

# MEMORANDUM

DATE:

JUN 14 2017

B-24

TO:

Civil Service Commission

FROM:

Christopher Myers *CSM*  
Director

Division of Appeals and Regulatory Affairs

SUBJECT: Proposed Readoption with Amendments: N.J.A.C. 4A:4, Selection and Appointment

Attached please find a Notice of Adoption regarding N.J.A.C. 4A:4 (Selection and Appointment). The Commission proposed the rule chapter for readoption with amendments at its February 8, 2017 meeting. The proposal was published in the March 20, 2017 issue of the New Jersey Register. A public hearing was held on April 19, 2017. No comments were received regarding this proposal during the public comment period. It is noted that the Notice of Adoption corrects a technical error that occurred in the proposed amendment to N.J.A.C. 4A:4-2.5(b)3.

Recommendation: Readopt with non-substantial changes.

CSC JUN 21 2017  
Recommendation Affirmed



## **CIVIL SERVICE**

### **CIVIL SERVICE COMMISSION**

#### **Selection and Appointment**

#### **Proposed Readoption with Amendments: N.J.A.C. 4A:4**

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Proposed: March 20, 2017 at 49 N.J.R. 492

Adopted:                    by the Civil Service Commission, Robert M. Czech,  
Chairperson.

Filed:                    as d.                    , 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:2-6(d), 11A:4-1 et seq., 11A:7-13, 38:23A-2, 40A:9-1.3  
through 1.10, 40A:14-9.9, 40A:14-10.1a, 40A:14-12, 40A:14-45, 40A:14-123.1a,  
40A:14-127, 40A:14-127.1 and 40A:14-180; P.L.1992, c. 197; and P.L. 2008, c.  
29; and Executive Order No. 10 (1982).

Effective Date:

Expiration Date:

Summary of Hearing Officer Recommendations and Agency Responses:

A public hearing on this readoption with amendments was held on April 19, 2017 in Trenton, New Jersey. Walker Ristau served as hearing officer. No comments were received on the readoption with amendments at that time, and no recommendations were made by the hearing officer. No written comments were received. The record of the public hearing may be reviewed by contacting Christopher Myers, Director, Division of Appeals and Regulatory Affairs, Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

Summary of Agency-Initiated Change

The proposed amendment to N.J.A.C. 4A:4-2.5(b)3, which wholly replaced the original language with new language was a technical error. The Commission's intent was to retain the original language of permitting the option to open promotional announcements to the next lower in-series title, if one exists, and all other permanent competitive division employees who meet the complete open competitive requirements and add the language regarding opening the announcement to permanent employees in specified unrelated noncompetitive titles who meet the complete open competitive requirements. Retaining the option of opening promotional announcements in State service to all permanent employees in any competitive title who meets the open competitive requirements is consistent with N.J.A.C. 4A:4-2.4(a)3, (b), and (c).



N.J.A.C. 4A:4-2.5(c)1, and N.J.A.C. 4A:4-2.5(d)4, which also permits employees in any competitive title who meet the open competitive requirements the opportunity to file for Local service announcements and for promotions from the noncompetitive division to the competitive division in State service. Finally, retaining the erroneously deleted language would not negatively affect any party and would essentially retain the status quo.

#### Federal Standards Statement

A Federal standards analysis is not required because N.J.A.C. 4A:4 is not subject to any Federal requirements or standards.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 4A:4. Full text of the adopted amendments follows:

### SUBCHAPTER 1 – TYPES OF APPOINTMENTS

#### 4A:4-1.1 Career service appointments

(a) (No change.)

(b) The [Commissioner] **Chairperson or designee** may authorize an appointing authority to make a regular appointment of a qualified person to a title in the noncompetitive division of the career service without an



examination. Preference shall be given to disabled veterans and then veterans. See N.J.A.C. 4A:5 on veterans preference.

(c) The [Commissioner] **Chairperson or designee** may authorize the promotion, through promotional examination procedures, from the noncompetitive division, of permanent employees who meet the open competitive requirements, to:

1. - 2. (No change.)

3. **An unrelated entry level or above-entry level title in the competitive division, in appropriate situations, such as a classification determination.**

#### 4A:4-1.2 Senior executive service appointments: State service

(a) A senior executive service appointment may be made to any position allocated to the senior executive service by the [Board] **Civil Service Commission.**

(b) (No change.)

#### 4A:4-1.3 Unclassified appointments

(a) An unclassified appointment may be made to any title or position allocated to the unclassified service by statute or the [Board] **Civil Service Commission.**

(b) (No change.)

#### 4A:4-1.4 Conditional regular appointments

(a) – (d) (No change.)

#### 4A:4-1.5 Provisional appointments

(a) A provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. (No change.)
2. The **appointing authority certifies that the** appointee meets the minimum qualifications for the title at the time of the appointment; and
3. (No change.)

(b) Any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his or her title shall be separated from the provisional title. The appointing authority shall be notified by the [Department] **Chairperson or designee** and shall take necessary steps to separate the employee within 30 days of notification, which period may be extended by the [Commissioner] **Chairperson or designee** for good cause.

#### 4A:4-1.6 Interim appointments



(a) (No change.)

(b) When an appointing authority makes an appointment to a specific position in State service or a specific title in local service, an interim appointment shall be made where the position/title is held by a permanent employee who:

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1. – 2. (No change.)

3. Has been removed or demoted for disciplinary reasons and is awaiting final administrative action by the [Merit System Board] **Civil Service Commission** on appeal; or

4. (No change.)

(c) An interim appointment may be made where the position/title will be abolished at a future date pursuant to a closing or phasedown of a government operation. Such an interim appointment may be made only following official notification to the [Commissioner of Personnel] **Chairperson or designee** by the applicable department head, in State service, or by the appointing authority, in local service, of the closing or phasedown.

(d) – (e) (No change.)

(f) Any interim appointment shall remain in effect only during the period of time that the permanent employee is on an approved leave of

absence, on indefinite suspension or awaiting final administrative action of the [Merit System Board] **Civil Service Commission** on the appeal of a disciplinary demotion or removal, or during the period leading up to the date on which the closing or phasedown of the government operation is scheduled to conclude.

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1. (No change.)

(g) (No change.)

(h) If a complete eligible list exists for the title, the interim appointment shall be made from that list. An interim appointee's name shall remain on the eligible list for consideration for permanent employment.

1. If the closing or phasedown of a government operation is rescinded after an interim appointment has been made from an eligible list, the interim appointee who was appointed from the eligible list shall receive a permanent appointment subject to the satisfactory completion of a working test period, regardless of whether the eligible list has already expired. **Upon completion of a current working test period, the interim appointee will receive a retroactive permanent appointment date consistent with the date of his or her interim appointment from the eligible list.**

(i) – (k) (No change.)

