to race, color and sex/gender discrimination. Specifically, P.D. indicated that when she picked up the Daily Schedule (Schedule) for the Third Shift, she saw on the Schedule that it appeared someone had altered the original notation, “N|C’s” (which stands for No Changes and commonly appears on schedules), to “N|G’S.” P.D. did not recognize the handwriting of the “G.” Subsequently, P.D. filed a complaint with the EED. The investigation could not identify who committed the act in question nor that the act was specifically directed towards P.D. Therefore, the EED issued a determination that it was unable to substantiate a violation of the State Policy. Further, even though the EED could not substantiate the identity of who made the changed notation or whether the changed notation was specifically directed towards P.D., the notation was still a derogatory reference and therefore was a violation of the State Policy. Accordingly, the Commission ordered that the appointing authority provide training regarding the State Policy to individuals who it identifies as possibly having been involved in the incident and any other employees it deemed appropriate. To read the full text, [click here](#).



Chair Webster Cobb welcomes HR managers throughout the State to the 1<sup>st</sup> HR-Advisory Board meeting in Fall 2018.

## **In the Matter of L.N. (CSC, decided March 27, 2018)**

L.N., a Senior Correction Officer with East Jersey State Prison, filed a complaint with the EED, alleging that J.B., a male Senior Correction Officer, subjected her to discrimination and harassment. Specifically, L.N. claimed that J.B. suggested that she was having a sexual relationship with a male Senior Correction Officer and, after being upset with that officer, J.B. remarked to him, “bros before hos,” referring to L.N. as the “ho.” Additionally, L.N. asserted that J.B. yelled towards her the acronym, “THOT,” which L.N. indicated meant “That Ho Over There.” The investigation revealed that J.B. made the “bros before hos” comment in a text message exchange outside of the workplace. However, the EED found that since the text was not sent to L.N. and the exchange was outside of the workplace, the allegation did not fall within its jurisdiction. Additionally, the investigation found that J.B. confirmed that he used the “THOT” acronym, but that he was “joking” and its use was not directed at L.N. The Commission found that because the term “ho” is a derogatory term in reference to a female’s sexual activity, J.B.’s use of this term was a violation of the State Policy. Further, the Commission indicated that it was irrelevant that the text exchange took place outside of work, noting that a State Policy violation can occur outside of work if the actions involve work-related issues. Additionally, it did not matter that the text was not sent to L.N. as the comment was meant to disparage her based on her gender, which is a protected class. Similarly, J.B.’s use of the acronym “THOT” in the workplace was a violation of the State Policy as he confirmed that he used the term and did not deny that the “H” stands for “ho.” Moreover, even if J.B. was “joking” when using this term, jokes pertaining to one or more protected categories are a violation of the State Policy. See *N.J.A.C. 4A:7-3.1(b)1iv*. To read the full text, [click here](#).

## **In the Matter of D.B., et al. (September 5, 2018)**

The Department of Labor and Workforce Development issued determinations, sustaining the complaint of H.F., a Principal Examiner Unemployment Tax, who alleged that R.M., a former Assistant Commissioner, D.B., a former Assistant Commissioner, and E.S., an Administrative Analyst 4, (the respondents)

discriminated against her based on her disability in violation of the State Policy. The respondents filed appeals of those determinations to the Commission. Upon review, the Commission initially noted that, even though R.M. had been subject to minor discipline with regard to H.F.’s complaint, since he was serving in an unclassified position at the time of the incident and did not have a disciplinary appeal process comparable to a permanent employee, it had jurisdiction over the discrimination appeal. Specifically, H.F. alleged that the respondents collectively denied her request for a reasonable accommodation during an interview for Supervising Examiner, Unemployment Tax. She asked for, but was denied, additional time to submit her writing sample due to her visual problems. However, the Commission found that the respondents were consistent in their assertions that they did provide H.F. additional time. Regarding any possible inconsistencies, the Commission noted that the respondents were interviewed more than six months after the alleged incident and five months after the complaint was filed and the determination letter was issued nearly nine months from the date of the complaint. *N.J.A.C. 4A:7-3.2(l)* provides that the appointing authority’s final letter of determination shall be issued no later than 180 days from the initial intake. The Commission emphasized that one of the main reasons for this rule is to prevent investigations from being compromised by the passage of time as memories fades. Based on the foregoing, the Commission found that it was not unreasonable that the respondents may not have remembered the exact details regarding the incident and any inconsistencies that were made by the respondents did not automatically mean that they were not credible. Most importantly, the Microsoft Word time stamping, the only independent and corroborating evidence, revealed that H.F. was allotted more time to complete the writing sample than indicated in the instructions. To read the full text, [click here](#).

