

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF ANIMAL HEALTH

##### Laboratory Services

##### Adopted Amendment: N.J.A.C. 2:10-1.2

Proposed: July 21, 2025, at 57 N.J.R. 1469(a).

Adopted: September 24, 2025, by the New Jersey State Board of Agriculture, Edward Wengryn, Secretary.

Filed: October 1, 2025, as R.2025 d.133, **without change**.

Authority: N.J.S.A. 4:5-2.1.

Effective Date: November 3, 2025.

Expiration Date: December 20, 2031.

**Summary of Public Comment and Agency Response:**  
**No comments were received.**

##### Federal Standards Statement

A Federal standards analysis is not required because there are no applicable Federal standards that govern the user fee charge for the operation of animal health diagnostic laboratories.

**Full text** of the adoption follows:

#### SUBCHAPTER 1. FEE SCHEDULE

##### 2:10-1.2 Fees

(a)-(i) (No change.)

(j) AHDL may provide a discount to its laboratory fees based on a user's total yearly volume as follows, as long as the user's account is in good standing. For purposes of this subsection, eligible users are limited to State governmental agencies and State entities. If a discount is provided, it shall be as follows: For more than 100 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be five percent; for more than 500 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 10 percent; for more than 1,500 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 15 percent; and for more than 3,000 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 20 percent. The one-year period shall run from July 1st through June 30th. The discount will be provided to a user by way of a credit on the total amount that was billed to the user for AHDL services during the one-year period, which credit shall be applied to the user's account at AHDL within 60 days after the end of the one-year period.

## BANKING

### (b)

#### DEPARTMENT OF BANKING AND INSURANCE

##### DIVISION OF BANKING

##### Department Organization

##### Readoption with Amendments: N.J.A.C. 3:3

Proposed: July 7, 2025, at 57 N.J.R. 1359(a).

Adopted: October 1, 2025, by Justin Zimmerman, Commissioner, Department of Banking and Insurance.

Filed: October 1, 2025, as R.2025 d.132, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:1-14, and 17:1-15.e.

Effective Dates: October 1, 2025, Readoption;  
November 3, 2025, Amendments.

Expiration Date: October 1, 2032.

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

**The Department of Banking and Insurance (Department) received no comments.**

##### Federal Standards Statement

A Federal standards analysis is not required for Subchapter 1 because that subchapter is not subject to any Federal requirements or standards as they concern the organizational structure of the Department. Subchapter 2 delineates records of the Department that are government records pursuant to the Open Public Records Act and does not set forth requirements that exceed any Federal requirements or standards. Subchapter 3 continues to implement the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., and the regulations promulgated thereunder. These requirements are identical to, and, therefore, do not exceed, Federal standards. Subchapter 4 does not set forth requirements that exceed any Federal requirements or standards. The rules represent policies of the State of New Jersey regarding matters of State law that are independent of Federal requirements or standards.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 3:3.

**Full text** of the adopted amendment follows:

#### SUBCHAPTER 1. MISSION AND ORGANIZATION

##### 3:3-1.1 Mission statement of the Department

The mission of the Department of Banking and Insurance is to regulate the banking, insurance, and real estate industries in a professional and timely manner that protects and educates consumers and promotes the growth, financial stability, and efficiency of those industries. Additionally, the Department's mission is to increase the number of insured New Jerseyans by connecting them to quality, affordable health insurance through the innovative, professional, and effective operation of Get Covered New Jersey, the State's official health insurance marketplace.

## CIVIL SERVICE

### (c)

#### CIVIL SERVICE COMMISSION

##### Leaves, Hours of Work, and Employee Development

##### Adopted New Rules: N.J.A.C. 4A:6-7

##### Adopted Amendments: N.J.A.C. 4A:6-2.5 and 2.7

Proposed: May 5, 2025, at 57 N.J.R. 865(a).

Adopted: October 1, 2025, by the Civil Service Commission, Allison Chris Myers, Chairperson.

Filed: October 1, 2025, as R.2025 d.131, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 11A:6-24.

Effective Date: November 3, 2025.

Expiration Date: August 25, 2029.

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

A public hearing was held at 10:00 A.M. on June 9, 2025, in the Civil Service Commission Room, Trenton, New Jersey. Hari Sundar, Regulatory Officer, Civil Service Commission, served as hearing officer. Tonya Hodges, CWA District 1, and Adam Liebttag, CWA Local 1036, made comments at that time. Their comments are incorporated within the written comments below. The hearing officer made no recommendations. The record of the public hearing is available for inspection in accordance with applicable law by contacting Nicholas F. Angiulo, Director, Division

of Appeals and Regulatory Affairs, Civil Service Commission, PO Box 312, Trenton, New Jersey 08625-0312.

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

The following is a summary of the timely comments received by members of the public and the responses of the Civil Service Commission (Commission). Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Clorissa Torres, Senior Technician, Management Information Systems, Department of Transportation
2. Jonathan McGowan, Technician, Management Information Systems, Department of Transportation
3. Robyn Copley, Senior Technician, Management Information Systems, Department of Transportation
4. Mark Fortin, Administrative Analyst 4 Information Systems, Department of Agriculture
5. Dina Napolitano, Investigator 2 Taxation, Department of the Treasury
6. Dylan Frampton
7. Monika Palkowski, Investigator 2 Taxation, Department of the Treasury
8. Maryellen Mignano, Auditor 2 Taxation, Department of the Treasury
9. Tom Petrykiewicz, Conferee 1 Taxation, Department of the Treasury
10. Arianna Mecca
11. Marilyn Walter, Administrative Analyst 3 Information Systems, Office of Information Technology
12. Chelsea Leifels, Family Service Specialist 2, Department of Children and Families
13. Samantha Tippie, Paralegal Technician 1, Department of Children and Families
14. Lori Carlin, Senior Clerk Typist, Department of Children and Families
15. Nicole Jones, Principal Clerk Typist, Department of Children and Families
16. Jennifer Ambis, Family Service Specialist 1, Department of Children and Families
17. Dawn Smith, Principal Clerk Typist, Department of Children and Families
18. Patricia Albino, Program Support Specialist 2, Assistance Programs, Department of Children and Families
19. Jessica H.
20. Loren Toto
21. Steve Angelini
22. Michele Marion, Paralegal Technician 2, Department of Children and Families
23. Alisha McGuire, Management Assistant, Department of Human Services
24. Melissa Brennan, Program Support Specialist 1 Assistance Programs, Department of Human Services
25. Melissa Helmstetter
26. Michael L. Brennan, Senior Correctional Police Officer, Department of Corrections
27. Jessica Forte, Family Service Specialist Trainee, Department of Children and Families
28. Elena Ramos, Senior Clerk Typist, Department of Children and Families
29. Rhonda Graham, Department of Human Services
30. Christina Rapolas, Secretarial Assistant 3, Non-Stenographic, Department of Education
31. Stephen Melnykevich, Supervising Family Service Specialist 2, Department of Children and Families
32. Raelyn Anastasio, Analyst Trainee, Department of Human Services
33. Lianna Vasquez, Program Support Specialist 1 Assistance Programs, Department of Human Services
34. Toni DeGregorio, Program Specialist Trainee, Department of Human Services
35. Jennifer Chiaramida, Education Program Development Specialist, Department of Education
36. Robert Somes

