

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Classification, Services, and Compensation**

**Advancement Pay Adjustments: State Service**

**Adopted Amendment: N.J.A.C. 4A:3-4.9**

Proposed: March 17, 2014, at 46 N.J.R. 473(a).

Adopted: July 16, 2014, by the Civil Service Commission, Robert M. Czech, Chair/CEO.

Filed: July 21, 2014, as R.2014 d.128, **without change**.

Authority: N.J.S.A. 11A:2-6(d) and 11A:3-7.

Effective Date: August 18, 2014.

Expiration Date: November 18, 2016.

**Summary of Hearing Officer Recommendations and Agency Responses:**

A public hearing on this rule proposal was held on April 23, 2014, in Trenton, New Jersey. Elizabeth Rosenthal served as hearing officer. **No comments were received at that time.** The hearing officer recommended adoption of the proposal without change. 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.

**Summary of Public Comment and Agency Response:**

**No written comments were received.**

**Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendment governs compensation in New Jersey State government in certain promotional situations, and is not subject to any Federal standards or requirements.

**Full text** of the adoption follows:

**(Agency Note:** The text of N.J.A.C. 4A:3-4.9(b) below reflects the adoption of amendments to this section effective June 2, 2014.)

4A:3-4.9 Advancement pay adjustments: State service

(a) Unless a different salary adjustment is established in a collective negotiations agreement, the following provisions shall be applied when employees are appointed to a title with a higher class code, except that in no event shall such adjustment result in a higher salary than that provided for in this section.

(b) Employees who are appointed to a title with a higher class code shall receive a salary increase equal to at least one increment in the salary range of the former title plus the

amount necessary to place them on the next higher step in the new range. If the workweek changes, workweek adjustments will be made prior to the determination of anniversary date. If the workweek increases, workweek adjustments will be made prior to salary determination. (See (g) below). This subsection shall apply when the following conditions are met:

1. Employees are appointed from their permanent title to a title with a higher class code following or subject to a promotional examination;

2. Employees are serving in a title which is reevaluated to a higher class code;

3. Employees receive an advancement appointment to a higher title level with a higher class code in a job band; or

4. Employees are appointed to a title with a higher class code, when the conditions in (b)1, 2, or 3 above are not applicable, provided the Chairperson of the Civil Service Commission or designee finds the following criteria are met:

i. The employee has served continuously in the lower title for at least four months immediately preceding the effective date of the advancement; and

ii. The service in the lower title provided significant preparation and training for service in the higher title.

(c) When an employee is advanced to a title with a salary schedule which is different (dollar value of ranges and steps do not coincide) from the employee's previous salary schedule, the steps described in (b) above are first performed in the previous schedule, and then the employee's salary is set at the lowest step in the new schedule and range that equals or exceeds that salary.

(d) When an employee has been at the maximum of his or her previous salary range for at least 39 pay periods, and the salary increases after workweek adjustment would be less than two increments in the employee's previous range, the employee shall receive an additional increment in the new range, providing the employee is not already at the maximum of the new range.

(e) Employees who do not meet the criteria set forth in (b) above shall be placed on a step in the salary range of the title with the higher class code that is the same or next higher than the salary paid in the title with the lower class code.

1. The adjustments described in (b) and (c) above shall be applied as appropriate.

(f) The anniversary date will be retained if the total salary increase after workweek adjustment is less than two increments in the employee's previous range. If the total salary increase after workweek adjustment is two increments or more, or the advancement results in step eight or nine, the anniversary date will be determined by the effective date of the action (frozen if step eight or nine).

(g) The workweek adjustment is computed by finding the workweek adjusted range, according to the following chart, and then placing the employee on the same step in the workweek adjusted range as the employee's step in the former range.

**EXAMPLE:** An employee on step four in salary range A10 in a 35-hour week title is appointed to a 40-hour week title. Adjusting salary range A10 (35 hours) to the 40-hour week (+2 salary ranges) will result in a range A12, step four.

## WORKWEEK OF EMPLOYEE'S NEW TITLE

	35 or 3E	NL or NE	40, 4E, or N4
Workweek of Employee's Former Title	35 or 3E	NL or NE	40, 4E, or N4
	NO CHANGE	+1	+2
		SALARY RANGE	SALARY RANGES
	NL or NE	NO CHANGE	+1
		SALARY RANGE	SALARY RANGE
	40, 4E or N4	-2	-1
		SALARY RANGES	SALARY RANGE
			NO CHANGE

(h) When an employee's work year changes, a work year adjustment shall first be performed before making any other adjustments under this section. The work year adjustment is computed by placing the employee in the same step three ranges up, when work year is increased from 10 to 12 months, or three ranges down, when work year is decreased from 12 to 10 months.

EXAMPLE: An employee on step four, range A10 in a 10-month title, is promoted to a 12-month title with salary range A15. There is no change in workweek. The work year adjustment would bring the employee to step four, range A13. Then, salary is calculated based on (a) and (b) above.