## **In the Matter of J.S. (CSC, decided September 5, 2018)**

The Commission granted J.S.’s appeal of the finding of the Director of Administration, Department of Children and Families, that she had violated the State Policy. Specifically, K.S. filed a complaint with the Office of Equal Employment Opportunity/ Affirmative Action (EEO/AA) alleging that the

appellant discriminated against her by divulging her personal medical information to another worker during a carpool to training. The EEO/AA found that although the appellant denied making the statement, there was no evidence to explain why the allegation would have been falsified and the appellant had signed K.S.'s medical leave request form. Therefore, it found that she violated the State Policy. On appeal, the appellant reiterated that she did not disclose any medical information nor did she discriminate against any employee because of a disability. Additionally, the appellant challenged whether K.S. would qualify as "disabled" and that even if she did, there was no "act of discrimination" as no derogatory statement was alleged to have been made, nor was any overt action taken against K.S. with regard to her work or working conditions. The Commission found that the record did not establish that K.S. met the definition of a person with a disability as defined in *N.J.A.C. 4A:7-1.1(c)*. Moreover, as the State Policy provides that it is a violation of the State Policy to engage in any employment practice or procedure that treats an individual less favorably *based* upon any of the protected categories, if the complainant is not a member of the claimed protected category, then by definition, he or she cannot have been subjected to a violation of the State Policy. Therefore, the Commission determined that the mere statement that an employee had undergone a medical procedure in the past, in and of itself, does not establish that the State Policy was violated. However, it noted that the disclosure of such information could violate departmental policy which requires that such information be kept confidential. To read the full text, [click here](#).



The Commission launched an employee mentoring program to match mentors and mentees together.

## Salary Appeals

The Commission may review certain appeals regarding the salary of local government employees. In that regard, *N.J.S.A. 11A:3-7(d)*, in conjunction with *N.J.A.C. 4A:3-4.1(a)2*, prohibits a local appointing authority from paying an employee a base salary below the minimum or above the maximum established salary for the title. Moreover, the Commission establishes, maintains, and approves changes in the compensation plan for State employees in the career, senior executive, and unclassified services. See *N.J.S.A. 11A:3-7* and *N.J.A.C. 4A:3-4.1(d)2*. Further, if a salary overpayment occurs, the Commission may grant a waiver of repayment pursuant to *N.J.S.A. 11A:3-7*. The following cases demonstrate issues arising from these salary laws and regulations which the Commission reviewed in 2018.

### **In the Matter of Gary Govier, Social Worker Health (C0532T), Sussex County (CSC, decided March 27, 2018)**

Sussex County requested that Gary Govier, a disabled veteran, be removed from the Social Worker, Health (C0532T) eligible list for failure to complete pre-employment processing and appointed the non-veteran provisional employee. The Division of Agency Services (Agency Services) could not approve the disposition of the certification since Govier was offered a salary that was inconsistent with the salary range indicated on the examination announcement. Consequently, a deficiency notice was issued to Sussex County. Sussex County explained that it had two full-time positions, and it offered Govier the position with a 35-hour work week and sent him emails with the offer. Upon review, the Commission found that Govier expressed his concern that, during his interview, he was informed that the salary being offered was below the minimum that was advertised. The examination announcement listed that one position was available with a salary range from \$39,562 to \$74,481 with a 40-hour work week, and the salary offered to Govier was \$37,521 per year with a 35-hour work week. The provisional employee was to receive an annual salary of \$40,215 according to the returned certification. The Commission indicated that if it were to permit Sussex County to remove Govier from the

eligible list on the basis that he did not complete pre-employment processing after he was offered a salary (and work week) below the minimum that was advertised, it would undermine the basic tenet of fairness inherent in the Civil Service system. Thus, since Govier was clearly interested in the advertised position and was the number one ranked disabled veteran, but for the request to remove his name for failure to complete pre-employment processing, the Commission determined that Sussex County had not otherwise presented a sufficient basis to remove him from the eligible list. Therefore, since Govier could not be bypassed due to his veteran status, the Commission ordered Sussex County to properly dispose of the certification, noting Govier's appointment with a salary commensurate with the announced salary range for Social Worker Health. To read the full text, [click here](#).