37. Matthew McLain
38. Krysten Woodside, Program Support Specialist 2 Assistance Programs, Department of Children and Families
39. A self-described former employee of the Department of Health
40. Vincenza Barone, Head Clerk, Department of Children and Families
41. Kyle Higgins, Family Service Specialist 2, Department of Children and Families
42. Angela Lockwood, Family Service Specialist 1, Department of Children and Families
43. Yaritza Nieves, Clerk Typist, Department of Children and Families
44. Alexandra Ucal, Family Service Specialist 2, Department of Children and Families
45. Kim Cervantes
46. Erica Walker, Head Clerk, Department of Children and Families
47. Kristi Zeigler-Dawicki, Program Support Specialist 3 Assistance Programs, Department of Children and Families
48. Janine Barranger, Program Support Specialist 2 Assistance Programs, Department of Children and Families
49. Chris Hammarberg, Program Specialist 1, Department of Health
50. Courtnee Giles, Program Support Specialist 2 Assistance Programs, Department of Children and Families
51. Dawn Frasier, Senior Clerk Typist, Department of Children and Families
52. Erin Doyle
53. Kirsten Posselt, Nursing Consultant, Department of Health
54. Diane Leonhardt, Head Clerk, Department of Children and Families
55. Jacqueline Sarnecki, Principal Clerk Typist, Department of Children and Families
56. Rita Goncalves, Senior Clerk Typist, Department of Children and Families
57. Ira Karlick, Claims Examiner Unemployment & Disability Insurance, Department of Labor and Workforce Development
58. Valerie Hearn, Program Support Specialist 2 Assistance Programs, Department of Children and Families
59. Judy Diaz-Roberts, Senior Unemployment Insurance Clerk, Department of Labor and Workforce Development
60. Andrew Reese and Anna Lascurain, on behalf of the IBEW Local 33
61. Matthew D. Knoblauch
62. Deborah Rose
63. Julie, a self-described New Jersey State employee
64. Jessica Pultrò, Contract Administrator 2, Department of Children and Families
65. Damari Solis, Secretarial Assistant, Non-Stenographic, Department of Labor and Workforce Development
66. Michael Toto, a self-described New Jersey public employee
67. Tara M. Baldwin, CPA, Manager, WilkinGuttenplan
68. Denise Rodriguez, Administrative Assistant, Board of Public Utilities
69. Jimarli Figueiredo, Administrative Assistant 3, Board of Public Utilities
70. Mastroti Jinarli
71. Rustin Maitland, Esq.
72. Evelyn Beltran, Claims Examiner Unemployment & Disability Insurance, Department of Labor and Workforce Development
73. Marlies Duke, Claims Examiner Unemployment & Disability Insurance, Department of Labor and Workforce Development
74. A self-described New Jersey taxpayer
75. Anita Kwarteng, Claims Examiner Unemployment & Disability Insurance, Department of Labor and Workforce Development
76. Vanessa Caraballo
77. Jeff Marino, Supervisor 1 Unemployment Benefits, Department of Labor and Workforce Development
78. Tonya Hodges; Adam Liebttag; and CWA District 1, CWA Local 1031, CWA Local 1032, CWA Local 1033, CWA Local 1036, CWA Local 1037, CWA Local 1038, and CWA Local 1040 on behalf of 5,633 of their members

79. Christopher Possessky, Administrator, Employee Relations, Department of Community Affairs

80. Mark Miller

81. Joseph Traum

82. Cobaltkeywest

83. Gypsy Leo

84. Steven Prichard, Manager 2 Information Processing, New Jersey Department of Transportation

85. Hon. Michael J. Blee, J.A.D., Acting Administrative Director of the Courts, Judiciary

86. Dean Bryson

87. Scott McGill, Manager 1 Vocational Rehabilitation Services, Department of Labor and Workforce Development

88. A self-described New Jersey State employee

89. Jean Public

90. Masked Mom NJ

91. William Gumulak, Chief of Security, New Jersey Water Supply Authority

92. Jordan Weisinger, Executive Assistant 2, Department of Health

93. Yaniris Rodriguez

1. COMMENT: The commenters indicated that the ability to telework is valuable in many respects. For example, the commenters stated that the program improves work-life balance; has financial and environmental benefits; and assists the State with retention. They expressed their support for the continuation of the telework policy on a permanent basis. Some commenters, while similarly highlighting the benefits of the program, also expressed support for an expansion of the program, such as by allowing more than two remote days per week or relaxing the requirement that employees deemed eligible to simultaneously participate in their appointing authority's telework program and Alternative Workweek Programs (AWPs) must maintain a schedule whereunder they work no more than one day of telework during the week they are using their AWP day. (1 through 10, 12, 16, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 32, 33, 35, 36, 37, 39, 40, 41, 42, 44, 45, 48, 49, 52, 53, 57, 59, and 61 through 78)

RESPONSE: The Commission appreciates the comments. However, the Commission deems the current scope of the telework program, as expressed in the rules, appropriate at this time. The Commission finds that the rules strike an appropriate balance between in-person and remote work.

2. COMMENT: The commenter fully supports making telework and AWP options permanent. She also supports the updates that clarify how telework applies during bad weather or emergencies and the rules that help new employees understand when they can join AWPs. (11)

RESPONSE: The Commission appreciates the comments.

3. COMMENT: The commenters expressed their support for continued telework and stated that clerical and administrative staff should be given the opportunity to work remotely. (13, 14, 15, 17, 22, 23, 28, 31, 38, 43, 46, 51, 54, 55, 56, and 58)

RESPONSE: The Commission notes that the telework program rules include specific provisions regarding program eligibility and procedures available to employees, which may include clerical staff, to challenge telework eligibility denial, adjustment, or revocation. Those procedures, not the notice-and-comment process, are the appropriate forum to adjudicate individual issues.

4. COMMENT: The commenter states that she has been a State employee for five months and has yet to be given a telework day. She states that the day she began working in her new role, the State changed telework capabilities for new hires and altered the regulations to permit one remote day after six months of employment and two remote days after one year. She maintains that new hires should not be expected to wait a year for the remote days their peers have already received, while still being required to uphold the same workload. (27)

RESPONSE: The Commission notes that the telework program rules include specific provisions regarding program eligibility and procedures available to employees to challenge telework eligibility denial, adjustment, or revocation. Further, the rules clarify when eligible new employees shall be permitted to participate in telework.

5. COMMENT: The commenters note their support for the continuation of telework and for the requirement for appointing

authorities to create an AWP. The commenters maintain that these measures are important to retain Deputy Attorneys General, whom the IBEW Local 33 union represents. (60)

RESPONSE: The Commission appreciates the comments.

6. COMMENT: The commenter takes issue with the provision stating that, in the event an employee participating in their appointing authority's telework program is unable to perform their duties remotely on the day of a curtailment, the employee shall immediately notify their appointing authority and make alternative arrangements in a timely manner. The commenter requests that this provision be removed because there are no alternative arrangements to be made under the circumstances, and it would be unfair to make the employee use leave time. (79)

RESPONSE: The provision states that "alternative arrangements" are to be made. This contemplates that a dialogue will occur between the employee and the appointing authority to explore options, which may include the use of general emergency/closing leave, if appropriate, in the employee's particular situation.

7. COMMENT: The commenter notes his concern that the rules do not account for the situation where an employee has finished the working test period, but the employee's supervisor believes that the employee still requires close supervision. (79)

RESPONSE: The rules provide that the employee is to be permitted to participate in telework and/or AWP after the successful completion of the working test period, if eligible. The employee who has successfully completed the working test period must still satisfy the eligibility criteria in order to be approved to telework.

8. COMMENT: The commenter seeks guidance on how appointing authorities are to proceed until their telework plans pursuant to the proposed rules are approved. (79)

RESPONSE: As noted in the notice of proposal, prior to approval of a telework plan pursuant to new Subchapter 7, the Model Telework Pilot Program remains in effect.

9. COMMENT: The commenter suggests that the reference to the New Jersey First Act is redundant because one must already be in compliance with that law to be employed in State government. He asks that this part of the rules be expounded upon. (79)

RESPONSE: The purpose of the reference to the New Jersey First Act is merely to affirm that telework must be performed consistent with the New Jersey First Act.

10. COMMENT: The process found at proposed N.J.A.C. 4A:6-7.4(a)2 to revoke telework is very stringent. The commenter calls for a mechanism whereby telework may be revoked immediately for issues unrelated to performance, such as discipline, misconduct, or violation of the policy. (79)

RESPONSE: The Commission deems the process appropriate and consistent with the principles of progressive discipline. The Commission notes that an appointing authority may immediately suspend an employee, if justified. See N.J.S.A. 11A:2-13 and N.J.A.C. 4A:2-2.5.