#### 4A:4-1.7 Temporary appointments



(a) The [Commissioner] **Chairperson or designee** may approve temporary appointments to positions in which the job assignment is for an aggregate period of not more than six months in a 12-month period. A temporary appointment for a maximum of 12 months may be approved by the [Commissioner] **Chairperson or designee** to a position established as a result of a short-term grant.

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(b) – (d) (No change.)

#### 4A:4-1.8 Emergency appointments

The [Commissioner] **Chairperson or designee** may authorize an emergency appointment for a period not to exceed 30 days when the appointing authority certifies that the failure to make such appointment will result in harm to persons or property.

#### 4A:4-1.9 Return of employees to their permanent titles

(a) – (b) (No change.)

(c) The appointing authority and the returning employee may agree to use the following optional procedures to effect the return of the permanent employee:

1. (No change.)

2. The status and compensation rights of the returning employee shall

be determined in accordance with normal [merit system] **civil service** rules and policies.

(d) – (g) (No change.)

#### 4A:4-1.10 Approval of appointments by the Civil Service Commission

(a) All initial and subsequent appointments, promotions, and related personnel actions in the career, unclassified, or senior executive service are subject to the review and approval of the [Civil Service Commission] **Chairperson or designee.**

1. (No change.)

(b) (No change.)

(c) (No change.)

#### 4A:4-1.11 (Reserved)

(Reserved)

### SUBCHAPTER 2 – COMPETITIVE EXAMINATIONS

#### 4A:4-2.1 Announcements and applications

(a) On a daily basis, open competitive examination announcements shall be posted on, and applications made available through, the Civil Service Commission web site (<http://www.state.nj.us/csc>) and may be publicized by



other appropriate means, as approved by the Chairperson [of the Civil Service Commission] or designee, to secure sufficient qualified candidates.

(b) (No change.)

(c) Examination announcements shall include at least the following information:

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1. – 3. (No change.)

4. Filing information; [and]

5. In open competitive examinations, a reference to duties and responsibilities; **and**

**6. For State open competitive announcements: location of the vacancy(ies).**

(d) A promotional examination [shall] **may** be reannounced if, within one year of the closing date, if the examination has not been developed and scheduled.

(e) Unless otherwise provided for by the Chairperson [of the Civil Service Commission] or designee, applications for open competitive and promotional examinations shall be submitted to the Civil Service Commission no later than [11:59] **4:00 P.M.** on the announced application filing date. [When an application is mailed, the application's postmark date shall be

considered the date on which the application is submitted.]

(f) – (g) (No change.)

(h) All examination applications shall remain confidential, except as the Chairperson [of the Civil Service Commission] or designee may determine to be in the public interest.

(i) (No change.)

#### 4A:4-2.2 Types of examinations

(a) The [Commissioner of the Department of Personnel] **Chairperson or designee** shall administer examinations for appointment in the competitive division of the career service which may include any one or more of the following:

1. – 5. (No change.)

**6. Computer-based tests;**

[6] 7. Assessment exercises; and

[7] 8. Other appropriate measures of knowledge, skills and abilities.

(b) The [Department of Personnel] **Chairperson or designee** may select special examiners to act as subject matter specialists or to provide other assistance. Employees of the State or local jurisdictions may be so



engaged as part of their official duties during normal working hours with the approval of their appointing authority. Extra compensation may be provided by the [Department of Personnel] **Chairperson or designee** for such service outside normal working hours.

(c) (No change.)

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#### 4A:4-2.3 Open competitive examinations

(a) Vacancies shall be filled by promotional examination unless the [Commissioner] **Chairperson or designee** determines that it is in the best interest of the career service to hold an open competitive examination. The determination to announce an open competitive examination shall be based on at least one of the following conditions:

1. – 5. (No change.)

(b) Unless otherwise specified, an applicant shall meet the following criteria by the announced closing date:

1. Be a resident of the State or specified local jurisdiction (see N.J.A.C. 4A:4-2.11), except when:

i. A different residency requirement is specified by law or provided by the [Commissioner] **Chairperson or designee**; or

ii. (No change.)

2. (No change.)

ii. For good cause, the [Commissioner] **Chairperson or designee** may deem an individual a former law enforcement officer as defined in (b)2i above, even though the individual's separation from service shall not occur except upon a new appointment.

iii. (No change.)

3. File an application with all supporting documents or proofs by the announced filing date **and time**.

(c) In announcing open competitive examinations, the [Department of Personnel] **Chairperson or designee** may provide a single application for several announcements and/or title areas (such as police, sheriff, corrections and bilingual). The applicant's eligibility for particular announcements and/or title areas may depend upon the applicant's residency as indicated on the application.

(d) (No change.)

#### 4A:4-2.4 Promotional title scope: local service

(a) - (b) (No change.)

(c) When a promotion is to be made from the noncompetitive division of the career service to a related entry level title in the competitive division of



the career service, **or, in appropriate circumstances as determined by the Chairperson or designee, an unrelated entry level or above entry level title in the competitive division of the career service**, the examination shall be open to all applicants who meet the complete open competitive requirements and who are either serving in:

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1. – 2. (No change.)

3. All related noncompetitive titles; [or]

4. **Unrelated noncompetitive titles, in appropriate circumstances as determined by the Chairperson or designee; or**

5. Any competitive title.

(d) The title scopes described in (a)2 and 3 and (c)2 through [4] **5** above or any combination of such scopes may be used when a wider title scope is appropriate or the appointing authority provisionally promotes an employee who does not have permanent status in the next lower in-series title of the title series established by the Civil Service Commission.

(e) In extraordinary circumstances, the Chairperson [of the Civil Service Commission] **or designee** may set another appropriate title scope.

(f) (No change.)

4A:4-2.5 Promotional title scope: State service

(a) (No change.)

(b) When a promotion is within the same category as listed in (a) above, the examination, with or without all or part of the open competitive requirements, as appropriate, shall be open to permanent competitive division employees serving in one of the following:

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1. (No change.)

2. The next lower in-series title, if one exists, and [all] other competitive division titles **within a range of** [at] specified class code levels **as specified by the appointing authority** below the promotional title. See N.J.A.C. 4A:1-1.3 for definition of class code.

3. The next lower in-series title, if one exists, and all other permanent competitive division employees who meet the complete open competitive requirements. **In appropriate circumstances, serving in specified unrelated noncompetitive titles as determined by the Chairperson or designee and possessing the complete open competitive requirements;**

4. To related titles, pursuant to an established plan approved by the Chairperson [of the Civil Service Commission] or designee.

