

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Selection and Appointment

Notice of Readoption: *N.J.A.C.* 4A:4

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; and P.L. 2008, c. 29.

Authorized by: Civil Service Commission, Deirdré L. Webster Cobb, Chairperson.

Effective Date: (date)

New Expiration Date:

Take notice that pursuant to Executive Order No. 66 (1978) and *N.J.S.A.* 52:14B-5.1, the rules at *N.J.A.C.* 4A:4 regarding selection and appointment for civil service positions were to expire on June 21, 2024. The Civil Service Commission has reviewed *N.J.A.C.* 4A:4 and has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without amendment.

Subchapter 1 concerns types of appointments that may be made, and includes the following rules: *N.J.A.C.* 4A:4-1.1, Career service appointments; 4A:4-1.2, Senior executive service appointments: State service; *N.J.A.C.* 4A:4-1.3, Unclassified appointments; 4A:4-1.4, Conditional regular appointments.

N.J.A.C. 4A:4-1.5 concerns provisional appointments. *N.J.A.C.* 4A:4-1.6 concerns interim appointments. *N.J.A.C.* 4A:4-1.7 concerns temporary appointments and *N.J.A.C.* 4A:4-1.8 deals with emergency appointments. *N.J.A.C.* 4A:4-1.9 concerns the return of employees to their permanent titles and this involves employees with permanent status who are returned to their permanent titles following a working test period in another title or following a conditional regular appointment, an interim appointment, or other specific types of finite, non-permanent appointments. *N.J.A.C.* 4A:4-1.10 concerns approval of appointments by the Civil Service Commission.

Subchapter 2 covers competitive examinations. *N.J.A.C.* 4A:4-2.1, Announcements and applications, concerns the process of announcing open competitive and promotional examinations and application filing requirements. *N.J.A.C.* 4A:4-2.2 sets forth the types of examinations which may be administered. *N.J.A.C.* 4A:4-2.3, Open competitive examinations, sets forth the criteria for announcing an open competitive examination as well as minimum eligibility requirements. *N.J.A.C.* 4A:4-2.4, Promotional title scope: local service, concerns the method by which the titles are chosen to which a promotional examination will be open in local service. *N.J.A.C.* 4A:4-2.5, Promotional title scope: State service, sets forth similar provisions pertaining to State service. *N.J.A.C.* 4A:4-2.6, Eligibility for promotional examination, concerns eligibility criteria for promotional tests apart from title scopes. *N.J.A.C.* 4A:4-2.7,

Promotion upon waiver of competitive examination, concerns the circumstances under which a promotional examination may be waived.

N.J.A.C. 4A:4-2.8, Scheduling of examinations, concerns the scheduling of tests and the timely arrival of candidates at the test site. *N.J.A.C.* 4A:4-2.9, Make-up examinations, sets forth the criteria for administering make-up examinations, the method for requesting a make-up, and special circumstances affecting make-ups such as the situations of employees on military leave or who have been the subject of disciplinary action. *N.J.A.C.* 4A:4-2.10, Conduct and security of examinations, sets forth basic procedures for test administration and necessary security measures. *N.J.A.C.* 4A:4-2.11, Residence standards, sets forth general principles concerning the establishment of a legal residence in the context of examinations requiring residence in a specific municipality or county or in the State of New Jersey. *N.J.A.C.* 4A:4-2.12, Professional qualifications substitution program, sets forth a mechanism by which some examination applicants may be able to substitute certain work experience for education required for examination eligibility purposes. *N.J.A.C.* 4A:4-2.13 will continue to be reserved.

N.J.A.C. 4A:4-2.14, Accommodation and waiver of examinations for persons with disabilities, sets forth procedures for reasonable accommodations for people with disabilities who wish to take a civil service examination and the circumstances under which a test may be waived for a person with disabilities. *N.J.A.C.* 4A:4-2.16, Retention and inspection of examination records, sets forth procedures for the retention of examination records and designates which records

are open to public inspection and under what circumstances. *N.J.A.C.* 4A:4-2.17, Application processing fees, provides for examination application fees and exceptions to paying such fees.