### **In the Matter of Joseph Brennan (CSC, decided April 4, 2018)**

Joseph Brennan, a Lieutenant with the Division of State Police, requested a waiver of repayment of a salary overpayment pursuant to *N.J.S.A. 11A:3-7*. Pursuant to a settlement agreement, Brennan was to be returned to the title of Sergeant, effective July 13, 2013 at a salary of \$98,386.06. However, due to an administrative error, Brennan continued to be compensated as an "Acting" Sergeant First Class and was thus overpaid in the amount of \$34,373.13. The appointing authority supported Brennan's request for a waiver. In his request, Brennan argued that he was "completely unaware" that he was overpaid, and the overpayment was the result of an administrative error. Brennan maintained that if he was required to repay any amount, it would have a catastrophic effect on his family. The Commission found that although the record clearly showed that an administrative error resulted in the salary overpayments, Brennan could not benefit from the error, as he was not entitled to the higher compensation. Additionally, the Commission noted that Brennan continually pointed to his earnings history to demonstrate that his take home pay had decreased during the salary overpayment period. However, he failed to explain how he did not realize that his gross salary amount during all relevant periods continued to increase. Finally, the Commission noted it could not be demonstrated that, given Brennan's level of current

compensation, the amount he would be required to pay per bi-weekly pay period, once set by the appointing authority, would create a hardship to him. To read the full text, [click here](#).

## **NOTABLE 2018 COURT DECISIONS**

Set forth below are notable decisions of the New Jersey Supreme Court and the Superior Court of New Jersey, Appellate Division, rendered in 2018 in Commission cases. As the Appellate Division opinions may not have been approved for publication, their use is limited in accordance with R. 1:36-3 of the New Jersey Court Rules.

### **NEW JERSEY SUPREME COURT**

**Supreme Court affirms as modified Appellate Division decision which invalidated Job Banding Program upon Legislature's invoking of the Legislative Review Clause.** *Communications Workers of America, AFL-CIO v. New Jersey Civil Service Commission*, 234 N.J. 483 (2018): The Supreme Court invalidated *N.J.A.C. 4A:3-3.2A*, the Job Banding Program, which provided for advancements in a given title's job band without formal, competitive examination. The Court found that the regulation violated the legislative intent of the Civil Service Act (Title 11A, New Jersey Statutes) for two reasons. First, it authorized promotions without the use of competitive examinations. Second, promotions under the Job Banding Program violated the "Rule of Three," as no certified eligible list was issued after an examination for an appointing authority to select one of the top three candidates.

**Supreme Court reverses Appellate Division decision which reinstated employee's removal after modification of penalty to a six-month suspension by Administrative Law Judge.** *In the Matter of William R. Hendrickson, Jr., Department of Community Affairs*, \_\_\_\_ N.J. \_\_\_\_, \_\_\_\_ (2018): The Department of Community Affairs appealed the decision of the Administrative Law Judge (ALJ) reducing Appellant's removal to a six-month suspension, which was deemed adopted by the Commission due to a lack of quorum. The Appellate Division concluded that the deemed-adopted statute did not require deferential appellate review of the ALJ's decision. Using a standard of

review applicable to bench trials, it declared that it would defer to the ALJ's fact findings, but not to the ALJ's conclusions of law and reinstated Appellant's removal. However, the Supreme Court reasoned that the tests for reviewing administrative discipline and a criminal sentence are similar. Therefore, it held that the lower court erred in holding that appellate review of a disciplinary action imposed by an ALJ is *de novo* and different from traditional appellate review of an agency determination. Based on its deferential standard of review, the Supreme Court reinstated the six-month suspension.

## **SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION**

### **Court reverses ALJ decision, which was deemed adopted as the final determination of the Commission, modifying removal of Senior Correction Officer to a 120-day suspension and reinstates original penalty of removal.**

*Donju Frazier v. New Jersey State Prison*, Docket No. A-1239-16T3 (App. Div., March 16, 2018): Appellant was removed for inappropriate conduct regarding a subordinate female officer while serving with the National Guard and failure to disclose said conduct. As a result, the National Guard brought criminal charges against Appellant. However, Appellant sought a discharge and avoided court-martial proceedings. The ALJ modified the removal to a suspension, concluding that Appellant's conduct was not criminal and did not require disclosure. The ALJ's decision was deemed adopted due to the Commission's lack of quorum. The Department of Corrections (DOC) appealed the matter to the Appellate Division, which determined that Appellant's conduct was criminal and required disclosure. The court found that the ALJ improperly ignored the fact that Appellant was charged under the Uniform Code of Military Justice and ignored evidence regarding the seriousness of the charges against Appellant. Finally, the court held that the ALJ erred in modifying the penalty because the ALJ did not consider the evidence regarding Appellant's misconduct and reinstated Appellant's removal.

