

PUBLIC NOTICES

CIVIL SERVICE

(a)

CHAIRPERSON OF THE CIVIL SERVICE COMMISSION

Notice of Receipt of Petition for Rulemaking Purpose, Scope, and Definitions N.J.A.C. 4A:1-1.3

Petitioner: Bergen County Sheriff's Office.

Take notice that on May 2, 2025, the Chair/CEO of the Civil Service Commission (Commission) received a petition for rulemaking from the Bergen County Sheriff's Office seeking an amendment at N.J.A.C. 4A:1-1.3 that would add a definition for the term "working day," a term found at N.J.S.A. 11A:6-2, 11A:6-3, and 11A:6-5; and N.J.A.C. 4A:2-2.2, 2.9, and 2.10 and 4A:6-1.2 and 1.3. The petitioner maintains that such a definition is necessary to clarify rules at N.J.A.C. 4A:2 and 4A:6, regarding disciplinary actions and leave entitlements for local police and fire employees assigned alternate work schedules with longer daily shifts, but fewer than five shift days per week, such as a "Pitman Schedule." The petitioner cites the recent decision of the Public Employment Relations Commission (PERC) in *In the Matter of Local 26 and Borough of Lodi*, P.E.R.C. No. 2025-6 (September 26, 2024), which held that because "working days" was not a term defined within the Civil Service law or rules, the issue of sick leave entitlements for local police officers who worked 12-hour shifts could be subject to negotiation and arbitration. The petitioner maintains that the lack of a definition for the term "working day" in the Civil Service law and rules has led to PERC arbitrators holding that collectively negotiated agreements providing 120 hours of annual sick leave (equivalent to 15 eight-hour days) were preempted by the Civil Service law and rules and, on that basis, ordering local appointing authorities to grant employees more than 180 hours of annual sick leave (equivalent to 22.5 eight-hour days), even though they work the same number of hours per year, if not fewer, than employees in fixed 40-hour workweek titles. Accordingly, the petitioner proposes a definition that would limit "working day" to no more than eight hours, regardless of the number of hours worked in a given shift, consistent with the Commission's decision in *In the Matter of Raul Mier* (CSC, decided October 7, 2015), which utilized "five working days of not more than 40 hours of pay" as the threshold for major discipline. Specifically, the petitioner proposes an amendment at N.J.A.C. 4A:1-1.3, Definitions, which would define the term "working day" in both State and local service for purposes of N.J.A.C. 4A:2 and 4A:6 as follows:

"For employees assigned a standard workweek of 7 consecutive days, pursuant to 29 U.S.C. § 207, a working day shall equal one fifth of the hours worked in a regular workweek, regardless of the number of hours actually worked in a given day under an alternative workweek program (See N.J.A.C. 4A:6-2.7)."

Example: "[A] working day for an employee working a 35-hour workweek equals 7 hours. A working day for an employee working a 40-hour workweek equals 8 hours."

"For employees assigned a work period of greater than 7 days, such as a 28-day cycle pursuant to 29 U.S.C. § 207(k), a working day shall equal one fifth of the hours worked in an average 7-day workweek."

Example 1: "An employee working a standard Pitman Schedule works 84 hours over a 14-day work period (60 hours in one week and 24 hours in the other), for an average of 42 hours per week. One fifth of 42 results in a working day of 8.4 hours."

Example 2: "An employee working a schedule with an 8-day cycle of four 11-hour shifts followed by four days off will work 2,007.5 hours per year, or an average of 38.6 hours per week (based on a 52-week year). One fifth of 38.6 results in a working day of 7.7 hours."

In accordance with N.J.A.C. 1:30-4.2, the Chairperson of the Civil Service Commission will subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.

EDUCATION

(b)

STATE BOARD OF EDUCATION

Notice of Receipt of Petition for Rulemaking State Board of Examiners and Certification Substitute Credential for Positions Not Requiring Instructional Certificates School Nurse

N.J.A.C. 6A:9B-7.5 and 14.3

Petitioner: Rosemary Catton, R.N., Executive Director, New Jersey State School Nurses Association.

Take notice that on May 5, 2025, the State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board amend N.J.A.C. 6A:9B-7.5 and 14.3 to allow holders of a multistate registered professional nurse license issued by a state board of nursing that participates in the Nurse Licensure Compact (NLC) to qualify for a substitute school nurse/non-instructional credential or an educational services certificate with a school nurse endorsement.

N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b) require a petition for rulemaking to state the substance or nature of the rulemaking that is requested, the reasons for the request and the petitioner's interest in the request, and references to the authority of the agency to take the requested action.

The petitioner seeks to amend N.J.A.C. 6A:9B-7.5(a) and 14.3(b)1, which require candidates to hold a New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing, to expand eligibility to holders of a multistate registered professional nurse license issued by a state board of nursing that participates in the NLC. The specific requested amendments are as follows (additions indicated as boldface **thus**):

6A:9B-7.5 Substitute credential for positions not requiring instructional certificates

(a) The Board of Examiners may issue a substitute school nurse/non-instructional credential to the holder of a valid New Jersey registered professional nurse license **or a multistate registered professional nurse license issued by a state board of nursing that participates in the Nurse Licensure Compact.**

1. (No change.)

(b) (No change.)

6A:9B-14.3 School nurse

(a) (No change.)

(b) To be eligible for the standard educational services certificate with a school nurse endorsement, a candidate shall hold or complete the following professional licenses, degrees, certifications, and training:

1. A current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing **or a multistate registered professional nurse license issued by a state board of nursing that participates in the Nurse Licensure Compact.**

2.-4. (No change.)

(c)-(e) (No change.)

The request indicates that the NLC allows nurses with a license in one state to practice in other participating states without needing a separate license in each state. New Jersey joined the NLC on November 15, 2021.

The petitioner states that nurses who hold a multistate registered professional nurse license are interested in practicing in New Jersey as certified school nurses or substitute school nurses. The petitioner also