

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Leaves, Hours of Work, and Employee Development

Notice of Readoption: *N.J.A.C.* 4A:6

Authority: N.J.S.A. 11A:2-6.d, 11A:3-7, 11A:6-1 through 11A:6-28, 18A:31-2, 30:4-178, 34:11B-1 et seq., 38:23-2, 38A:1-1, 38A:4-4, 40A:14-177, and 52:14-26.2; P.L. 2008, c. 29 and P.L. 2001, c. 351; 10 U.S.C. § 10101, 29 U.S.C. §§ 201 et seq., 29 U.S.C. §§ 2601 et seq., 38 U.S.C. §§ 4301 et seq., 38 U.S.C. §§ 4311 et seq., and 42 U.S.C. §§ 12101 et seq.; and 29 CFR 825.

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

Effective Date: (date)

New Expiration Date:

Take notice that pursuant to *N.J.S.A.* 52:14B-5.1 and *N.J.A.C.* 1:30-6.4, the rules at *N.J.A.C.* 4A:6, which addresses leaves, hours of work, and employee development in the Civil Service, were to expire on November 15, 2023. The Civil Service Commission has reviewed *N.J.A.C.* 4A:6 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 leaves of absence for employees in State service and in political subdivisions. *N.J.A.C.* 4A:6-1.1, General provisions, includes special provisions regarding leaves of absence and leave procedures in local service, as well as State and local appointing authority recordkeeping requirements, and other general leave provisions. *N.J.A.C.* 4A:6-1.2, Vacation leave, sets forth eligibility criteria for vacation leave in State and local service and other provisions concerning the use and accumulation of vacation leave. *N.J.A.C.* 4A:6-1.3, Sick leave, sets forth eligibility criteria for sick leave in State and local service and other provisions concerning the use and accumulation of sick leave. *N.J.A.C.* 4A:6-1.4, Sick leave procedures: State service, which is limited to State service, sets forth provisions regarding sick leave reporting, proof of illness or injury, special circumstances involving chronic or recurring illnesses, situations in which examination by a State doctor may be required, and recordkeeping requirements.

N.J.A.C. 4A:6-1.5, Vacation, administrative and sick leave adjustments: State service, another rule that is limited to State service, provides instances in which an employee's vacation, administrative and sick leave entitlements must be adjusted due to an unpaid leave of absence, workweek changes and other similar circumstances. *N.J.A.C.* 4A:6-1.6 and *N.J.A.C.* 4A:6-1.7 will remain reserved.

Numerous other leaves, limited to State service, are provided for in succeeding rules: pregnancy-disability and child care leaves, *N.J.A.C.* 4A:6-1.8; administrative leave, *N.J.A.C.* 4A:6-1.9; leave without pay, *N.J.A.C.* 4A:6-1.10;

education leave, *N.J.A.C.* 4A:6-1.14; leave for athletic competition, *N.J.A.C.* 4A:6-1.15; leave for emergency civilian duty, which includes American Red Cross disaster relief services, *N.J.A.C.* 4A:6-1.18; leave for jury duty, *N.J.A.C.* 4A:6-1.19; and leave to appear as a witness, *N.J.A.C.* 4A:6-1.20. Conversely, leave for elective office, *N.J.A.C.* 4A:6-1.17, is limited to local service, while military leave, *N.J.A.C.* 4A:6-1.11; leave for appointment by Governor, *N.J.A.C.* 4A:6-1.12; convention leave, *N.J.A.C.* 4A:6-1.13; and leave for union office, *N.J.A.C.* 4A:6-1.16; are available in both State and local service. Though limited to State service, the provisions of *N.J.A.C.* 4A:6-1.24, regarding school volunteer leave, permit local governments to establish their own school volunteer leave programs.

N.J.A.C. 4A:6-1.21, Family leave, sets forth provisions common to both the State and Federal family leave programs and provides useful examples regarding interaction between the two programs. *N.J.A.C.* 4A:6-1.21A is specific to State family leave, while *N.J.A.C.* 4A:6-1.21B addresses Federal family and medical leave. An appendix provides a chart that compares the major provisions of the two family leave programs.

The donated leave program, found at *N.J.A.C.* 4A:6-1.22, is available in State service (and in local governments that choose to participate) as set forth in the rule, and provides for the donation of sick and vacation leave to an employee suffering from a catastrophic health condition or injury who has exhausted his or her paid leave benefits. The voluntary furlough program, found at *N.J.A.C.* 4A:6-1.23, establishes a program in which employees in State service, and those

working for participating local governments, may have the opportunity, under the parameters set forth in the rule, to take a voluntary furlough from employment. The program has been used over the years to assist public agencies in achieving fiscal savings and to provide employees with the opportunity to provide child care or seek further education. Rules regarding school volunteer leave are contained in *N.J.A.C. 4A:6-1.24*, which generally provide that State employees in the career, senior executive or unclassified service shall be granted leave with pay, up to a maximum of 20 hours per calendar, to volunteer in an academically beneficial school activity.