**Court affirms Commission decision denying reconsideration of removal of Police Officer who falsified log of police activities.** *In the Matter of Douglas Foster*, Docket No. A-1826-

16T3 (App. Div., May 1, 2018): The Commission upheld the determination of the ALJ, which removed Appellant. It was found that Appellant falsified his log to show that he was in one area when he was elsewhere. Appellant appealed to the Appellate Division, which affirmed the Commission's decision and rejected Appellant's arguments that he did not falsify his log, the ALJ failed to account for "several critical factors," and his removal was excessive and contrary to precedent.

### **Court affirms Commission decision dismissing the appeal of major discipline of unclassified employee for lack of jurisdiction.**

*In the Matter of Robert Armstrong*, Docket No. A-1659-16T4 (App. Div., May 10, 2018): Appellant served in an unclassified title but was served a Final Notice of Disciplinary Action (FNDA), which imposed a 20-day suspension and notified him of his right of appeal to the Commission. The Commission found that it did not have jurisdiction to review major discipline of unclassified employees and dismissed Appellant's appeal. The Appellate Division affirmed.

### **Court affirms Commission decision upholding removal of Senior Parole Officer after being criminally charged for misappropriating union funds.**

*Juan Villalobos v. New Jersey State Parole Board*, Docket No. A-1605-16T4 (App. Div., June 12, 2018): Appellant was removed from his position for misappropriating union funds. The ALJ upheld the charges and Appellant's removal, which the Commission affirmed. On appeal to the Appellate Division, the Appellant argued that the Commission's decision was not supported by a preponderance of evidence, which the court flatly rejected. He also argued that he was not sufficiently put on notice of the charges against him. The court found that Appellant was provided with sufficient notice of the charges to prepare a defense and was given all the process he was due.

### **Court affirms Commission decision denying reconsideration request of Senior Medical Security Officer who was denied a hearing of his removal due to an untimely appeal.**

*In the Matter of Faheem Murphy*, Docket No. A-1695-16T1 (App. Div., June 15, 2018): The Commission dismissed Appellant's appeal because it was untimely, noting that the FNDA indicated that he was

served by certified mail. On appeal to the Appellate Division, Appellant maintained that there was insufficient evidence that the FNDA was correctly addressed and mailed. The court found that his argument lacked merit to warrant discussion in a written decision.

**Court affirms Commission decision denying reconsideration request of Forensic Scientist 1, Law and Public Safety, who was found to have received the proper salary and appointment date.** *In the Matter of Anna Delaney*, Docket No. A-1649-16T2 (App. Div., June 18, 2018): Appellant was bypassed on three certifications and filed a grievance. She was appointed as a result of the grievance. On appeal, Appellant asserted that her placement on a lower salary step than other employees from the eligible list was unjust. The Commission found no basis for a retroactive appointment and that her bypasses were not improper. Appellant argued to the Appellate Division that she was improperly bypassed and the Commission's denial of a retroactive appointment date was arbitrary and capricious. The court determined that none of Appellant's arguments were "of sufficient merit to warrant extended discussion in a written opinion" and affirmed.

**Court reverses Commission decision upholding removal of Senior Correction Officer as no competent evidence was admitted as non-hearsay or hearsay exceptions to authenticate documents.** *In the Matter of Frank Harkcom*, Docket No. A-3038-16T3 (App. Div., August 31, 2018): Appellant was charged with falsifying his employment application because he failed to disclose a Final Restraining Order (FRO). The DOC relied on database printouts, which indicated Appellant's knowledge of the FRO and harassment charges. After the DOC's case, Appellant moved for an involuntary dismissal, arguing that the DOC failed to prove that Appellant knew about the charges and the FRO. The ALJ disagreed about the effect of the residuum rule and denied the motion. Thereafter, Appellant testified. His testimony formed the basis for a large segment of the ALJ's decision, which upheld Appellant's removal. The Commission affirmed. Appellant argued to the Appellate Division that the ALJ, by denying his motion for an involuntary dismissal, shifted the burden of proof to him, effectively forcing him to

testify. The court determined that the ALJ should have granted Appellant's motion for involuntary dismissal and reversed the Commission's decision.

