



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**MINUTES OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
MAY 7, 2014**

Robert M. Czech, Chairperson
Robert E. Brenner
Thomas J. Perna
Richard E. Williams

MAY 7, 2014

A regular meeting of the Civil Service Commission was held on Wednesday, May 7, 2014, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Robert E. Brenner, Thomas J. Perna and Richard E. Williams; Pamela Ullman, Deputy Attorney General; Henry Maurer, Director, Division of Appeals and Regulatory Affairs.

In accordance with L.1975, c.231, the Secretary to the Civil Service Commission opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 2, 2013, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Michael Charles
Jersey City School District
Suspension

In the Matter of Guilene Morand
Woodbridge Developmental Center
Department of Human Services
Removal

In the Matter of Lawanda Walker
William Paterson University
Removal

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN
THE ABOVE CASES – SETTLEMENTS**

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 ELIJAH ARCE, ET AL.

Corey Adams, Community Aide Schools, Elijah Arce, Security Guard, Thomasina Anderson, Community Aide Schools/Teacher's Aide, Wilma Austin, Teacher's Aide, Ruthie Bray, Keyboarding Clerk 2, Sandra Currais, Keyboarding Clerk 1, June George, Clerk 1, Newark School District, appeal the good faith of their layoffs effective July 7, 2012.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-3 DWAYNE PRICE

Dwayne Price, Police Officer, Newark Police Department, removal effective April 17, 2012, on charges of violation of sick leave residence restriction, malingering, false statements, failure to properly store his weapon, leaving his weapon in a vehicle or other unauthorized locations, and disobedience of orders.

Recommendation of the Administrative Law Judge – Grant motion to dismiss the appeal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-4 DANA REGISTER

Dana Register, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, removal effective December 2, 2013, on charges of conduct unbecoming a public employee, improper or unauthorized contact with an inmate, undue familiarity with inmates, parolees, their families, or friends and violation of a rule, regulation, policy, procedure, or administrative order.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

SECTION B – MISCELLANEOUS MATTERS**B-1 CHANGE IN CLASSIFICATION PLAN – CREATION OF TITLE**

The Division of Classification and Personnel Management requests the creation of the Women, Infants and Children Lactation Consultant title for use in local government.

**MEMORANDUM**

DATE: April 14, 2014
TO: The Civil Service Commission
FROM: Kenneth Connolly, Director
Division of Classification & Personnel Management
SUBJECT: Change in Classification Plan

LOCAL TITLE CREATION REQUEST

The Burlington County and Passaic City Women, Infants and Children (WIC) agencies request the creation of the title WIC Lactation Consultant to provide breastfeeding services to participating clients of local WIC Programs.

WIC funding is provided by the United States Department of Agriculture to State agencies, who in turn are responsible for distributing funds and implementing programs appropriate to the needs of the client population served.

In April of 2012 the Civil Service Commission approved the creation of the title WIC Peer Counselor to provide breastfeeding education and support to WIC program participants. The primary function of the proposed title will be to coordinate breastfeeding promotion and support services for the local agency, provide professional breastfeeding management, and supervise peer counselors. There is no existing title to encompass this function in terms of duties or requirements.

The new title is recommended for placement in the non-competitive branch of the career service in accordance with NJAC4A:3-1.2(c). It is our opinion that competitive testing is not practicable due to the certification that is required for the position.

The effective date will be established the first full pay period subsequent to Commission approval.

TITLE TO BE CREATED

WIC Lactation Consultant
Local Non-Competitive

KC/JT/BP/DC

www.state.nj.us/csc

ACTION: The Civil Service Commission directed that this request be granted.

B-2 ROBERT WELLS

Robert Wells appeals his rejection as a Police Officer candidate by Gloucester Township and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-3 SEAN MORRISON

The Borough of Woodland Park requests relaxation of the provisions of *N.J.A.C. 4A:4-7.1A* so as to permit the intergovernmental transfer of Sean Morrison from the title of Sheriff's Officer, Passaic County Sheriff's Department, to the title of Police Officer, Borough of Woodland Park.

ACTION: The Civil Service Commission directed that this request be granted.

B-4 SUZANNE GORMELEY

Suzanne Gormeley appeals the determination of the Division of Classification and Personnel Management upholding the removal of her name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis of an unsatisfactory criminal record.

ACTION: The Civil Service Commission directed that this appeal be granted but the appellant's name be reflected on the certification as bypassed.