11. COMMENT: The rulemaking provides that, subject to approval by the Governor's Office, appointing authorities may only designate additional telework days in a calendar week in emergent circumstances. The commenter asks that this provision be changed to allow appointing authorities to designate additional days and thereafter notify the Governor's Office. In the alternative, the commenter asks that a mechanism be put in place to allow for a quick review and approval from the Governor's Office. (79)

RESPONSE: The Commission finds that obtaining prior approval is the appropriate course of action. Appointing authorities, in their discretion, may wish to approach the Governor's Office to consult over appropriate means of communication.

12. COMMENT: Participation in both telework and AWP should not be permitted. (79)

RESPONSE: The Commission stands with the policy decision to allow participation in both programs. However, it notes that participation in both programs is to be consistent with the operational needs of the appointing authority, which has the sole discretion to determine if employees are eligible to simultaneously participate in both programs.

13. COMMENT: The commenter states that the rules should also address situations other than curtailment of State operations due to weather. (80)

RESPONSE: The rules address other situations. See N.J.A.C. 4A:6-2.5 (referencing other adverse situations) and 7.5(c) (referencing public health emergencies, health and safety concerns, and other emergent operational needs).

14. COMMENT: It is punitive to require those employees approved for telework to telework during a curtailment of State operations when those not approved would go on leave. (80)

RESPONSE: The Commission disagrees and reiterates that the referenced provision allows for greater functioning of the State during adverse situations for those employees who have the ability to telework.

15. COMMENT: The rulemaking does not meaningfully address limited curtailments, such as delayed openings or early dismissals. The commenter asks, for example, whether an employee who is sent home early has to telework to make up the entire period of dismissal or whether commuting time would be factored in. (80)

RESPONSE: Whether an employee scheduled to work in-person on the day of a delayed opening or early dismissal is required to telework before arriving at the official reporting location, or after leaving it, would be for the Governor's Office to determine. Those already scheduled to telework on such days would telework subject to the provisions at N.J.A.C. 4A:6-2.5(a)1.

16. COMMENT: The rules should specify that when an employee is required to telework during a curtailment pursuant to N.J.A.C. 4A:6-2.5(a)1, those telework days are in addition to the regularly scheduled telework days. The rules should provide that when inclement weather is anticipated, any telework-approved employee who has the necessary resources may opt to telework for the full day without impacting previous telework days. (80)

RESPONSE: N.J.A.C. 4A:6-7.5(c) already indicates that subject to Governor's Office approval, appointing authorities may designate "additional telework days in a calendar week" in emergent circumstances, including inclement weather.

17. COMMENT: The rules should address the need for employees to receive notice from management on their last in-person day preceding a curtailment of the need to telework a full day so that they may bring needed equipment and documentation home. (80)

RESPONSE: N.J.A.C. 4A:6-2.5(a)1, in effect, places employees who are approved for participation in their appointing authority's telework program on notice that they may be required to telework, regardless of whether they were scheduled to work in-person or remotely on the day of the curtailment.

18. COMMENT: The rules fail to recognize that resources needed to telework may not be available during a curtailment if those resources are shared (by, for example, a spouse who teleworks on different days) or that other factors might be implicated (for example, childcare may not be available on those days). (80)

RESPONSE: Pursuant to N.J.A.C. 4A:6-2.5(a)1, in the event that an employee participating in their appointing authority's telework program is unable to perform their duties remotely on the day of a curtailment, the employee is to immediately notify the appointing authority and make alternative arrangements in a timely manner.

19. COMMENT: The rules do not address telework locations impacted by the same factors that caused the curtailment, creating a hardship, whereby the employee is called on to address obstacles that the State is unable to address. (80)

RESPONSE: The Commission disagrees. Pursuant to N.J.A.C. 4A:6-2.5(a)1, the Governor, in consultation, is to determine whether inclement weather or other adverse situations would still allow employees who are approved for participation in their appointing authority's telework program to telework during the curtailment of State operations. In the event that an employee participating in their appointing authority's telework program is unable to perform their duties remotely on the day of the curtailment, the employee shall immediately notify their appointing authority and make alternative arrangements in a timely manner.

20. COMMENT: The provisions on telework during a curtailment conflict with the data privacy provisions at N.J.A.C. 4A:6-7.6. For example, those provisions could be interpreted to force an employee to always bring home more documents than otherwise necessary to address the speculation of a curtailment in the near future. (80)

RESPONSE: The Commission disagrees that there is a conflict. Pursuant to N.J.A.C. 4A:6-7.6(b), teleworking employees must exercise a high degree of care when discussing, reviewing, or working with non-public information acquired in the course of official duties at their alternative worksite. This obligation remains if the employee is teleworking during a curtailment pursuant to the provisions at N.J.A.C. 4A:6-2.5(a)1.

21. COMMENT: The term "alternative arrangements" at N.J.A.C. 4A:6-2.5(a)1 is undefined and, thus, arbitrary and capricious. It allows appointing authorities to impose punitive measures, such as use of the employee's own benefit time. (80)

RESPONSE: The Commission disagrees that "alternative arrangements" is inappropriately vague. Rather, the language is intended to allow for an appropriate solution that accounts for the employee's specific circumstances. As already noted in the responses to prior comments, measures other than having employees use their personal benefit time are not precluded. The Commission also disagrees that the use of personal benefit time is punitive.

22. COMMENT: The rules should permit telework in lieu of driving a State vehicle to the official reporting location since an employee may have field assignments closer to home; permit telework when an employee is taking a partial day off for sick leave, such as in the case of a medical appointment; and permit additional telework days in cases where an employee is sick, but can continue to work from home (for example, an asymptomatic individual). (80)

RESPONSE: The Commission affirms that not allowing more than two days of telework in a calendar week within a telework plan is appropriate. See N.J.A.C. 4A:6-7.2(d)2. Notwithstanding this provision, an employee could seek telework through the reasonable accommodation process. See N.J.A.C. 4A:6-7.2(f). The Commission also observes that employees may be able to schedule field assignments or medical appointments for their telework days.

23. COMMENT: Regarding N.J.A.C. 4A:6-2.5(a)1, "alternative arrangements" is too vague to allow employees to have adequate notice of their expected responsibilities. The commenter suggests that the provision should end after the words "appointing authority." In the alternative, it could be revised to provide that employees will be treated in the same manner as employees not approved for participation in telework for the duration of time that they are unable to perform their duties and be permitted to use general emergency/closing leave. (81)

RESPONSE: The Commission disagrees that "alternative arrangements" is inappropriately vague. Rather, the language is intended to allow for an appropriate solution that accounts for the employee's specific circumstances. The term "alternative arrangements" contemplates that a dialogue will occur between the employee and the appointing authority to explore options, which may include the use of general emergency/closing leave, if appropriate, in the employee's particular situation.

24. COMMENT: Non-unionized employees should not be allowed to telework. It is ridiculous that a Commissioner, Director, or even Assistant Director can spend up to two days a week away from the office. The commenter questions how they can lead and be effective managers. (82)

RESPONSE: The Commission disagrees that telework should be restricted to unionized employees only. The rules appropriately reflect that the standard for suitability for telework is that the duties are portable and can be performed effectively and efficiently outside the official reporting location, not one's union membership, or lack thereof. Managers may telework, so long as they are able to meet the eligibility criteria.

25. COMMENT: "The Governor, or their designee," N.J.A.C. 4A:6-2.5(a), is not correct grammar. There is only one person at a time who holds that office. Write "[t]he Governor, or his or her designee." (82)

RESPONSE: The Commission disagrees. Use of "their" in this context to refer to a noun of unknown gender is appropriate. Moreover, the use of "their" does not render the provision unclear.

