

# RULE ADOPTIONS

## CIVIL SERVICE

### (a)

#### 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.

(**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.)

#### Full text of the adoption follows:

#### 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 (c) and (d) above shall be applied as appropriate.

Recodify existing (e)-(f) as (f)-(g) (No change in text.)

(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 changes 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.

## COMMUNITY AFFAIRS

### (b)

#### DIVISION OF HOUSING AND COMMUNITY RESOURCES

#### Neighborhood Revitalization State Tax Credit Eligibility of Business Entities for Tax Credit Tax Credit Allowable

#### Adopted Amendment: N.J.A.C. 5:47-2.2

Proposed: May 19, 2014, at 46 N.J.R. 835(a).

Adopted: July 22, 2014, by Richard E. Constable, III, Commissioner, Department of Community Affairs.

Filed: July 24, 2014, as R.2014 d.130, **without change**.

Authority: N.J.S.A. 52:27D-498 and P.L. 2013, c. 61.

Effective Date: August 18, 2014.

Expiration Date: March 9, 2016.

#### Summary of Public Comments and Agency Responses:

Comments were received from the Jewish Renaissance Foundation.

COMMENT: The Jewish Renaissance Foundation has been a participant of Neighborhood Revitalization State Tax Credit for four years. They commented that the new changes will open the program to many individuals who pay taxes for their businesses through New Jersey Gross Income Tax rather than through other Corporate tax options. They

noted that this will open the pool of potential partners and asked that we adopt the rules.

RESPONSE: The Department thanks the Jewish Renaissance Foundation for its enthusiastic support of the proposal.

**Federal Standards Statement**

No Federal standards analysis is required because this amendment is not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or a State statute that incorporates or refers to a Federal law, standards, or requirements.

Full text of the adoption follows:

**SUBCHAPTER 2. ELIGIBILITY OF BUSINESS ENTITIES FOR TAX CREDIT**

**5:47-2.2 Tax credit allowable**

(a) (No change.)

(b) The credit may be applied by the business entity receiving the certificate as credit against tax imposed on business related income, including, but not limited to, business income subject to the provisions of the Corporation Business Tax Act (1945), P.L. 1945, c. 162 (N.J.S.A. 54:10A-1 et seq.), the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq., the Savings Institution Tax Act, P.L. 1973, c. 31 (N.J.S.A. 54:10D-1 et seq.), the tax imposed on marine insurance companies pursuant to N.J.S.A. 54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L. 1945, c. 132 (N.J.S.A. 54:18A-1 et seq.), the sewer and water utility excise tax imposed pursuant to section 6 of P.L. 1940, c. 5 (N.J.S.A. 54:30A-54) and the petroleum products gross receipts tax imposed pursuant to section 3 of P.L. 1990, c. 42 (N.J.S.A. 54:15B-3).

1. For a taxpayer applying credit to liability due pursuant to the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq., the credit allowed pursuant to this section shall only be applied to the amount of gross income tax liability for the taxable year that, as a percentage of gross income tax liability, is equal to the percentage of the taxpayer's gross income that is attributable to the taxpayer's business entity through which the taxpayer provided the funding for the qualified project. For purposes of determining the amount of gross income tax liability to which a credit allowed pursuant to this section may be applied, gross income shall be calculated without the application of exclusions or deductions.

(c) (No change.)

(d) Credit shall not be allowed for activities for which the business entity is receiving credit under any other provision against any tax on business related income including, but not limited to, the corporation business tax, New Jersey Gross Income Tax, corporate income tax, insurance premiums tax, petroleum products gross receipts tax, public utilities franchise tax, public utilities gross receipts tax, public utility excise tax, railroad franchise tax, and the saving institution tax.

(e) The tax credit shall be awarded only for assistance provided within the same tax year as that in which the Commissioner issued the certificate, or if the Commissioner approved assistance for more than one year, within each following tax year in which payment was made as set forth in the schedule that shall be attached to the certificate issued by the Commissioner. This provision may be waived for good cause shown.

(f) (No change.)

(g) The Department will grant priority in awarding tax credits to business entities that identify a nonprofit organization partner that has an approved project in its application for tax credits, followed by the remaining prioritizations listed in and pursuant to P.L. 2001, c. 415 (N.J.S.A. 52:27D-496). An approved project will consist of a project application submitted by a nonprofit organization to the Department, as part of an application cycle, which is reviewed and determined to be qualified for funding. The Department will publicize on the Department's website, a list of approved projects for business entities to consider when applying for tax credits.

(h) (No change.)

## HEALTH

(a)

**PUBLIC HEALTH SERVICES BRANCH  
DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL  
AND OCCUPATIONAL HEALTH  
CONSUMER, ENVIRONMENTAL AND  
OCCUPATIONAL HEALTH SERVICE**

**Notice of Readoption  
Body Art Procedures**

**Readoption: N.J.A.C. 8:27**

Authority: N.J.S.A. 26:1A-7(n), (o), and (p).

Authorized By: Mary E. O'Dowd, M.P.H., Commissioner, State of New Jersey Department of Health in Consultation with the Public Health Council.

Effective Date: July 11, 2014.

New Expiration Date: July 11, 2021.

**Take notice** that pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:27 were to expire on August 15, 2014. The rules establish standards in New Jersey for body art procedures. The standards cover administration, physical plant and environment, health safety and occupational health, sterilization and disinfection, temporary establishments, enforcement, and the following procedures: body piercing, tattooing, permanent cosmetics, and ear piercing. In order to maintain the current rules in effect, the Department of Health has determined that the rules should be readopted without amendment. The rules remain necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1(c)(1) and N.J.A.C. 1:30-6.4(h), N.J.A.C. 8:27 is readopted and shall continue in effect for a seven-year period.

(b)

**HEALTH FACILITIES BRANCH  
CERTIFICATE OF NEED AND LICENSING DIVISION  
OFFICE OF CERTIFICATE OF NEED AND  
HEALTHCARE FACILITY LICENSURE**

**Notice of Readoption**

**Certificate of Need and Healthcare Facility Licensure  
Requirements for Regionalized Perinatal Services  
and Maternal and Child Health Consortia**

**Readoption: N.J.A.C. 8:33C**

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Authorized By: Mary E. O'Dowd, M.P.H., Commissioner, Department of Health (with the approval of the Health Care Administration Board).

Effective Date: July 11, 2014.

New Expiration Date: July 11, 2021.

**Take notice** that pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:33C were to expire on August 16, 2014. N.J.A.C. 8:33C establishes the certificate of need and licensing standards that are applicable to maternal and child health consortia (MCHC) and for providers seeking and/or providing perinatal services in order to ensure provision of maternal and child health services in a coordinated and cooperative, prevention-oriented manner which is accessible to those in need of care. The Office of Certificate of Need and Healthcare Facility Licensure within the Certificate of Need and Licensing Division of the Health Facilities Branch of the Department of Health has reviewed N.J.A.C. 8:33C and, with the approval of the Health Care Administration Board, has determined that the chapter remains