5. – 6. (No change.)

(c) (No change.)



(d) When a promotion is to be made from the noncompetitive division to a related title in the competitive division, **or in appropriate circumstances as determined by the Chairperson or designee to an unrelated entry level or above entry level title in the competitive division**, the examination shall be open to all permanent employees who meet one of the following:

1. – 5. (No change.)

(e) (No change.)

#### 4A:4-2.6 Eligibility for promotional examination

(a) Applicants for promotional examinations shall meet all of the following criteria by the announced closing date:

1. – 2. (No change.)

3. Have not received a Performance Assessment Review (PAR) final rating below the [Commendable] **Successful** level (or equivalent in an approved local service evaluation program) in each of the two rating periods immediately preceding the announced closing date; and

4. (No change.)

(b) (No change.)

(c) Except when permitted by the [Civil Service Commission]

**Chairperson or designee** for good cause, [such as a documented affirmative action basis] applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. [Civil Service Commission staff may recommend to the Commission good cause situations where out-of-title work should be accepted.] **Good cause may include, but not be limited to, the following:**

1. Where the number of employees eligible for examination will result in an incomplete list, or where the number of applications does not exceed the number of provisional incumbents by more than one, the applicant may submit a detailed statement from his or her supervisor describing the out-of-title duties performed and the reasons why it was necessary to perform such duties. A statement shall also be submitted from the appointing authority verifying the supervisor's statement and indicating interest in making an appointment from the resultant eligible list.

(d) – (e) (No change.)

(f) Employees who are separated or displaced as a result of a layoff and who subsequently return to a title and unit scope to which a promotional examination is open between the filing deadline and the examination date,



shall be allowed to file for the examination.

(g) **An appointing authority may request that [T]the time requirements specified in (a) and (b) above may be reduced to completion of the working test period if:**

1. – 2. (No change.)

3. Other valid reasons as determined by the Chairperson [of the Civil Service Commission] or designee.

#### 4A:4-2.7 Promotion upon waiver of competitive examination

(a) Following the announcement of a promotional examination, the [Commissioner] **Chairperson or designee** may authorize the promotion of a qualified permanent employee in the career service by regular appointment without competitive examination and without the establishment of an eligible list if:

1. – 4. (No change.)

#### 4A:4-2.8 Scheduling of examinations

(a) – (b) (No change.)

(c) Candidates shall be at the examination site at the designated time.

Candidates arriving late shall only be admitted as follows:

1. Unless the examination notice states otherwise, candidates for written **or computer-based** examinations or examinations containing written and performance parts shall be admitted to the examination if they arrive at the test room within 15 minutes after the designated time.

2. (No change.)

(d) (No change.)

(e) Jurisdictions operating under Title 11A, New Jersey Statutes, shall furnish sufficient facilities for the conduct of examinations when requested by the [Department of Personnel] **Chairperson or designee**.

#### 4A:4-2.9 Make-up examinations

(a) Make-up examinations **for open competitive and general promotional testing**, except for professional level engineering promotional examinations **and public safety promotional examinations** under (b) below [and public safety open competitive and promotional examinations under (c) below], may be authorized for the following reasons:

1. – 5. (No change.)

6. When required for certain persons returning from military service (see N.J.A.C. 4A:4-4.6A); and

7. (No change.)



(b) For professional level engineering, **police, fire, correction officer, sheriff's officer, juvenile detention officer, and other public safety** promotional examinations, make-up examinations may be authorized only in cases of:

1. – 5. (No change.)

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[(c) For police, fire, correction officer, sheriff's officer, juvenile detention officer, and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

1. Death in the candidate's immediate family;
2. Error by the Civil Service Commission or the appointing authority;
3. When required for certain persons returning from military service (see N.J.A.C. 4A:4-4.6A); or
4. A catastrophic health condition or injury, which shall be defined as either:
  - i. A life-threatening condition or combination of conditions; or
  - ii. A period of disability required by the candidate's mental or physical health or the health of the candidate's fetus which requires the care of a physician who provides a medical verification of the need for the candidate's absence from work for 60 or more work days.]



[[d] c) Subject to applicable provisions in N.J.A.C. 4A:4-4.6A, employees returning from military leave shall have an opportunity to take promotional examinations that have not yet been administered, or make-up examinations for active promotional lists for which they were eligible while on military leave. If the eligible passes the examination, his or her name will be placed on the eligible list, for prospective appointment only, based upon the score obtained, as if the examination had been taken when originally held, except that in the case of certain persons returning from military service, applicable provisions of N.J.A.C. 4A:4-4.6A shall govern placement on an eligible list.

[[e] d) Employees who have been removed for disciplinary reasons or indefinitely suspended pending criminal charges, and are thereafter exonerated **of all charges**, shall have an opportunity to take promotional examinations that have not yet been administered, or make-up examinations for active promotional lists, if the suspension or removal resulted in the employee's non-participation in the promotional examination.

[[f] e) Except as provided in N.J.A.C. 4A:4-4.6A, a candidate must request, in writing, a make-up examination, within five days after the examination date due to one of the valid reasons set forth in (a)[,] **or** (b)[,] **or** (c)] above, as applicable. However, a candidate must submit a written request for a make-up examination within five days of receipt of the examination notice in case of one of the valid reasons set forth in (a)[,] **or** (b)[,] **or** (c)] above,



as applicable, of which a candidate is aware upon receipt of the examination notice, except that the candidate shall follow the procedures set forth in N.J.A.C. 4A:4-4.6A, where applicable.

([g] f) Make-up examinations will be administered to the extent possible under the same conditions as the original examination but, in the case of public safety examinations under ([c]b) above, shall be different in content from the original examination.

([h] g) The name of any candidate passing a make-up examination will be added to the eligible list. Except for error by the Civil Service Commission or appointing authority, prior appointments from the eligible list will not be affected by the addition of a name to the list.

([i] h) All candidates taking make-up examinations, except physical performance examination, shall, as a precondition to taking the make-up examination, be required to sign a statement that they have no knowledge of the content of the examination as a result of information gained from or furnished by other candidates who participated in the original examination, or third parties, provided that:

1. In the case of open competitive and promotional public safety examinations referred to in ([c] b) above, candidates shall sign an additional statement accepting the make-up examination as a substitute for the original examination, provided, however, that signing this statement shall not

preclude the candidate from challenging the validity of the make-up examination's items, the scoring of the make-up or the make-up test conditions. See N.J.A.C. 4A:4-6.3 and 6.4.