26. COMMENT: Writing "allow" at N.J.A.C. 4A:6-2.5(a)1 is incorrect word usage, and the sentence needs a rework. (82)

RESPONSE: The sentence need not be rewritten as the commenter offers no alternative, and the provision is clear.

27. COMMENT: The commenter questions whether the emergency telework referenced at N.J.A.C. 4A:6-2.5(a)1 counts toward the two previously approved telework days. (82)

RESPONSE: No. See N.J.A.C. 4A:6-7.5(c).

28. COMMENT: N.J.A.C. 4A:6-2.6, Flexitime programs: State service, requires amendment since it has language that contradicts new Subchapter 7 on the telework program. (82)

RESPONSE: The Commission disagrees that the flexitime and new telework rules conflict.

29. COMMENT: The commenter asks for the difference between a “transferred” employee, N.J.A.C. 4A:6-2.7(c), and a promoted employee or one who changes titles. The commenter also asks whether an AWP-approved employee who is then promoted would have such approval suspended for 120 days following the promotion. (82)

RESPONSE: Transfers are discussed at N.J.A.C. 4A:4-7. N.J.A.C. 4A:1-1.3 defines demotions, lateral movements, and promotions. Concerning the commenter’s hypothetical, if the promoted employee is not a new or transferred employee, the amendment at N.J.A.C. 4A:6-2.7(c) does not apply to that individual. Rather, such individual’s continued eligibility for AWP would be governed by the first sentence at N.J.A.C. 4A:6-2.7(c) (appointing authority may limit participation in an AWP to selected groups of job titles, work units, and/or work locations to accommodate operational needs).

30. COMMENT: The two approved telework days should not be consecutive days. Options should be Monday and Wednesday; Tuesday and Thursday; Friday and Tuesday; or Monday and Thursday. (82)

RESPONSE: The Commission believes that the rules appropriately leave approval of telework schedules to individual appointing authorities. See N.J.A.C. 4A:6-7.3(c)1.

31. COMMENT: The definition of “[a]lternative worksite” should be changed to “a location designated by the employee as the location they will use to perform their official duties when not at their official reporting location, and as approved by the appointing authority.” The definition of “[o]fficial reporting location” should carry more importance than just not being the alternative worksite. (82)

RESPONSE: The Commission deems the current definitions workable and appropriate.

32. COMMENT: The commenter asks whether an appointing authority with a telework plan approved pursuant to the prior authorization needs to submit a new request for approval. The commenter questions what happens to existing telework approvals. (82)

RESPONSE: Each appointing authority shall provide a written plan for its telework program for approval of the Chairperson, or designee, within 60 days after the effective date of this rulemaking. N.J.A.C. 4A:6-7.2(d). As noted in response to prior comments, prior to approval of that telework plan, the Model Telework Pilot Program remains in effect.

33. COMMENT: The commenter questions if the reference to 20 days at N.J.A.C. 4A:6-7.2(d)1ii means 20 working days or 20 calendar days. (82)

RESPONSE: “Days” means calendar days, unless otherwise specified. N.J.A.C. 4A:1-1.3.

34. COMMENT: N.J.A.C. 4A:6-7.2(d)2 should be revised to provide that a telework plan may not allow for more than two days of telework in a calendar week for employees who are covered by union representation. For employees who are not covered by union representation, a telework plan may not allow for more than one day of telework in a calendar week. Assistant Directors, Directors, Assistant Commissioners, etc., should be in the office and not working from home as much as unionized employees. (82)

RESPONSE: The Commission disagrees. Non-unionized and higher-level employees may be eligible for two days of telework per week, subject to the rules.

35. COMMENT: Referencing N.J.A.C. 4A:6-7.3(b)1, the commenter asks for the definition of “ability to meet minimum performance expectations,” as this is not defined in the Electronic Performance Assessment Review System. (82)

RESPONSE: The Commission refers the commenter to N.J.A.C. 4A:6-5.1, which addresses Performance Assessment Review (PAR) ratings.

36. COMMENT: N.J.A.C. 4A:6-7.3(b)2i is not necessary because it repeats N.J.A.C. 4A:6-7.3(b)2. (82)

RESPONSE: The Commission disagrees. While N.J.A.C. 4A:6-7.3(b)2 references “ongoing performance-based corrective action[s],” a general term, N.J.A.C. 4A:6-7.3(b)2i merely highlights one specific type of such action, performance improvement plans (PIPs). The provision contemplates that there may be ongoing performance-based corrective actions, distinct from PIPs, at issue.

37. COMMENT: N.J.A.C. 4A:6-7.3(b)4 should use language found on PAR forms. (82)

RESPONSE: N.J.A.C. 4A:6-7.3(b)4 provides that one of the criteria for telework eligibility is that performance expectations can be successfully achieved remotely. The Commission finds this language appropriate.

38. COMMENT: N.J.A.C. 4A:6-7.3(b)10, a telework eligibility criterion, should be revised to provide that “effective,” as opposed to “adequate,” supervision can be provided remotely. (82)

RESPONSE: The provision merely reflects that a sufficient level of supervision can be provided to the remote employee. The Commission finds the language appropriate.

39. COMMENT: Referring to N.J.A.C. 4A:6-7.3(d), the commenter asks about workers’ compensation when someone is working at the alternative worksite. (82)

RESPONSE: The Commission does not administer the workers’ compensation laws.

40. COMMENT: Referring to N.J.A.C. 4A:6-7.3(e)1, the commenter states that “among,” rather than “between,” should be used. (82)

RESPONSE: Use of “between” is appropriate and not confusing.

41. COMMENT: Referring to N.J.A.C. 4A:6-7.3(g), the commenter asks what a “promoted” employee is. (82)

RESPONSE: The provision does not mention “promoted” employees.

42. COMMENT: Referring to N.J.A.C. 4A:6-7.4(a)1, the commenter asks if the reference is to 45 calendar days or 45 workdays and if “regular workplace” means the official reporting location. (82)

RESPONSE: “Days” means calendar days, unless otherwise specified. See N.J.A.C. 4A:1-1.3. The “regular workplace” referenced in the provision is the official reporting location.

43. COMMENT: Referring to N.J.A.C. 4A:6-7.4(b)1, the commenter states that “among,” rather than “between,” should be used. (82)

RESPONSE: Use of “between” is appropriate and not confusing.

44. COMMENT: The commenter questions the absence of any reference to one’s immediate supervisor at N.J.A.C. 4A:6-7.5(b) and 7.6(f) and contends that too many phone calls would go to the appointing authority and there would be no checks and balances when submitting timesheets. The commenter suggests that the language be changed to provide that notice may be provided to the appointing authority, or designee. (82)

RESPONSE: The Commission agrees that the language at N.J.A.C. 4A:6-7.5(b) and 7.6(f), as originally proposed, was unduly restrictive in requiring that notice be provided to the appointing authority strictly. To provide some flexibility, the Commission will clarify these provisions to indicate that the employee shall provide the required notice to the appointing authority, or the appointing authority’s designee. As the changes would simply permit an appointing authority to indicate a designee to receive the referenced notice, the changes do not significantly enlarge or curtail the scope of the rule and its burden; enlarge or curtail who or what will be affected by the rule; or change what is being prescribed, proscribed, or mandated by the rule. See N.J.A.C. 1:30-6.3(f)3. As such, the changes are not substantial so as to require reproposal.

45. COMMENT: Referring to N.J.A.C. 4A:6-7.7(b), the commenter asks whether an employee can be in both telework and flexitime programs and whether they can be in all three programs. He also questions what core hours are for telework. (82)

RESPONSE: N.J.A.C. 4A:6-7.7(b) provides that for employees who are ineligible for telework because of the nature of their job duties, appointing authorities shall permit employees to participate in an AWP and/or a flexitime program if they are eligible and operational needs allow it. The provision does not purport to categorically bar an employee from participating in both telework and flexitime or telework, flexitime, and AWP. Core hours are established by appointing authorities.