**Court affirms Commission decision upholding candidate's removal from Police Officer eligible list on basis of psychological disqualification.**

*In the Matter of I.C., Police Officer (S9999M), Newark*, Docket No. A-0594-15T4 (App. Div., decided October 4, 2018): Appellant appealed the determination of the Commission that he was psychologically unfit to perform effectively the duties of a Police Officer. The Appellate Division found that the Commission's decision was adequately supported by I.C.'s subpar performance on various standardized psychological tests that are predictive of fitness for police service. It also noted that the Commission reviewed the psychological reports in detail, as well as considered the findings and recommendation of the Medical Review Panel. Accordingly, the Appellate Division affirmed the decision.



## NOTABLE 2018 LEGISLATION

### The "Workplace Democracy Enhancement Act"

On May 18, 2018, P.L. 2018, C.15, the "Workplace Democracy Enhancement Act," was signed into law. This new law ensures that employee organizations that are the exclusive representatives of public employees in collective negotiations are able to carry out their statutory duties by having access to and being able to communicate with the employees they represent. The law requires public employers to provide exclusive representative employee organizations with access to members of their negotiation unit. The rights of the organization to access required by the law include:

1. the right to meet with individual employees on the premises of the public employer, during the workday, to investigate and discuss grievances, workplace-related complaints, and other workplace issues;



## HELPFUL LINKS

2. the right to conduct worksite meetings during lunch and other non-work breaks, and before and after the workday to discuss workplace issues, collective negotiations, the administration of collective negotiations agreements, other matters related to the duties of the organization, and internal union matters involving the governance or business of the organization; and
3. the right to meet with newly hired employees, without charge to the pay or leave time of the employees, for a minimum of 30 minutes, within 30 calendar days from the date of hire of each employee, during new employee orientations, or if the employer does not conduct new employee orientations, at individual or group meetings.

Among other things, the law also grants employee organizations the right to use the public employer email systems to communicate with their members, and government buildings to meet with their members, regarding negotiations and administration of collective negotiations agreements, grievances and other workplace-related complaints and issues, and internal organization matters. The meetings may not be for the purposes of supporting or opposing candidates for partisan political office or distributing literature regarding partisan elections.

**Legislation to Look Out For:** A3312, if enacted could set a positive example when it comes to preventing sexual harassment in the workplace with effective, preemptive policy measures. The bill requires the legislature to adopt and distribute a policy prohibiting sexual harassment and requires legislators and their staff to complete online sexual harassment training once every two years. Maintaining a healthy and safe workplace requires structure and clearly defined bounds of acceptable conduct. This policy will do this and more. It will establish procedures for the reporting, investigation, final determination, remediation, and discipline of prohibited conduct and will include provisions regarding confidentiality, retaliation, and false accusations.

A3312 passed in the Assembly by a unanimous vote on September 27th and will be considered by the Senate State Government, Wagering, Tourism and Historic Preservation Committee in the near future. The odds are that this legislation will be on the books before the calendar rolls over.

### **Civil Service Commission**

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### **Division of Appeals and Regulatory Affairs**

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Facsimile: (609) 984-0442  
[www.nj.gov/csc/about/divisions/merit/](http://www.nj.gov/csc/about/divisions/merit/)

### **Division of Agency Services**

[www.nj.gov/csc/about/divisions/slo/](http://www.nj.gov/csc/about/divisions/slo/)

### **Civil Service Regulations and Laws**

[www.nj.gov/csc/about/about/regulations/index.html](http://www.nj.gov/csc/about/about/regulations/index.html)

### **Filing Appeals with the Civil Service Commission**

[www.nj.gov/csc/authorities/faq/appeals](http://www.nj.gov/csc/authorities/faq/appeals)

### **Job Announcements and Testing**

[www.nj.gov/csc/seekers/jobs/announcements](http://www.nj.gov/csc/seekers/jobs/announcements)

### **Public Safety Testing News**

[www.nj.gov/csc/about/news/safety/index.html](http://www.nj.gov/csc/about/news/safety/index.html)

### **Employee Training**

[www.nj.gov/csc/employees/training/index.html](http://www.nj.gov/csc/employees/training/index.html)

### **Training Post Newsletter**

[www.nj.gov/csc/employees/training/training\\_newsletter.html](http://www.nj.gov/csc/employees/training/training_newsletter.html)

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