([j] i) In extraordinary circumstances, such as an examination that requires a multiple assessment of a candidate which results in a group consensus rating by a panel of experts, a make-up examination shall not be held. In such cases, candidates will be so notified at least 45 days prior to the date of the examination. The only exceptions will be documented error on the part of the Civil Service Commission or appointing authority, in which case a make-up may be granted if practicable, or where N.J.A.C. 4A:4-4.6A applies in the case of certain persons returning from military service.

#### 4A:4-2.10 Conduct and security of examinations

(a) The [Department] **Civil Service Commission** shall insure that all applicants for an examination are given equal opportunity to demonstrate their relative merit and fitness.

(b) In the conduct or administration of an examination, the following shall be considered prohibited actions:

1. **Bringing cellphones (including work issued phones), smart phones, and/or any type of electronic recording/imaging device into the building where the examination is being conducted.**



[1] 2. Securing, by unauthorized persons, of questions or materials, unless the same are available to all applicants;

[2] 3. Securing, by unauthorized persons, of information concerning the number or identity of applicants until all parts of the examination have been held and a resulting eligible list issued;

[3] 4. Identification of an applicant's examination papers or work before all examinations have been rated, where anonymity is required;

[4] 5. Impersonation of an applicant, either in person or by the improper exchange of applicant numbers or in any other manner;

[5] 6. Use or attempted use of any unauthorized aids, information or assistance, including copying or attempting to copy from, or helping or attempting to help another applicant in any part of an examination or performance of work assigned;

[6] 7. A candidate's participation in an examination if it would likely result in physical injury to the candidate or others, or damage to property; or

[7] 8. Copying, recording or transcribing any examination question or answer, and/or the removal from any examination room of any question sheet, answer sheet, scrap paper, notes or other papers or materials related to the content of an examination.

(c) – (d) (No change.)

#### 4A:4-2.11 Residence standards

(a) - (j) (No change.)

#### 4A:4-2.12 Professional qualifications substitution program

(a) (No change.)

(b) [The Department] **Civil Service Commission** shall make the determination whether prior work experience may be substituted for specified education requirements.

#### 4A:4-2.13 [College Level Examination Program (CLEP)] **(Reserved)**

**(Reserved)**(a) College Level Examination Program (CLEP) scores are acceptable as a substitution for college credits required for open competitive or promotional examinations. Acceptable scores are those consistent with scores accepted for credit by Thomas A. Edison College as published annually in its catalog.

(b) The following standards shall be considered:

1. Applicants may be considered eligible to take open competitive and promotional examinations by substituting a combination of education, appropriate work experience and acceptable CLEP scores;

2. Acceptable scores on the CLEP General Examination and Subject Examinations will be considered the same as college undergraduate credits;



3. Acceptable scores on the five-part CLEP General Examination may be substituted for up to 30 undergraduate college credits;

4. Where specific course work and/or a major field of study are required in the job specification or examination announcement:

i. An acceptable score on an appropriate CLEP Subject Examination may be substituted for college credit hours;

ii. An acceptable subscore on an appropriate subsection of the CLEP General Examination may be substituted for undergraduate college credit hours for the course work requirement;

5. Acceptable scores achieved on any of the CLEP Subject Examinations shall be viewed to correspond to those credits normally earned during the final two years of a four-year college curriculum;

6. Acceptable scaled scores or subscores on the CLEP General Examination shall be viewed to correspond to those credits normally earned during the first two years of a four-year college curriculum.

(c) Information about testing site locations and application procedures may be obtained from the CLEP Educational Testing Service (ETS), Princeton, New Jersey and Thomas A. Edison College, Trenton, New Jersey.

(d) Examination announcements shall contain general information on eligibility requirements and utilization of CLEP.

(e) Appointing authorities shall conspicuously post information about CLEP.]

#### 4A:4-2.14 Accommodation and waiver of examinations for persons with disabilities

(a) Otherwise qualified applicants with disabilities may request an accommodation in taking an examination by indicating their request for accommodation on the examination application.

1. Upon receipt of the request for accommodation, [the Department] **Civil Service Commission staff** shall make reasonable accommodation where appropriate and notify the candidate of the arrangements.

(b) The [Commissioner] **Chairperson or designee** may waive an examination for an otherwise qualified candidate or provisional with a physical, mental or emotional affliction, injury, dysfunction, impairment or disability which makes it physically or psychologically not practicable to undergo the testing procedure for a particular title, but does not prevent satisfactory performance of the title's responsibilities under conditions of actual service.

1. A request for waiver shall be in writing, filed with the [Department] **the Chairperson or designee** and contain:

i. – iv. (No change.)



v. Agreement to undergo any additional physical or psychological examinations that the [Department] **Chairperson or designee** deems appropriate.

(c) If reasonable accommodation can be made, the waiver request will be denied and arrangements **will be** made for such accommodation.

(d) If reasonable accommodation is not possible, the [Commissioner] **Chairperson or designee** will decide whether to grant a waiver, and if granted, whether the candidate will be employed or placed on an eligible list and in appropriate cases, granted seniority.

#### 4A:4-2.15 Rating of examinations

(a) Ratings may be computed by a valid statistical method based on the use of scoring formulas and/or conversion tables.

1. When education and experience are to be rated as part of an examination, they shall be graded through the use of scales prepared by the Chairperson [of the Civil Service Commission] or designee.

(b) – (h) (No change.)

(i) A candidate for an examination may be permitted to use an examination score for a period of time, or for more than one title or more than one test, as determined by the Chairperson [of the Civil Service Commission] or designee.

(j) (No change.)

#### 4A:4-2.16 Retention and inspection of examination

(a) (No change.)

(b) All examination records listed in (a)1, 4 and 5 above shall be open to public inspection.

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1. – 3. (No change.)

4. The [Commissioner] **Chairperson or designee** shall determine which other records may be open to public inspection and the conditions for such inspection.

#### 4A:4-2.17 Application processing fees

(a) – (c) (No change.)

(d) An applicant for an open competitive examination will be granted a waiver of the fee if the applicant provides documentation showing that, as of the closing date, he or she is receiving General Assistance benefits, benefits under the Work First New Jersey Act or Supplemental Security Income. Proof must consist of one of the following:

1. – 3. (No change.)

(e) (No change.)



## SUBCHAPTER 3 – ELIGIBLE LISTS

## 4A:4-3.1 Types of eligible lists

(a) The [Chair/CEO] **Chairperson or designee** may establish the following types of eligible lists:

1. – 3. (No change.)