46. COMMENT: Anyone who is a manager or higher should be required to report in-person five days per week. Anyone in senior leadership should be in the office to run the day-to-day functions. Managers, Directors, Assistant Commissioners, Executive Directors, etc., should not be allowed to work remotely. They are not in protected Civil Service positions. Directors are resorting to virtual meetings, rather than holding any in-person staff meetings. (83)

RESPONSE: The Commission does not agree that telework should be available only to non-management employees. The rules appropriately reflect that the standard for suitability for telework is that the duties are portable and can be performed effectively and efficiently outside the official reporting location. Management employees may telework, so long as they are able to meet the eligibility criteria.

47. COMMENT: The commenter states that some employees have expected compensation for printing work-related material at home. The commenter suggests that language be added to state that any expenses incurred by the employee in the course of fulfilling remote work obligations, including, but not limited to, internet service, office supplies, equipment, printing, paper, and ink, shall be the sole responsibility of the employee. (84)

RESPONSE: The rules already reflect that internet accessibility remains the responsibility of the employee when determining eligibility for telework. N.J.A.C. 4A:6-7.3(b)8. The Commission believes that whether reimbursement is available to employees for other expenses, such as those the commenter mentions, is appropriately left to appointing authorities to determine.

48. COMMENT: As parts of the Judiciary are also subject to N.J.S.A. Title 11A, the commenter seeks clarification that new N.J.A.C. 4A:6-7, Telework Program: State Service, applies exclusively to the Executive Branch. (85)

RESPONSE: The Model Telework Pilot Program had been instituted for State Executive Branch employees. See, for example, *In the Matter of Model Telework Pilot Program, State Executive Branch Employees* (CSC, decided April 6, 2022). As noted in the notice of proposal, the Commission proposed new N.J.A.C. 4A:6-7 in order to codify the pilot program and implement a telework program for State Executive Branch employees. Further, the rules themselves indicate that State appointing authorities shall permit employees who meet the eligibility criteria set forth in this subchapter to telework, while delivering services to “the Executive Branch” and meeting organizational goals. See N.J.A.C. 4A:6-7.2(c). As such, the Commission confirms that new N.J.A.C. 4A:6-7 applies to the Executive Branch only.

49. COMMENT: The commenter requests confirmation that N.J.A.C. 4A:6-2.7, Alternative workweek programs: State service, does not apply to the Judiciary because it infringes upon the Judiciary’s independent authority over court administration and personnel matters. See N.J.S.A. 2B:11-5; *Thurber v. City of Burlington*, 191 N.J. 487 (2007). Instead, the Judiciary should retain the independent authority to determine whether it can sustain and implement an AWP. Further, a four-day workweek is incompatible with court operations and would create unreasonable operational hardship for the Judiciary. (85)

RESPONSE: N.J.S.A. 2B:11-5a provides that, subject to the Judiciary’s rights to create new unclassified positions and make unclassified appointments pursuant to court rule, and with the exception of employees of the Administrative Office of the Courts pursuant to N.J.S.A. 2A:12-2, and certain positions in the centralized Clerk’s Offices pursuant to N.J.S.A. 2B:13-1.b or 2B:13-13, the Judiciary’s personnel practices shall be governed by the State Government Services provisions at Title 11A of the New Jersey Statutes Annotated and the rules promulgated thereunder. Additionally, in the decision cited, the Court determined that in *Thurber’s* case, she was “serving in a career service position and entitled to the protection of the Civil Service Act ...” *Thurber*, 191 N.J. at 501. Additionally, N.J.A.C. 4A:6-2.1(b) provides that in State service, N.J.A.C. 4A:6-2 applies to all employees in the career, senior executive, or unclassified service. As such, the Commission submits that N.J.A.C. 4A:6-2.7 applies to at least some Judiciary staff members. Nevertheless, even with the proposed amendments at N.J.A.C. 4A:6-2.7, the Judiciary retains discretion to determine its operational needs as reflected in the language of the rule.

50. COMMENT: First, allowing everyone to telework does not work. Every employee does not fit into the office/desk job model. The commenter states that he sees employees approved for telework who admit that all they do remotely is check Teams to see if anyone needs anything. No consideration is given to the efficiency and productivity of telework. Second, supervisors, who want to do telework, are kind of obligated to approve subordinates for telework, and some freely admit that they do not know what their workers are doing remotely. There should be a clearer designation for employees who are eligible. Not all programs and offices are alike. Not all jobs and tasks can be performed remotely. Lastly, better checks need to be established on the teleworking employees. The workers have all the power, with management having little or no voice. (86)

RESPONSE: The rules acknowledge that not every position may be suitable for telework. See N.J.A.C. 4A:6-7.3(a) and (b). Additionally, the Commission disagrees that supervisors are under an obligation to approve telework. See, for example, N.J.A.C. 4A:6-7.3(e)1 (supervisor may disagree as to the employee’s eligibility). Concerning checks on remote employees, nothing in an appointing authority’s telework program shall affect its right to assign work or make reasonable requests to ascertain the status of work assignments in accordance with applicable laws, rules, the needs of the appointing authority, or operational goals. N.J.A.C. 4A:6-7.4(a). If the commenter has witnessed specific problematic behavior involving specific individuals, he may wish to bring these concerns to the attention of his appointing authority so that action may be taken, as appropriate, pursuant to N.J.A.C. 4A:6-7.4, Performance expectations, revocations of telework eligibility, and adjustments of telework schedule.

51. COMMENT: Telework should be discontinued. (87)

RESPONSE: As noted in the notice of proposal, the Commission has found it appropriate to promulgate the telework rules to codify the program.

52. COMMENT: The telework program is extremely abused and not regulated well by management. (88)

RESPONSE: The commenter may wish to bring these concerns to the attention of the specific appointing authority involved so that action may be taken, as appropriate, pursuant to N.J.A.C. 4A:6-7.4.

53. COMMENT: The commenter opposes telework for any public employee. The telework situation is fake because the weather is not the same across the State. The workweek should be Monday to Friday, 40 hours per week. It costs 20 times what it costs in other states to build a road in New Jersey due to our unions. (89)

RESPONSE: As noted in the notice of proposal, the Commission has found it appropriate to promulgate the telework rules to codify the program. Concerning weather, pursuant to N.J.A.C. 4A:6-2.5(a), the Governor, in consultation, determines whether a period of inclement weather or other adverse situation requires the curtailment of State operations and services and whether emergency procedures need to be implemented. This determination is to include whether the curtailment shall be Statewide, regional, specific to one or more facilities, or limited in some other manner. Other remarks in the comment are outside the purview of this rulemaking.

54. COMMENT: The commenter opposes the idea of telework for State employees. She complains that the comment period ended on Independence Day and that only a 60-day comment period was provided. She questions whether the decision to adopt these rules should be voted on by the people and wonders whether this rulemaking is being done in avoidance of the Legislature, given that bills were introduced to prohibit remote work for State employees, namely New Jersey Senate Bill 4057 and New Jersey Assembly Bill 5243. The commenter claims to have been on the phone with high-level executive State employees who were cutting their lawn or watching their children or grandchildren. The remainder of the comment largely consists of complaints regarding the operation of group homes for the developmentally disabled and the Department of Human Services. (90)

RESPONSE: The Commission has the statutory authority to adopt rules for the implementation of hours of work. See N.J.S.A. 11A:6-24. As noted in the notice of proposal, the Commission has found it appropriate to promulgate the telework rules to codify the program. Providing a 60-day comment period that ended on Independence Day was permissible pursuant to Administrative Procedure Act rules. See N.J.A.C. 1:30-

3.3(a)5 (60-day comment period to qualify for exception to rulemaking calendar requirement) and 5.4(d) (contemplating comment period that ends on a postal holiday). To the Commission's knowledge, the referenced bills have not become law. Concerning the employees who were allegedly using telework time to address personal issues, the commenter may wish to bring these concerns to the attention of the relevant appointing authority, so that action may be taken, as appropriate, pursuant to N.J.A.C. 4A:6-7.4. The remainder of the comment is beyond the purview of this rulemaking.