Subchapter 3 concerns eligible lists. *N.J.A.C.* 4A:4-3.1, Types of eligible lists, sets forth the types of eligible lists which may be established, including open competitive, promotional, regular reemployment, police or fire reemployment, and special reemployment. *N.J.A.C.* 4A:4-3.2, Order of names on eligible lists, sets forth the procedures for ordering names on the types of eligible lists indicated in *N.J.A.C.* 4A:4-3.1, and provides some examples. *N.J.A.C.* 4A:4-3.3, Duration and cancellation of eligible lists, sets forth the duration of the different types of lists and the circumstances under which an eligible list may be cancelled. *N.J.A.C.* 4A:4-3.4, Revival of eligible lists, concerns the circumstances under which an eligible list may be revived. *N.J.A.C.* 4A:4-3.5, Consolidation of eligible lists, sets forth some methods by which eligible lists may be consolidated under appropriate circumstances. *N.J.A.C.* 4A:4-3.6, Additions to eligible lists, sets forth the circumstances under which names may be added to an eligible list and the rights of an eligible whose name is added to a list. *N.J.A.C.* 4A:4-3.7, Priority of eligible lists, establishes the priority of the usage of the lists and identifies certain types of appointments which take priority over others. *N.J.A.C.* 4A:4-3.8, Correction of errors, sets forth the circumstances under which an error on a list may be corrected and the effect such a correction may have on other appointments and list certifications. *N.J.A.C.* 4A:4-3.9, Reemployment program for certain law

enforcement officers and firefighters, sets forth the program established by statute, N.J.S.A. 40A:14-180, in which a municipality or a county with a police department, a fire department, or a fire district may appoint laid off police officers and firefighters from other jurisdictions to fill vacancies. *N.J.A.C. 4A:4-3.10*, Procedures for reemployment program for certain law enforcement officers and firefighters, delineates the procedures for making such appointments and the rights individuals receiving such appointments have.

Subchapter 4 governs certifications from eligible lists. *N.J.A.C. 4A:4-4.1*, Need for certification, sets forth the circumstances under which a certification of an eligible list may be requested. *N.J.A.C. 4A:4-4.2*, Issuance of certification, includes procedures for issuing a certification of a list, an appointing authority's entitlement to a complete certification and how that is defined, and the procedures to follow if a certification is not complete. *N.J.A.C. 4A:4-4.3*, Certification from appropriate lists, permits a certification to be issued for an appropriate title of the same or higher level, in the same or a related series, or from a common or a similar State or local service list under certain circumstances when an eligible list for a given title is either unavailable or incomplete. *N.J.A.C. 4A:4-4.4*, Limitation on number of times eligible is certified, limits the number of times a non-veteran eligible can be certified to the same appointing authority from an open competitive list. *N.J.A.C. 4A:4-4.5*, Certifications limited to persons of a particular sex, religion or national origin, permits a certification to be issued based on a bona fide occupational qualification. *N.J.A.C. 4A:4-4.6*, Eligibles on

military leave, provides for the rights of eligibles on military leave, and the options of an appointing authority under those circumstances. *N.J.A.C.* 4A:4-4.7, Removal of names, itemizes valid causes for removal of an eligible's name from a list and the procedures followed in the list removal process. *N.J.A.C.* 4A:4-4.8, Disposition of a certification, sets forth the procedures to follow in making appointments from a certification. *N.J.A.C.* 4A:4-4.9, Date of appointment, sets forth the parameters within which the date of appointment from an eligible list may be set. *N.J.A.C.* 4A:4-4.10, Certification of additional eligibles, addresses a situation in which an eligible who accepts employment cannot begin work within three weeks or such other reasonable time as specified by the appointing authority.

Subchapter 5 concerns working test periods. *N.J.A.C.* 4A:4-5.1, General provisions, defines the concept of the working test period. *N.J.A.C.* 4A:4-5.2, Duration, sets forth the duration of the working test period, which depends on whether the title is in State or local service, whether the working test period needs to be lengthened beyond its normal duration, and also whether an eligible is appointed to an entry level law enforcement, correction officer, juvenile detention officer, or firefighter title. *N.J.A.C.* 4A:4-5.3, Progress reports, provides a schedule for the completion of working test period progress reports. *N.J.A.C.* 4A:4-5.4, Working test period appeals, permits an employee to appeal a separation at the end of the working test period due to unsatisfactory performance. *N.J.A.C.* 4A:4-5.5, Restoration to eligible list or former title,

concerns an employee's right to be restored to an eligible list or former title upon separation during or at the end of a working test period.