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4. Police, **sheriff's officer**, or fire reemployment, which shall include former permanent uniformed members of a police **department, sheriff's office**, or fire department who **have** resigned in good standing and whose reemployment is certified by the appointing authority as being in the best interest of the service; and

5. (No change.)

(b) In accordance with P.L. 2015 c. 17, any permanent sheriff's officer who resigned in good standing on or after January 1, 2002 may request that his or her name be placed on a sheriff's officer reemployment list. However, any person appointed as a sheriff's officer prior to the February 2, 2015 effective date of P.L. 2015 c. 17 shall not be displaced by a person appointed from a sheriff's officer reemployment list.

## 4A:4-3.2 Order of names on eligible lists

(a) – (c) (No change.)

(d) Eligibles on regular or police, **sheriff's officer** and fire reemployment lists shall be ranked in the order of seniority in the permanent title from which they resigned, retired, or were voluntarily demoted, with the name of the person with the greatest seniority appearing first on the list.

(e) (No change.)

#### 4A:4-3.3 Duration and cancellation of eligible lists

(a) (No change.)

(b) Open competitive and promotional lists shall be promulgated for three years from the date of their establishment, unless the [Commissioner] **Chairperson or designee** determines that, under the circumstances, a shorter time period is appropriate.

1. An eligible list may, for good cause, be extended by the [Commissioner] **Chairperson or designee** prior to its expiration date, except that no list shall have a duration of more than four years.

2. (No change.)

3. Special reemployment, police reemployment, **sheriff's officer reemployment** and fire reemployment lists shall have unlimited durations.

(c) The [Commissioner] **Chairperson or designee** may, in cases of



fraud, illegality, test invalidity, error by the [Department] **Civil Service Commission** staff or other good cause, cancel an eligible list prior to its expiration date by issuing an order, which shall provide a means for the notification of eligibles. The [Commissioner] **Chairperson or designee** shall also [provide a copy of this order to] **notify** affected appointing authorities.

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(d) – (e) (No change.)

#### 4A:4-3.4 Revival of eligible lists

(a) The [Commissioner] **Civil Service Commission** may revive an expired eligible list under the following circumstances:

1. (No change.)
2. To implement an order of the [Commissioner or Board] **Civil Service Commission** in an appeal or proceeding instituted during the life of the list;

3. – 5. (No change.)

#### 4A:4-3.5 Consolidation of eligible lists

(a) The [Commissioner] **Chairperson or designee** may consolidate successive eligible lists for a given title which result from successive open competitive or promotional examinations by one or more of the following methods:

1. – 3. (No change.)

(b) (No change.)

#### 4A:4-3.6 Additions to eligible lists

(a) The Chairperson [of the Civil Service Commission] or designee may add names to an eligible list at any time during the life of the list under the following circumstances:

1. – 5. (No change.)

(b) (No change.)

#### 4A:4-3.7 Priority of eligible lists

(a) When there is more than one current eligible list for a title, the priority of the lists shall be as follows:

1. – 3. (No change.)

4. Regular reemployment, police, **sheriff's officer** or fire reemployment; and

5. (No change.)

(b) – (e) (No change.)

#### 4A:4-3.8 Correction of errors



(a) The [Department] **Civil Service Commission staff** may correct an error at any time during the life of an eligible list.

(b) The [Commissioner] **Chairperson or designee** shall determine whether such correction shall affect any prior appointments or certifications.

(c) (No change.)

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4A:4-3.9 Reemployment program for certain law enforcement officers and firefighters

(a) – (b) (No change.)

4A:4-3.10 Procedures for reemployment program for certain law enforcement officers and firefighters

(a) A municipality, county or fire district interested in making an appointment pursuant to N.J.A.C. 4A:4-3.9 (hereafter "program") may contact the [Department of Personnel] **Chairperson or designee** for a list of persons compiled as follows:

1. - 3. (No change.)

(b) A person who would like to be placed on a list of persons as indicated in (a) above may contact [the Department of Personnel] **Civil Service Commission staff** to apply for inclusion on a list.

1. (No change.)

(c) In selecting a person from the list, the municipality, county or fire district shall verify and certify to the [Department of Personnel] **Chairperson or designee** the eligibility of the person for appointment pursuant to this program.

1. – 2. (No change.)

(d) An appointment made under this program:

1. Shall be reported to the [Department of Personnel] **Civil Service Commission;**

2. – 4. (No change.)

5. Shall not be made to a title other than an entry level title without [Department of Personnel] **Civil Service Commission** approval.

(e) (No change.)

#### SUBCHAPTER 4 – CERTIFICATION FROM ELIGIBLE LISTS

##### 4A:4-4.1 Need for certification

(a) When a vacancy is to be filled in the competitive division of the career service from an eligible list, the appointing authority shall request a certification of names for regular appointment. Such request shall be submitted in advance under procedures set by the [Department of Personnel] **Chairperson or designee** to enable the [Department] **appropriate**



**Commission staff** to issue or authorize the necessary certification or advise that there is no appropriate eligible list.

(b) When a permanent competitive position has been filled on a nonpermanent basis, the [Department of Personnel] **Chairperson or designee** shall determine whether there is a need to issue a certification.

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#### 4A:4-4.2 Issuance of certification

(a) Upon determining that there is a need for a certification as provided in N.J.A.C. 4A:4-4.1, the [Department of Personnel] **Chairperson or designee** shall issue or authorize the issuance of a certification to the appointing authority containing the names and addresses of the eligibles with the highest rankings on the appropriate list.

1. When the [Department of Personnel] **Civil Service Commission** has accepted a single application for one or more title areas, pursuant to N.J.A.C. 4A:4-2.3(c), the certification shall be drawn from the pool of eligibles based on their title area and county preference and their residency.

(b) When a certification is issued, [the Department] **Chairperson or designee** shall notify or authorize the notification of the eligibles whose names appear on the list, at the last known address. See N.J.A.C. 4A:4-3.2(e) for address change notification.

(c) An appointing authority shall be entitled to a complete certification

for consideration in making a permanent appointment, which means:

1. From special, regular and police, **sheriff's officer** and fire reemployment lists, the name of one interested eligible for each permanent appointment; or

2. (No change.)

(d) (No change.)

#### 4A:4-4.3 Certification from appropriate lists

(a) When an eligible list for a title is either unavailable or incomplete, the [Department] **Chairperson or designee** may authorize a certification from an eligible list for an appropriate title of the same or higher level, in the same or related series under the following conditions:

1. – 4. (No change.)

(b) The [Department of Personnel] **Chairperson or designee** may also authorize a certification from a common or similar State or local service eligible list under the following circumstances:

1. – 4. (No change.)

(c) – (d) (No change.)