55. COMMENT: Since 2020, telework program participants have worked from home approximately 100 days per year. Annual financial savings to individuals participating in the program is indisputable. Worksite essential employees should receive retroactive compensation in addition to hourly pay differentials going forward. (91)

RESPONSE: The comment is outside the purview of this rulemaking.

56. COMMENT: The commenter states that while sitting on a wage and hour modernization board, he discussed how to convert successful interviews to new hires, but currently there are limits on what can be discussed and advertised in terms of compensation and benefits. The commenter suggests that a Frequently Asked Questions sheet be created with the average cost savings for State benefits and wage performance, such as telework for commuting, but also a monetary conversion for paid time off (PTO) at a few salary ranges, health benefits, and prior performance of wage enhancements by year (with no guarantee) to private sector employment. The flat rate paid to information technology and other skilled professionals is higher in the private sector, but those figures generally exclude benefits such as PTO and health insurance and do not take into consideration average wage gains for employees over a time series. (92)

RESPONSE: The comment is outside the scope of this rulemaking.

57. COMMENT: The commenter seeks information regarding the public hearing held on June 9, 2025. (93)

RESPONSE: See the Summary of Hearing Officer Recommendations and Agency Responses section.

#### Summary of Agency-Initiated Changes Upon Adoption:

The amendment at N.J.A.C. 4A:6-7.5(a), as originally proposed, did not address the situation where an employee who is scheduled to telework and who, based on the nature of their duties, normally works in the field is directed to work for emergent operational reasons in the field, rather than at the official reporting location. Thus, the Commission is clarifying the new rule to account for such field employees.

#### Federal Standards Statement

The adopted new rules and amendments are not subject to any Federal requirements or standards. Therefore, a Federal standards analysis is not necessary.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletion from proposal indicated in brackets with asterisks **\*[thus]\***):

### SUBCHAPTER 2. HOURS OF WORK

4A:6-2.5 Inclement weather or emergency conditions: State service

(a) The Governor, or their designee, in consultation with the Office of Emergency Management, shall determine whether a period of inclement weather or other adverse situation requires the curtailment of State operations and services and whether emergency procedures need to be implemented.

1. This determination shall include whether the curtailment shall be Statewide, regional, specific to one or more facilities, or limited in some other manner; and whether the inclement weather or other adverse situation would still allow employees who are approved for participation in their appointing authority's telework program to telework during the curtailment of State operations. If the determination is made that employees are able to telework during the curtailment, employees who are approved for participation in their appointing authority's telework program are required to telework, regardless of whether they were scheduled to work in-person or remotely on the day of the curtailment. In the event that an employee participating in their appointing authority's telework program is unable to perform their duties, responsibilities, and

assigned tasks remotely on the day of the curtailment, the employee shall immediately notify their appointing authority and make alternative arrangements in a timely manner.

2. (No change.)

(b)-(d) (No change.)

4A:6-2.7 Alternative workweek programs: State service

(a) Appointing authorities shall establish alternative workweek programs, such as a four-day workweek, to accommodate operational and/or employee needs.

(b) (No change.)

(c) An appointing authority may limit participation in an alternative workweek program to selected groups of job titles, work units, and/or work locations to accommodate operational needs. If eligible, a new or transferred employee shall be permitted to participate in an alternative workweek program after the successful completion of the working test period. If eligible, a new or transferred employee who is not subject to a working test period shall be permitted to participate in an alternative workweek program 120 calendar days after the effective date of appointment.

(d)-(k) (No change.)

### SUBCHAPTER 7. TELEWORK PROGRAM: STATE SERVICE

4A:6-7.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Alternative worksite" means a location in an employee's home, designated by the employee as the location they will use to perform their official duties or another location approved by the appointing authority.

"Official reporting location" means the location to which an employee reports when the employee is not working at an alternative worksite or in the field.

"Reasonable accommodation" means a modification to an employee's work environment that is made pursuant to existing State and Federal law, including, but not limited to, the Americans with Disabilities Act (ADA) and the New Jersey Law Against Discrimination. Requests for reasonable accommodations must be approved through established ADA/human resources channels by the employee's appointing authority.

"Telework" means the performance of official duties at an alternative worksite.

4A:6-7.2 General provisions

(a) Pursuant to N.J.S.A. Title 11A, this subchapter applies to employees in the career, unclassified, and senior executive services. State boards and authorities not subject to N.J.S.A. Title 11A may choose to follow this subchapter. This subchapter does not apply to State colleges and universities, though they may consult this subchapter if establishing their own telework program.

(b) Each appointing authority shall institute a telework program that takes into consideration operational needs while ensuring eligible employees have access to the program. Operational needs are at the discretion of the appointing authority.

(c) State appointing authorities shall permit employees who meet the eligibility criteria set forth in this subchapter to telework while delivering services to the Executive Branch and meeting organizational goals.

(d) Each appointing authority shall provide a written plan for its telework program for approval of the Chairperson, or designee, by **\*[(60 days after the effective date of this rulemaking)]\* \*January 2, 2026\***, or, if a new appointing authority is established, within 90 days of the effective date of the appointing authority's creation. An appointing authority may not implement a telework program until its plan has been approved by the Chairperson, or designee. The plan submitted for approval by the appointing authority shall identify any changes to the terms of the appointing authority's telework plan in effect prior to the submission of the plan.

1. Prior to submitting a telework plan for approval, an appointing authority shall:

i. Provide a copy of its proposed telework plan to the relevant union representative(s) at least 20 calendar days prior to submission to the Chairperson, or designee; and

ii. If received by the appointing authority within 20 days following the plan submission to the relevant union representative(s), submit the union(s)' comments and any response by the appointing authority to the union(s)' comments, including an updated telework plan, as part of their submission to the Chairperson, or designee.

2. A telework plan may not allow for more than two days of telework in a calendar week.

3. An appointing authority must track and maintain a record of when employees are working in the official reporting location and when they are teleworking.

(e) The Chairperson, or designee, shall review the appointing authority's written plan to assess if it complies with this subchapter. The Chairperson, or designee, shall review any union comments to an appointing authority's telework plan and any appointing authority responses to those comments. Within 30 calendar days from the date of the plan's submission, the Chairperson, or designee, shall issue a decision, approving or requiring modifications to the plan. If the Chairperson, or designee, orders modifications to the plan, the appointing authority shall incorporate the modifications within 14 calendar days of receipt of the Chairperson's, or designee's, decision and shall provide a copy of the revised plan to the Chairperson, or designee, and to the applicable union(s).

(f) Employees may request telework as a reasonable accommodation pursuant to existing State and Federal law, including, but not limited to, the Americans with Disabilities Act and the New Jersey Law Against Discrimination. Appointing authorities shall review such requests as they would in the normal course.

#### 4A:6-7.3 Telework program eligibility

(a) Positions suitable for telework include positions with duties that are portable and can be performed effectively and efficiently outside the official reporting location. This means that contact with other employees and clients can be efficiently managed through video conferencing or similar platforms, telephone, or email. In addition, employees must have access to necessary reference materials through web-based platforms, photocopying, faxing, or electronic transfer of documents, and will not violate any law, rule, or policy. Employees must also be able to perform their duties securely, protecting the confidentiality of information and data.

