

INFORMATION FOR COUNTY AND LOCAL GOVERNMENTS UNDER THE JURISDICTION OF THE NEW JERSEY CIVIL SERVICE COMMISSION

The Guidelines for State Employee Leave Time and Staffing - COVID-19 and FAQs published by the Civil Service Commission (Commission) pursuant to Executive Order 103 apply only to State employees and are not applicable to county or local government employees under the jurisdiction of the New Jersey Civil Service Commission.

Although guidance concerning the use of accumulated leave time, documentation required to be excused from work, adjusted hours of operation, flextime, or alternative work week issued by the CSC to state departments and agencies is not directly applicable to local government agencies, this guidance may provide a useful template to local jurisdictions seeking to establish and implement their own policies. However, please note that the CSC does not have authority to enforce such guidance at the local government level.

Accordingly, questions related to local jurisdictions' policies should be directed to the appropriate human resources office rather than the CSC.

Essential employee designations are local management decisions based upon operational needs. Employees with questions regarding changes in their essential status should direct those questions to the appropriate human resources office.

Please also be advised that as a result of the continuing COVID-19 emergency, certain regulatory provisions in Title 4A of the New Jersey Administrative Code concerning position classification have been relaxed. This relaxation may impact employees in county and local government under the jurisdiction of the Commission.

Should staffing shortages disrupt the usual delivery of government services, it may become necessary for Appointing Authorities to reassign essential work duties to ensure continuity of operations. This potential temporary assignment of out-of-title work is permissible pursuant to N.J.A.C. 4A:3-3.4 so long as:

- (1) the employee is otherwise qualified for the out of title work, (for example, if a temporary assignment requires an employee to be licensed in a particular trade, an Appointing Authority may not assign someone without such a license to perform the work);
- (2) the assignment is temporary in nature, and
- (3) the employee's normal job duties resume upon return of the absent employee(s).

Consistent with these requirements, unless there is a collective bargaining agreement that otherwise controls, an Appointing Authority has broad discretion to

assign out-of-title duties without resulting in the employee's current position being permanently reclassified to a different title.