#### 4A:4-4.4 Limitation on number of times eligible is certified



(a) – (b) (No change.)

4A:4-4.5 Certifications limited to persons of a particular sex, religion or national origin

(a) – (b) (No change.)

(c) A request for a BFOQ designation shall be signed by the agency or department head, or designee, and the affirmative action officer, and submitted by the appointing authority to the [Department of Personnel] **Civil Service Commission**, Division of Equal Employment Opportunity and Affirmative Action (EEO/AA) and shall include:

1. – 4. (No change.)

5. Such other information as requested by the [Division] **EEO/AA**.

(d) (No change.)

(e) The Director, [Division of] EEO/AA shall review the request and advise the appointing authority in writing of his or her decision to either accept the BFOQ request or not accept the request based on insufficient justification.

(f) The [Division of] EEO/AA will audit BFOQ positions to eliminate artificial barriers that may exist to equal employment opportunity and particular BFOQ designations may be reconsidered or eliminated.

(g) (No change.)

#### 4A:4-4.6 Eligibles on military leave

(a) – (b) (No change.)

#### 4A:4-4.6A Certain persons returning from military service

(a) – (f) (No change.)

#### 4A:4-4.7 Removal of names

(a) The name of an eligible may be removed from an eligible list for any of the following reasons:

1. – 3. (No change.)

4. The eligible has a criminal record which adversely relates to the employment sought.

i. (No change.)

ii. The presentation of a pardon or an expungement shall prohibit removal from a list, except for law enforcement, correction officer, juvenile detention officer, firefighter or judiciary titles and other titles as the Chairperson [of the Civil Service Commission] or designee may determine.

5. – 10. (No change.)



11. Other valid reasons as determined by the Chairperson [of the Civil Service Commission] or designee.

(b) – (d) (No change.)

(e) The removal of names from an eligible list will advance the rank order of all names below it. The Chairperson [of the Civil Service Commission] or designee may supplement a certification to provide the appointing authority with the number of names necessary for a complete certification.

(f) – (h) (No change.)

#### 4A:4-4.8 Disposition of a certification

(a) Upon receipt of a certification, an appointing authority shall take whichever of the following actions is appropriate when a permanent appointment is to be made:

1. (No change.)

2. Appoint the eligible whose name has been certified from regular or police, **sheriff's officer** or fire reemployment lists; or

3. (No change.)

(b) The appointing authority shall notify the Civil Service Commission of the disposition of the certification by the disposition due date in the

manner prescribed by the Chairperson [of the Commission] or [the Chairperson's] designee. The disposition due date may be extended beyond the expiration date of the eligible list to fill current vacancies. Under no circumstances shall a disposition due date be extended beyond the expiration date of the eligible list when vacancies do not exist. An anticipated vacancy shall not be considered the same as an existing vacancy. The report of disposition of the certification shall include:

1. – 6. (No change.)

(c) (No change.)

(d) If the certification will result in the displacement of a provisional employee who has permanent status, and it is necessary to institute layoff procedures, the Chairperson [of the Commission] or [the Chairperson's] designee may, upon written request from the appointing authority, extend the time for disposing of the certification for an additional 45 days. See N.J.A.C. 4A:8 for layoff procedures.

(e) (No change.)

#### 4A:4-4.9 Date of appointment

(a) (No change.)

#### 4A:4-4.10 Certification of additional eligibles



If, after accepting employment, an eligible cannot begin work within three weeks or such other reasonable time as specified by the appointing authority, the appointing authority may consider the eligible unavailable and request that [the Department] **appropriate Commission staff** certify additional names.

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## SUBCHAPTER 5 – WORKING TEST PERIOD

### 4A:4-5.1 General provisions

(a) (No change.)

(b) All regular appointments to a title in the career service shall be subject to a working test period, except:

1. Appointments from special, police, **sheriff's officer**, [and] fire, and regular reemployment lists;

\* 2. – 4. (No change.)

(c) – (e) (No change.)

### 4A:4-5.2 Duration

(a) (No change.)

(b) The length of the working test period, except as provided in (c) through (e) below, shall be as follows:

1. (No change.)

2. In State service, a period of four months of active service, which the [Commissioner] **Chairperson or designee** may extend on request of an appointing authority for an additional two months. Such request should be submitted to [the Department of Personnel] **appropriate Civil Service Commission staff** at least five working days before the end of the four-month period. The appointing authority shall notify the employee of the extension in writing on or before the last day of the four-month period.

i. Regularly appointed employees serving in intermittent titles shall serve a working test period of 88 workdays, which, upon the request of the appointing authority, may be extended by the [Commissioner] **Chairperson or designee** for an additional 44 workdays. For purposes of this subsection, any part of a day shall constitute a workday.

ii. (No change.)

(c) – (e) (No change.)

#### 4A:4-5.3 Progress reports

(a) The appointing authority shall prepare a progress report on the employee at the end of two months and a final report at the conclusion of the working test period. If the [Commissioner] **Chairperson or designee** has extended the working test period in State service pursuant to N.J.A.C. 4A:4-



5.2(b)2, the appointing authority shall also prepare a progress report at the end of five months and a final report at the conclusion of the extended working test period.

(b) – (c) (No change.)

(d) In State service, the appointing authority shall:

1. (No change.)

2. When an employee is being separated or returned to his or her permanent title due to unsatisfactory performance, submit to [the Department of Personnel] **appropriate Civil Service Commission staff**, within five days following the last day of the working test period, copies of all progress reports and the final report and the written notice of separation or return to his or her permanent title;

3. (No change.)

4. Retain for auditing any other records so identified by the [Department of Personnel] **Chairperson or designee**.

(e) In local service, the appointing authority shall furnish working test period progress reports to [the Department of Personnel] **Civil Service Commission staff** upon request.

4A:4-5.4 Working test period appeals



(a) An employee may be separated for unsatisfactory performance at the end of the working test period. See N.J.A.C. 4A:2-4 for **appeal** procedures.

(b) An employee may be disciplined during the working test period. See N.J.A.C. 4A:2-2 and 3 for **appeal** procedures.

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#### 4A:4-5.5 Restoration to eligible list or former title

(a) An employee who, either during or at the end of a working test period, resigns in good standing or is separated due to unsatisfactory performance may, upon request, be restored to an eligible list, if the [Commissioner] **Chairperson or designee** determines that the employee is suitable for appointment to another position.

1. The [Commissioner] **Chairperson or designee** may consider:

i. - iii. (No change.)

2. – 3. (No change.)

(b) – (c) (No change.)