(b) Employees must meet the following criteria in order to be approved for participation in their appointing authority's telework program:

1. The appointing authority's performance evaluation system reflects the employee's ability to meet minimum performance expectations;

2. The employee is not currently subject to ongoing performance-based corrective action.

i. Employees on a performance improvement plan are not eligible for telework;

3. Job duties can be successfully performed remotely;

4. Performance expectations can be successfully achieved remotely;

5. Specialized equipment or reference materials are available remotely;

6. Classified or sensitive information can be securely accessed remotely;

7. Information technology systems can be securely accessed remotely;

8. Internet accessibility remains the responsibility of the employee when determining eligibility for telework;

9. Employees can undertake training remotely;

10. Adequate supervision can be provided remotely;

11. The operational needs of the appointing authority allow for employees' job duties to be performed remotely;

12. The amount of direct customer contact required for employees does not render telework prohibitive; and

13. Telework can be performed consistent with the New Jersey First Act, N.J.S.A. 52:14-7 (P.L. 2011, c. 70).

(c) Employees must complete the designated eligibility application in order to be eligible for participation in the telework program. Submission of the application is an agreement between the employee and the

appointing authority that the employee will meet all telework expectations. The application will include:

1. A selection of preferred recurring telework days. The employee's preference is not a guaranteed approval of the schedule. Schedules will be offered and approved by the appointing authority based on operational needs, as determined by the appointing authority;

2. A telework self-assessment designed by the appointing authority for employees to gauge their own effectiveness teleworking. Employees should seriously consider the factors set forth in the self-assessment in conjunction with their job duties and their appointing authority's work expectations; and

3. Information provided by the appointing authority that documents the terms and conditions of participation in the telework program.

(d) An appointing authority may require employees to provide documentation to ensure compliance with safety and security standards within the alternative worksite.

(e) An appointing authority's human resources personnel shall work with supervisors to confirm that employees meet the eligibility criteria as certified by employees. All determinations as to whether an employee meets the criteria to participate in an appointing authority's telework program, as well as the terms and the level of participation in the program, shall be based on an individualized assessment of an employee's job duties and the employee's ability to satisfy the criteria for performing their duties by telework, except in those instances when, based on operational needs, the appointing authority concludes that an entire group of employees in a job title(s) are unable to perform their duties remotely, such as direct care workers.

1. If a supervisor and employee, or entire group of employees in a job title, disagree as to eligibility, supervisors shall identify, in writing, to human resources personnel, the specific criteria they believe the employee(s) does not meet. In such cases, the employee(s) may request a consultation to be held between the employee(s), supervisor, and human resources personnel regarding the disputed eligibility. The employee(s) shall have the right to union representation at the consultation.

2. Human resources personnel shall make a recommendation regarding the employee's, or group of employees', eligibility to participate in the telework program to the appointing authority's senior leadership designee.

3. The appointing authority's senior leadership designee shall review the recommendation and make the final determination as to the employee's, or group of employees', eligibility.

4. If senior leadership determines the employee, or group of employees, is eligible to participate in the telework program, the decision shall set forth the terms of the employee's telework benefits, including the days per week the employee will telework, whether the employee will also participate in an alternative workweek program (AWP), and any other terms that will be part of the employee's telework benefit. Appointing authorities shall have the sole discretion to determine if employees are eligible to simultaneously participate in the telework program and AWP.

5. If the appointing authority's senior leadership determines that the employee, or group of employees, is not eligible to participate in the telework program, the decision shall set forth, in writing, the specific reasons that the employee's, or group of employees', job duties cannot be performed remotely without interfering with the operational needs of the appointing authority.

6. If the stated specific reasons and operational needs an employee's, or group of employees', telework eligibility was denied changes, the employee, or group of employees, may request, in writing, to their appointing authority that it reconsider the employee's, or group of employees', eligibility for participation in the telework program.

(f) Employees must complete mandatory telework training prior to the beginning of the telework program, as verified and recorded, by the appointing authority, or designee. Failure to complete mandatory telework training is grounds for revocation of telework.

(g) If eligible, a new or transferred employee shall be permitted to participate in telework and/or AWP after the successful completion of the working test period. If eligible, a new or transferred employee who is not subject to a working test period shall be permitted to participate in telework and/or AWP 120 calendar days after the effective date of appointment.

#### 4A:6-7.4 Performance expectations, revocations of telework eligibility, and adjustments of telework schedule

(a) Performance requirements for teleworking employees shall, in general, be the same as those for non-teleworking employees. Nothing in an appointing authority's telework program shall affect the appointing authority's right to assign work or make reasonable requests to ascertain the status of work assignments in accordance with applicable laws, rules, the needs of the appointing authority, or operational goals. An appointing authority's telework program shall not impede operations or delivery of services and must not decrease productivity. In order to ensure continued operational integrity, appointing authorities must include the following criteria in their telework plans:

1. Within the first 45 days of an employee's authorization to telework, supervisors and employees must have an in-person meeting, in addition to and separate from, any regularly scheduled performance evaluations, in their regular workplace to discuss performance and any modification of performance expectations necessary to reflect the required criteria for continued telework.

2. Telework may be revoked at any time if employees are not successfully meeting performance expectations, failing to comply with their telework agreements, and/or scheduling telework time in lieu of utilizing accrued time to address personal issues. Prior to any such revocation, supervisors shall notify employees of any deficiencies, as well as the timeframe in which such deficiencies must be effectively addressed by issuing the employee a development/corrective action plan, so the employee may endeavor to meet expectations in a timely manner. Union representation shall be notified of the same, where pertinent, in order for appropriate consultation to take place regarding pending revocation. An appointing authority's human resources personnel must approve any revocation following the period prescribed by the development/corrective action plan. Employees who are able to demonstrate that they have met expectations in a timely manner following this counseling shall not have their telework authorization revoked.

3. If participation in the telework program is revoked based on an employee receiving an unsatisfactory final performance assessment review, and if that rating is appealed and reversed, the employee's participation in the telework program shall be restored.

(b) Telework may be revoked, or an employee's telework schedule may be permanently or temporarily adjusted, based on an appointing authority's operational needs, which may change over time.

1. If a supervisor and employee, or entire group of employees in a job title, disagree as to the revocation or adjustment, supervisors shall identify, in writing, to human resources personnel the specific reasons and operational needs of the appointing authority that necessitates the revocation or adjustment. In such cases, the employee(s) may request a consultation to be held between the employee(s), supervisor, and human resources personnel regarding the disputed revocation or adjustment. The employee(s) shall have the right to union representation at the consultation.

2. Human resources personnel shall make a recommendation regarding the employee's, or group of employees', revocation or adjustment to the appointing authority's senior leadership designee.

3. The appointing authority's senior leadership designee shall review the recommendation and make the final determination as to the employee's, or group of employees', revocation or adjustment. Senior leadership must indicate, in writing, the operational needs that informed the revocation or adjustment.

4. If senior leadership determines the employee's, or group of employees', revocation or adjustment should be made, the decision shall set forth, in writing, the specific reasons and operational needs of the appointing authority that necessitated the revocation or adjustment.

5. If the appointing authority's senior leadership determines that operational needs do not necessitate a revocation or adjustment to the employee's, or group of employees', telework schedule, the employee(s) shall maintain their current telework schedule.

6. If the stated specific reasons and operational needs of an employee's, or group of employees', telework eligibility was revoked or their telework schedule was adjusted, the employee, or group of employees, may request, in writing, to their appointing authority that it reconsider the revocation of

the employee's, or group of employees', telework eligibility or the adjustment to the employee's or group of employees' telework schedule.

#### 4A:6-7.5 Emergent circumstances

(a) A supervisor may direct an employee scheduled for telework to report to the employee's official reporting location **\*or to the field\*** for emergent operational reasons, including, but not limited to, situations where the emergent work cannot be performed remotely, unanticipated staffing and/or workload requirements, attending emergent meetings, receiving work assignments that cannot be received remotely, emergent training needs, emergent travel needs, accounting for absences of other employees, or other emergency situations. The appointing authority shall give the employee as much notice as possible of the need to report to the official reporting location **\*or to the field\***. If an employee is required to report to an official reporting location **\*or to the field\*** on a telework day for an emergent operational reason, the employee and management will make every effort to reschedule telework to a different day within the same week.

(b) Should emergent circumstances occur at an employee's alternative worksite that impact the employee's ability to perform their duties, responsibilities, or assigned tasks, the employee shall immediately notify their appointing authority, **or the appointing authority's designee\***. In such an emergent situation, the appointing authority may direct the employee to report to the official reporting location or approve paid leave or leave without pay, as appropriate.