Subchapter 6 concerns examination and selection disqualification and appeals. *N.J.A.C.* 4A:4-6.1, Examination and selection disqualification, addresses the various grounds for disqualification from a test or from appointment of an applicant or eligible. *N.J.A.C.* 4A:4-6.2, Actions against disqualified persons, sets forth the measures that may be taken against a disqualified person, including rejection of an examination application, removal of an eligible's name from a list, and removal from employment, among other actions. *N.J.A.C.* 4A:4-6.3, Examination and selection appeals, sets forth the types of examination and selection appeals that an individual may file and the procedures that are to be followed in filing such appeals. *N.J.A.C.* 4A:4-6.4, Review of examination items, scoring and administration, sets forth the periods within which a test candidate may review a test paper and file a particular type of appeal and addresses examination security issues related to the review process. *N.J.A.C.* 4A:4-6.5, Medical and/or psychological disqualification appeals, concerns appeals by an eligible of his or her disqualification from appointment for medical or psychological reasons and sets forth the procedures to be followed in this appeal process. *N.J.A.C.* 4A:4-6.6, Disqualification appeals, sets forth the procedures for filing appeals other than those described in the previous rules.

Subchapter 7 concerns appointments and employee movements not covered in the other subchapters. *N.J.A.C.* 4A:4-7.1, Transfers within the same

governmental jurisdiction, covers permanent, temporary, and emergency transfers of employees and sets forth procedures to follow in those instances. *N.J.A.C. 4A:4-7.1A*, Intergovernmental transfers, concerns the movement of a permanent employee between government jurisdictions operating under Title 11A and provides cross-references to other civil service rules regarding the effect of such movements on the various leave programs, seniority used for different purposes, and other aspects of the civil service system. *N.J.A.C. 4A:4-7.2*, Reassignments, defines employee reassignments. *N.J.A.C. 4A:4-7.3*, Relocation assistance: State service, governs financial assistance to permanent State employees who are transferred or reassigned to a new work location due to the movement of an office or a unit or the closing or phasedown in anticipation of a closing of a State operation; it is noted that such financial assistance is subject to available appropriations. *N.J.A.C. 4A:4-7.4*, Retention of rights, sets forth the rights retained by an employee who is permanently or temporarily transferred, receives an intergovernmental transfer, or is reassigned. *N.J.A.C. 4A:4-7.5*, Transfer during a working test period, sets forth limits on an employee transfer during a working test period and the employee's rights in this type of situation.

N.J.A.C. 4A:4-7.6, Lateral title change, defines the meaning of a lateral title change of an employee and includes procedures for determining whether the employee retains permanent status or must be appointed pending examination. *N.J.A.C. 4A:4-7.7*, Appeals, concerns appeals that may be filed regarding transfers, reassignments and lateral title changes. *N.J.A.C. 4A:4-7.8*, Voluntary

demotion, defines the voluntary demotion of an employee and sets forth the parameters within which such a personnel action may be taken and the circumstances under which an employee who has been voluntarily demoted may return to his or her prior permanent title. *N.J.A.C.* 4A:4-7.10, Regular reemployment, governs the procedures by which a permanent employee may be appointed from a regular reemployment list or a police or fire reemployment list and provides when seniority commences in those situations. *N.J.A.C.* 4A:4-7.11, Transfer or combining of functions, governs the status of employees affected by a transfer or combining of functions between two or more civil service agencies or political subdivisions. *N.J.A.C.* 4A:4-7.12, Reinstatement following disability retirement, governs the rights of a permanent employee placed on disability retirement to return to work.

Therefore, pursuant to *N.J.S.A.* 52:14B-5.1.c(1) and *N.J.A.C.* 1:30-6.4(h), *N.J.A.C.* 4A:4 is readopted and shall continue in effect for a seven-year period.