## SUBCHAPTER 6 – EXAMINATION AND SELECTION DISQUALIFICATION AND APPEALS

### 4A:4-6.1 Examination and selection disqualification



(a) A person may be denied examination eligibility or appointment when he or she:

1. – 2. (No change.)

3. Is physically or psychologically unfit to perform effectively the duties of the title. However, an injury incurred in the armed forces shall not be considered a disqualification unless the Chairperson [of the Civil Service Commission] or designee considers the condition incapacitating;

4. – 9. (No change.)

(b) – (d) (No change.)

#### 4A:4-6.2 Actions against disqualified persons

(a) – (c) (No change.)

#### 4A:4-6.3 Examination and selection appeals

(a) – (b) (No change.)

(c) Unless ordered by the Civil Service Commission[,] or **Chairperson**, the filing of an appeal shall not affect the promulgation of a list, a certification, or an appointment. See N.J.A.C. 4A:4-1.4 for conditional appointments.

(d) – (g) (No change.)

## 4A:4-6.4 Review of examination items, scoring and administration

(a) No later than five business days after the examination has been held, candidates for multiple choice examinations may contact [the Department of Personnel] **appropriate Civil Service Commission staff** by telephone to make an appointment to review the keyed test booklet.

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1. – 2. (No change.)

(b) No later than five business days after the examination has been held, candidates for tests other than multiple choice may contact [the Department of Personnel] **Commission staff** by telephone to make an appointment to review the test. These candidates may file an appeal in writing of examination items and scoring **within** 20 days after the candidate's date of review. Candidates for tests other than multiple choice who do not request a review of their examination papers may file an appeal of examination items and scoring within 20 days of the notice date of examination results.

(c) An examination candidate wishing to challenge the manner in which the examination was administered [may] **must** file an appeal in writing at the examination site on the day of the examination.

(d) Candidates shall not be permitted to copy any of the questions and answers, but shall be allowed to make such limited notes as the [Department



of Personnel] **Chairperson or designee** permits.

(e) In order to maintain the security of the examination process, the [Commissioner] **Chairperson or designee** may, on a particular examination, modify or eliminate the review of examination questions and answers. Candidates shall be notified of any such restrictions at the time that the examination is administered.

(f) The [Merit System Board] **Civil Service Commission** shall decide any appeal on the written record or such other proceeding as the [Board] **Commission** deems appropriate.

#### 4A:4-6.5 Medical and/or psychological disqualification appeals

(a) An appointing authority may request that an eligible's name be removed from an eligible list due to disqualification for medical or psychological reasons which would preclude the eligible from effectively performing the duties of the title.

1. The appointing authority shall furnish to [the Department of Personnel] **appropriate Civil Service Commission** staff a copy of the certification and a report and recommendation supporting the removal request, prepared and signed by a physician, psychologist or psychiatrist who is licensed in New Jersey or qualified and employed by the appointing authority in the Clinical Psychologist title series.

2. – 3. (No change.)

(b) In accordance with the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., an appointing authority may only require a medical and/or psychological examination after an offer of employment has been made and prior to appointment, and may condition the offer of employment on the results of such examinations, if:

1. (No change.)

2. Information obtained pursuant to this section regarding the medical condition or history of an employee shall be collected and maintained on separate forms and in separate medical files and treated as a confidential medical record, except that:

i. Such information shall be available to appropriate appointing authority and [Department of Personnel] **Civil Service Commission** representatives in connection with inquiries into the ability of an applicant to perform essential job functions;

ii. – iv. (No change.)

3. (No change.)

(c) Upon receipt of satisfactory documentation, [the Department of Personnel] **appropriate Civil Service Commission staff** shall notify the eligible that:



1. (No change.)

2. He or she may file an appeal with the [Merit System Board] **Civil Service Commission** within 20 days of such notification;

3. – 4. (No change.)

(d) Upon receipt of a notice of an eligible's appeal, the appointing authority shall submit to the [Merit System Board] **Civil Service Commission**, within 20 days, all background information, including any investigations and all complete medical, psychological and/or psychiatric reports which were the basis for the removal request.

1. The appointing authority shall also furnish to the appellant's attorney or to a New Jersey licensed psychologist or psychiatrist of the appellant's choice upon request all of the information supplied to the [Merit System Board] **Civil Service Commission**.

2. (No change.)

(e) The appellant may submit to the [Merit System Board] **Civil Service Commission** a report from a New Jersey licensed physician, psychologist or psychiatrist of his or her own choosing, **which must be submitted within 90 calendar days of the filing of his or her appeal to the Civil Service Commission**. The appellant shall furnish the appointing authority with copies of all submissions to the [Merit System Board] **Civil**

**Service Commission.** See (f) below for report requirements.

(f) The [Merit System Board] **Civil Service Commission** may extend the time period for filing the required reports for good cause. Professional reports submitted by either of the parties shall include the following:

1. – 5. (No change.)

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(g) The [Merit System Board] **Civil Service Commission** shall either conduct a written record review of the appeal or submit psychological appeals to the New Jersey Personnel Medical Review Panel (Review Panel), and medical appeals to the New Jersey Personnel Medical Examiners Panel (Examiners Panel). The Panels are composed of professionals in the medical or psychological field. Either Panel may request additional psychological or medical reports, examinations or other materials.

1. – 2. (No change.)

3. The Panel shall prepare a written report and recommendation for the [Merit System Board] **Civil Service Commission**.

i. (No change.)

ii. Both parties may file written exceptions with the [Merit System Board] **Civil Service Commission** within 10 days of receipt of the report and cross-exceptions within five days.



4. In appropriate cases, the [Merit System Board] **Civil Service Commission** may refer an appellant for an independent professional evaluation.

5. The [Merit System Board] **Civil Service Commission** may assess costs and penalties against a party when the inadequacy of a professional report necessitates an independent professional evaluation, when a party causes unnecessary delay in the review process, or for other substantial violation of these rules.

(h) The [Merit System Board] **Civil Service Commission** shall review the appeal, including the written report and exceptions, if any, and render a written final decision.

#### 4A:4-6.6 Disqualification appeals

(a) – (c) (No change.)

### SUBCHAPTER 7 – OTHER APPOINTMENTS OR EMPLOYEE MOVEMENTS

#### 4A:4-7.1 Transfers within the same governmental jurisdiction

(a) – (b) (No change.)

(c) In local service, a permanent transfer shall require the consent of both organizational units and the approval of the [Chair/CEO of the Civil

Service Commission] **Chairperson**. In State service, the consent of the affected employee shall also be required.

1. – 2. (No change.)