(c) Subject to approval by the Governor's Office, appointing authorities may only designate additional telework days in a calendar week in emergent circumstances. Emergent circumstances may include, but are not limited to:

1. A public health emergency, as defined at N.J.S.A. 26:13-2, that necessitates the closure of an official reporting location;

2. Health and safety concerns that necessitate the closure of an official reporting location including, but not limited to, inclement weather, natural disasters, riots, fire, nuclear accidents, systems breakdown, and building- and facility-related problems; and

3. Any emergent operational need that limits the ability of some or all of the appointing authority's employees to work at their official reporting location.

#### 4A:6-7.6 Data privacy

(a) Appointing authorities shall consult with their internal information technology office(s) when developing a telework policy regarding any security issues related to the use of computing equipment and software. Compliance with licensing agreement terms and agreements for use of all software owned by the State is required. Each appointing authority's internal information security unit is to maintain an inventory of State-owned office equipment, software, and supplies located at the teleworker's alternative worksite. Employees may perform State business on personal devices in compliance with the provisions of their pertinent telework policy with the permission and/or at the direction of their appointing authority only.

(b) Teleworking employees must exercise a high degree of care when discussing, reviewing, or working with non-public information acquired in the course of official duties at their alternative worksite.

(c) Employees who are provided with portable information assets, such as laptop computers, are responsible for the physical security and condition of these assets. When an information asset is allocated to an employee, the employee assumes temporary custodianship of the asset. Appointing authority information assets issued to employees and contractors shall remain the property of the issuing appointing authority.

(d) Records created and stored in the course of State government business, including records in both electronic and paper form created in an alternative worksite, are public records. Therefore, these records are subject to the State's public records retention/disposition law and the Open Public Records Act. This is inclusive of records created on both State-issued and personal devices.

(e) In-person work-related meetings with colleagues and clients shall not be conducted in the alternative worksite when teleworking. Such meetings may be conducted from the alternative worksite only by telephone or a video conferencing or similar platform, as supported/approved by the appointing authority's information technology

function. Any in-person meetings must be scheduled at an approved meeting place, such as a State agency's office site or the employee's official reporting location.

(f) Employees are responsible for maintaining an alternative worksite that is safe and ergonomically suitable. Appointing authorities must specify any equipment or technology access the employee will need to telework and whether it will be employee- or employer-provided. In the event of equipment failure or service interruption, the employee must notify the appointing authority\*, or the appointing authority's designee,\* immediately to discuss alternative assignments or other options.

1. Misuse of State technology resources will result in revoking access to those resources. This includes repeated failure to return shared technology resources.

#### 4A:6-7.7 Telework and alternative workweek programs

(a) Any appointing authority without an existing alternative workweek program (AWP) shall create one. Appointing authorities must allow employees who are eligible for both AWP and the telework program to avail themselves of both programs, so long as participation in both programs is consistent with the operational needs of the appointing authority. Appointing authorities shall have the sole discretion to determine if employees are eligible to simultaneously participate in the telework program and AWP. Such determination is not appealable. Employees deemed eligible to simultaneously participate in their appointing authority's telework program and AWP must maintain a schedule whereunder they work no more than one day of telework during the week they are using their AWP day, except as provided at N.J.A.C. 4A:6-7.5.

(b) For employees who are ineligible for telework because of the nature of their job duties, appointing authorities shall permit employees to participate in an AWP and/or flexitime program if they are eligible and operational needs allow it. See N.J.A.C. 4A:6-2.6 and 2.7.

1. All AWP and flexitime program plans must continue to be submitted for approval to the Chairperson, or designee, as they are in the normal course. If an appointing authority does not have an approved plan, or the existing plan is amended, the appointing authority must submit a plan to the Chairperson, or designee, in conjunction with the submission of the telework plan for approval.

#### 4A:6-7.8 Challenges to telework eligibility denial, revocation, or adjustment

(a) An employee who is denied participation in the telework program, or who has their participation in the telework program revoked or adjusted, may challenge such actions only as follows:

1. A denial of a request for telework as a reasonable accommodation, or a revocation or adjustment of telework as a reasonable accommodation, may be challenged by a complaint filed with an appointing authority's Equal Employment Opportunity/Affirmative Action Officer. See N.J.A.C. 4A:7-3.2.

2. A denial of a request for telework, or the revocation or adjustment of telework, claimed to be an act of reprisal may be challenged using the appeal procedures established for such claims. See N.J.S.A. 11A:2-24 and N.J.A.C. 4A:2-5.2.

3. A denial of a request for telework, or the revocation or adjustment of telework, that does not implicate (a)1 or 2 above may only be challenged in accordance with grievance procedures specified at N.J.A.C. 4A:2-3.3 through 3.7. With respect to an appeal of a denial, revocation, or adjustment of telework based on operational needs filed with the Civil Service Commission (Commission) pursuant to N.J.A.C. 4A:2-3.7, the Commission must uphold the determination of the appointing authority unless it finds the appointing authority's determination to be an abuse of discretion. Appellants must meet all other criteria pursuant to N.J.A.C. 4A:2-3.7.

## EDUCATION

### (a)

#### STATE BOARD OF EDUCATION

##### Standards and Assessment

**Readoption with Amendments: N.J.A.C. 6A:8**

**Adopted Repeals and New Rules: N.J.A.C. 6A:8-3.2, 3.3, and 6**

**Adopted New Rules: N.J.A.C. 6A:8-3.4 and 3.5**

Proposed: May 5, 2025, at 57 N.J.R. 870(a).

Adopted: October 8, 2025, by the New Jersey State Board of Education, Kevin Dehmer, Commissioner, Department of Education, and Secretary, State Board of Education.

Filed: October 9, 2025, as R.2025 d.138, **with non-substantial changes** not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:7A-10 through 14, 18A:7C-1 et seq., 18A:7E-2 through 5, 18A:35-4.2 and 4.7, and 18A:59-5.

Effective Dates: October 9, 2025, Readoption;  
November 3, 2025, Amendments, Repeals, and New Rules.

Expiration Date: October 9, 2032.

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

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Tricina Strong-Beebe, School library media specialist
2. Renae Borgstrom, School library media specialist
3. Dr. JoAnne Negrin, Language and Literacy Associates for Multilingual and Multicultural Education
4. Dr. Elizabeth Franks, Retired multilingual teacher, Bradley Beach Board of Education
5. Katherine Mileto, School library media specialist
6. Nirav Lad, Supervisor, Edison Public Schools
7. Kathleen Fernandez, Executive Director, New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators (NJTESOL/NJBE)
8. Samantha Nagy, Member, NJTESOL/NJBE
9. Derek Sica, Supervisor of English as a Second Language (ESL), Music, Social Studies, and World Languages, Jefferson Township Public Schools
10. Harjot Kaur, Multilingual learner (ML) Data and Testing Specialist, Linden Public Schools
11. Anibal Ponce, Supervisor, Essex County Schools of Technology
12. Julianna Ezzo, ESL teacher, Franklin High School
13. Benjamin Szczepanik, Special education teacher, Piscataway Township School District
14. Jessica Leguizamon, Bilingual education teacher, Franklin Township Public Schools
15. Kimberly Moss, ESL/ML teacher, Jefferson Township Middle School
16. Christine Marconi, Speech language specialist, School District of the Chathams
17. Dr. Vincent Gravina, Director of Curriculum, Woodbury City Public Schools
18. Tracy Skinner, Supervisor of Social Studies, Wall Township Public Schools
19. Ana Ventoso, Supervisor of World Languages, Summit Public Schools
20. Michelle Papa, Principal, Richard Butler Middle School
21. Donnalee Healy, ESL teacher, Riverside Township School District
22. Rachel Schwartz, ESL teacher, Burlington Township High School
23. Dr. Keith Perkins, Supervisor of ESL, Irvington Public Schools
24. Michele Wallace-Ixim, ESL teacher, Irvington Public Schools