Subchapter 2 concerns hours of work in State service. *N.J.A.C. 4A:6-2.1*, General provisions, provides in part that, in local service, appointing authorities may establish hours of work subject to applicable negotiations requirements. The criteria for determining workweeks are set forth in *N.J.A.C. 4A:6-2.2* (for fixed workweek job titles), *4A:6-2.2A* (for law enforcement job titles); and *4A:6-2.3* (for non-limited job titles). *N.J.A.C. 4A:6-2.4* addresses holidays, while *N.J.A.C. 4A:6-2.5* concerns inclement weather or emergency conditions. Finally, variations in usual work hours are addressed in *N.J.A.C. 4A:6-2.6* (flexitime programs), *4A:6-2.7* (alternative workweek programs) and *4A:6-2.8* (adjusted hours of operation).

Subchapter 3 sets forth the eligibility requirements and procedures for obtaining Supplemental Compensation on Retirement (SCOR), a program in State service that provides for the payment of compensation for half the value of a retiring employee's accumulated sick leave up to a maximum of \$15,000.

Specifically, *N.J.A.C.* 4A:6-3.1 sets forth the eligibility criteria for SCOR, while *N.J.A.C.* 4A:6-3.2 addresses an employee's SCOR eligibility when he or she has had a break in service. *N.J.A.C.* 4A:6-3.3 includes the formula for computing the SCOR payment. *N.J.A.C.* 4A:6-3.4 delineates the SCOR application procedures. *N.J.A.C.* 4A:6-3.5 concerns the impact on SCOR of an intergovernmental transfer.

Subchapter 4 concerns human resource development programs. Specifically, *N.J.A.C.* 4A:6-4.1 includes general provisions regarding permissible human resource development programs in local service and the establishment of various employee development programs in State service by the Chairperson of the Civil Service Commission. *N.J.A.C.* 4A:6-4.2 sets forth the functions of the Civil Service Commission to administer a Center for Learning and Improving Performance. *N.J.A.C.* 4A:6-4.3 sets forth provisions on training and education programs in State service. *N.J.A.C.* 4A:6-4.4 provides for the Certified Public Manager (CPM) program in State service. *N.J.A.C.* 4A:6-4.5 involves career development programs in State service. Other rules in Subchapter 4 include sections on Tuition Aid (*N.J.A.C.* 4A:6-4.6), Employee Interchange (*N.J.A.C.* 4A:6-4.8), Internship Programs (*N.J.A.C.* 4A:6-4.9) and the Employee Advisory Service (EAS) (*N.J.A.C.* 4A:6-4.10). The latter provides for counseling, rehabilitative and/or community services for employees who meet certain criteria involving job performance or who have personal problems that affect job performance.

Subchapter 5 primarily concerns the Performance Assessment Review (PAR) program in State service. *N.J.A.C. 4A:6-5.1*, General provisions, provides for the establishment and approval of a performance evaluation system in local service. The rule also provides for the rating scales to be used in State service, as well as standardized rating cycles, and recordkeeping requirements. *N.J.A.C. 4A:6-5.2*, PAR Procedure: State service, sets forth the procedures for completion of PARs and provides a mechanism for the filing of a complaint regarding an agency's noncompliance with the PAR program. *N.J.A.C. 4A:6-5.3*, PAR use and review: State service, provides for the consequences of specific ratings. The rule further provides for a grievance procedure regarding a PAR rating.

Subchapter 6 concerns the awards program. *N.J.A.C. 4A:6-6.1* provides that appointing authorities in local service may establish and administer their own awards programs. The rule also establishes the general provisions of the awards programs for State service. The remaining rules in Subchapter 6 concern awards in State service only. *N.J.A.C. 4A:6-6.2* sets forth the New Jersey Employee Awards Committee for State service, while *N.J.A.C. 4A:6-6.3* concerns the records of the Committee. *N.J.A.C. 4A:6-6.4* sets forth the categories for Commendation awards. *N.J.A.C. 4A:6-6.5* describes standards for the Suggestion Award Program, *N.J.A.C. 4A:6-6.6* sets forth the procedures for the Suggestion Award Program and *N.J.A.C. 4A:6-6.7* concerns the types and amounts of awards for the Suggestion Award Program. *N.J.A.C. 4A:6-6.9* encourages State

departments to establish their own awards programs and *N.J.A.C.* 4A:6-6.10 concerns appeals.

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:6 is readopted and shall continue in effect for a seven-year period.