(d) A temporary transfer may be voluntary or involuntary and is the movement of a permanent employee between organizational units within the same governmental jurisdiction for a maximum of six months to effect economies, make available a needed service for short periods, or for any other documented purpose, which is in the best interest of the public service. All temporary transfers must be approved by the [Chair/CEO of the Civil Service Commission] **Chairperson or designee**.

(e) An emergency transfer may be voluntary or involuntary and is the movement of a permanent employee between organizational units within the same governmental jurisdiction for a maximum of 30 days.

1. The [Chair/CEO of the Civil Service Commission] **Chairperson or designee** may authorize an emergency transfer when the appointing authority for the receiving unit certifies that the failure to make such transfer will result in harm to persons or property.

2. (No change.)

(f) Any affected employee must be given at least 30 days' written notice of an involuntary transfer, except an involuntary emergency transfer, in



which case reasonable notice must be given.

1. (No change.)

i. – iii. (No change.)

2. Less than 30 days' notice may be given where the employee gives his or her consent for a shorter notice period or the [Chair/CEO of the Civil Service Commission] **Chairperson or designee** finds that a more immediate transfer is required to provide a needed service.

#### 4A:4-7.1A Intergovernmental transfers

(a) An intergovernmental transfer is the movement of a permanent employee between governmental jurisdictions operating under Title 11A, New Jersey Statutes, or the appointment of an employee, by a governmental jurisdiction operating under Title 11A, within one year of the effective date of a layoff for reasons of economy or efficiency in which the employee is separated from service from another governmental jurisdiction operating under Title 11A.

1. **Non-permanent employees serving in entry-level law enforcement titles who were appointed from an eligible list and who have completed the required Police Training Commission training course may intergovernmentally transfer upon consent of the sending and receiving jurisdictions but will be required to complete**



**the full 12 month working test period with the receiving jurisdiction.**

(b) An intergovernmental transfer shall require the consent in writing of the sending jurisdiction, if any, the receiving jurisdiction, and the affected employee, and the approval of the Chairperson [of the Civil Service Commission] or designee.

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1. (No change.)

2. The optional waiver of accumulated sick leave and seniority rights by a law enforcement officer, including a sheriff's officer and a county correction officer, shall require the consent in writing of the receiving jurisdiction, the affected employee, and the Chairperson [of the Civil Service Commission] or designee.

(c) A transferred employee shall be moved to a title substantially at the same level.

1. (No change.)

2. Where the title to which the employee is transferring is different from that held on a permanent basis in the sending jurisdiction, or from that held on a permanent basis prior to the effective date of a separation from service due to layoff, as the case may be, the receiving jurisdiction shall request that the Chairperson [of the Civil Service Commission] or designee approve the title, based on the following criteria:



i. - iv. (No change.)

(d) – (f) (No change.)

#### 4A:4-7.2 Reassignments

(No change.)

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#### 4A:4-7.3 Relocation assistance: State service

(a) Subject to available appropriations, the [Commissioner] **Chairperson or designee** may allow relocations assistance for permanent employees who are transferred or reassigned on a permanent basis to a new work location due to a relocation of an office or unit, or a closing or phasedown in anticipation of closing of a State operation.

1. – 2. (No change.)

(b) Such assistance may consist of all or part of the following:

1. (No change.)

2. A one-time moving expense allowance which is to be set by the [Commissioner] **Chairperson or designee** not to exceed \$1,000 for the shipment of household items from the employee's prior domicile to a domicile established as a result of the new work assignment.

i. (No change.)

3. The relocation allowance which is to be set by the [Commissioner] **Chairperson** not to exceed \$1,000 for costs involved in terminating a lease, in rental situations, or costs involved in the sale and purchase of a home, including but not limited to broker's fees and closing costs.

i. – 2. (No change.)

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(c) (No change.)

#### 4A:4-7.4 Retention of rights

(a) – (e) (No change.)

#### 4A:4-7.5 Transfer during a working test period

(a) – (b) (No change.)

#### 4A:4-7.6 Lateral title change

(a) (No change.)

(b) If the nature of the work, education, and experience requirements of both titles are substantially similar, the employee shall retain his or her permanent status. **The determination whether both titles are substantially similar shall be in accordance with N.J.A.C. 4A:8-2.1(a).**

1. – 2. (No change.)



(c) (No change.)

(d) A lateral title change shall require the consent of the employee, the head of the organizational unit, and the approval of the Chairperson [of the Civil Service Commission] or designee, except when the title change results from changes in the Civil Service Commission Classification Plan, reclassification of the employee's position, or a pre-layoff action agreed to by affected negotiations representatives and approved by the Chairperson or designee.

(e) (No change.)

#### 4A:4-7.7 Appeals

(No change.)

#### 4A:4-7.8 Voluntary demotion

(a) – (d) (No change.):

(e) With the approval of the Chairperson [of the Civil Service Commission] or designee, this section may also apply to employees with permanent status in titles in the non-competitive division who take a voluntary demotion to a title in the competitive division of the career service.

(f) – (g) (No change.)

#### 4A:4-7.9 Resignation/new appointment

(a) – (c) (No change.)

#### 4A:4-7.10 Regular reemployment

(a) (No change.)

(b) Upon recommendation of the appointing authority that such reemployment is in the best interest of the service, the [Chair/CEO of the Civil Service Commission] **Chairperson or designee** shall place the employee's name on a reemployment list. A regular reemployment list shall be subject to certification to all appointing authorities in a jurisdiction.

(c) Police, **sheriff's officer** and fire reemployment lists shall have unlimited durations. Regular reemployment lists for all other titles shall have durations of three years from the date of resignation, retirement or voluntary demotion, unless the list is extended pursuant to N.J.A.C. 4A:4-3.3(b)1.

1. (No change.)

(d) (No change.)

#### 4A:4-7.11 Transfer or combining of functions

(a) When any of the functions of a department, agency or unit of a political subdivision operating under Title 11A, New Jersey Statutes, are transferred, consolidated, unified, absorbed or combined with those of the



State or of a separate political subdivision operating under Title 11A, New Jersey Statutes, [the Department of Personnel] **Civil Service Commission staff** upon request of both appointing authorities shall approve the transfer of some or all affected employees to the receiving unit.

(b) – (d) (No change.)

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#### 4A:4-7.12 Reinstatement following disability retirement

(a) – (c) (No change.)

transfer of a separate political entity operating under Title 11A, New

Jersey Statutes, the Department of Personnel Civil Service Commission

staff upon receipt of both appointing authorities shall approve the transfer

of some or all affected employees to the receiving unit

(b) - (c) (no change)

4.7.4.2. If the receiving unit is a different department or agency, then

(a) - (c) (no change)