

**STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY) (2020)
COVID-19 STATE OF EMERGENCY**

Temporary Rule Relaxation of certain provisions of Title 4A, New Jersey Administrative Code, adopted by New Jersey Civil Service Commission.

Date: July 1, 2020

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy) (“EO 103”)

Effective Date: July 1, 2020

Expiration Date: Concurrent with end of the Public Health Emergency.

This is an emergency adoption of temporary rule relaxations and modifications of the regulatory provisions concerning Holidays: State service (N.J.A.C. 4A:6-2.4). Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Civil Service Commission is relaxing or modifying its rules as follows:

The Coronavirus-19 (COVID-19) pandemic and the impact of the pandemic on the State’s economy has caused an unforeseen and unprecedented reduction in actual State revenues for FY 2020 and in projected revenues for FY 2021. The State is working to avert the layoffs of thousands of State workers while preserving the integrity of the parties’ collective negotiations agreements and providing necessary personnel-related savings for the FY 2020 and FY 2021 State budgets. As a result of these concerns, the State is establishing COVID-19 Furlough Programs to accomplish vital government policies and objectives, including the avoidance of layoffs, the delivery of essential public services, and the achievement of substantial budgetary savings.

At the same time, the State intends to minimize, to the extent possible, the associated negative consequences that flow when an employee is in an unpaid status. In this regard, existing N.J.A.C. 4A:6-2.4(d) permits an employee on voluntary furlough or furlough extension leave on the day before a holiday to receive pay for the holiday as long as he or she is pay status during the pay period in which the holiday falls. As the intention of the State is to reduce the adverse consequences associated with an employee being in an unpaid status, the Commission finds that it is

appropriate to modify the provisions of N.J.A.C. 4A:6-2.4(d) so that employees who have an unpaid COVID-19 furlough day on the day immediately preceding a State holiday will receive holiday pay associated with the State holiday, thereby treating the employee the same as if they were on voluntary furlough. This rule modification will apply to all employees subject to unpaid COVID-19 furlough days.

Full text of the proposed modifications follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

§ 4A:6-2.4 Holidays: State service

(a – c) No change.

(d) Employees who are in pay status on the day immediately before an authorized holiday shall receive pay for the holiday. An employee on a voluntary furlough or a furlough extension leave on the day before a holiday shall receive pay for the holiday as long as the employee is in pay status during the pay period in which the holiday falls.


i. Employees who are furloughed in an unpaid COVID-19 Furlough Program, and who have an unpaid furlough day on the day immediately preceding a State holiday shall receive pay for the State holiday.

The Commission has determined that the above noted rules should be modified/suspended, as so indicated, until such time as it is determined by the Governor that the Public Health Emergency no longer exists, after which time the relaxation or modifications shall no longer be in effect.

At its meeting on July 1, 2020, the Commission found that modification of the above rules is necessary, as enforcement of the existing rules would be detrimental to the public welfare during this emergency.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON JULY 1, 2020

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

A handwritten signature in black ink that reads "Deirdré L. Webster Cobb". The signature is written in a cursive style with a large initial 'D'.

Date July 1, 2020

Deirdré L. Webster Cobb, Esq.
Chair/Chief Executive Officer