B-5 COREY INGRAM

Corey Ingram appeals the determination of the Division of Classification and Personnel Management upholding the removal of his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis of an unsatisfactory criminal record, an unsatisfactory background report, and an unsatisfactory employment record.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-6 NATASHA SPENCER

Natasha Spencer appeals the decision of the Division of Classification and Personnel Management, which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis that she possessed an unsatisfactory criminal record and for falsification of her employment application.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-7 LANCE WILLIAMS

Lance Williams, represented by Catherine M. Elston, Esq., appeals the determination of the Division of Classification and Personnel Management upholding the removal of his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis of an unsatisfactory criminal record and falsification of his application.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-8 ROGER FORT

Roger Fort, represented by Katherine D. Hartman, Esq., appeals the determination that he was not permanent with the Township of Maple Shade and challenges his termination from employment effective June 12, 2013.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-9 LORRAINE RAMOS

Lorraine Ramos appeals her removal from her provisional position as Keyboarding Clerk 4 with the Jersey City School District.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-10 JOSEPH SALANITRO

Joseph Salanitro, represented by Frank M. Crivelli, Esq., requests that he be assigned a retroactive appointment date to the Correction Sergeant title for record purposes.

ACTION: The Civil Service Commission directed that this request be granted in part.

B-11 SHONDA JONES

Shonda Jones appeals the denial by the Division of Selection Services of her request for a makeup examination for the open competitive examination for Word Processing Specialist 2 (S0112R), Statewide.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-12 JAVIER ROSARIO

Javier Rosario requests that he be permitted to submit an application for the promotional examination for County Correction Sergeant (PC1211P), Hudson County, after the application filing deadline.

ACTION: The Civil Service Commission directed that this request be granted.

B-13 MARTA BERKEYHEISER

The Department of Education requests that Marta Berkeyheiser's out-of-title experience be accepted to qualify her for a prospective promotional examination for the title of Buyer.

ACTION: The Civil Service Commission directed that this request be granted.

B-14 ROXANNE FEASEL

Roxanne Feasel requests that her out-of-title work experience be accepted for the promotional examination for Permit Coordination Officer 1, Environmental Protection (PS6754G), Department of Environmental Protection.

ACTION: The Civil Service Commission directed that this request be granted.

B-15 CHRISTOPHER PARKER

The Department of Education requests that Christopher Parker's out-of-title experience be accepted to qualify him for a prospective promotional examination for the title of Information Technology Specialist.

ACTION: The Civil Service Commission directed that this petition be granted.

B-16 LUCY SANDERSON

The Department of Transportation requests that Lucy Sanderson's out-of-title experience be accepted to qualify her for a prospective promotional examination for the title of Executive Assistant 3.

ACTION: The Civil Service Commission directed that this request be granted.

B-17 DARRELL WAYTES

The Division of Classification and Personnel Management requests that Darrell Waytes' out-of-title work experience be accepted to qualify him for a prospective promotional examination for Senior Technician, Management Information Systems.

ACTION: The Civil Service Commission directed that this request be granted.

VOTE: **Robert M. Czech** **(Abstained)**
 Robert E. Brenner **(Yes)**
 Thomas J. Perna **(Yes)**
 Richard E. Williams **(Yes)**

B-18 ROBERT BARRY

Robert Barry appeals the decision of the Division of Classification and Personnel Management, which found that his position with the Department of Environmental Protection is properly classified as Environmental Engineer 2. The appellant seeks an Environmental Engineer 3 job classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-19 MICHAEL COMPANICK

Michael Companick appeals the decision of the Division of Classification and Personnel Management, which found that his position with the Department of Environmental Protection is properly classified as Environmental Specialist 2. The appellant seeks an Environmental Specialist 3 job classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-20 BONNIE KELTER

Bonnie Kelter appeals the decision of the Division of Classification and Personnel Management, which found that her position with the Department of Labor and Workforce Development is properly classified as Accountant 3. The appellant seeks an Accountant 2 or Administrative Analyst 3 job classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-21 BIENVENIDO NEGRON, JR.

Bienvenido Negron, Jr., appeals the decision of the Division of Classification and Personnel Management, which found that his position with the Department of the Treasury is properly classified as Senior Clerk. The appellant seeks a Senior Technician, Management Information Systems job classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-22 VERONICA RUCKER

Veronica Rucker appeals the decision of the Division of Classification and Personnel Management, which found that her position with the Department of the Treasury is properly classified as Senior Field Representative, Local Property Tax. The appellant seeks a Principal Field Representative, Local Property Tax job classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-23 VIRGINIA STEMLER

Virginia Stemler appeals the decision of the Division of Classification and Personnel Management, which found that her position with the Department of Health is properly classified as an Agency Services Representative 3. The appellant seeks an Agency Services Representative 4 job classification.

ACTION: The Civil Service Commission directed that this matter be held over.

B-24 STACY THOMAS

Stacy Thomas appeals the decision of the Division of Classification and Personnel Management, which found that her position with the Office of Information Technology is properly classified as Audit Account Clerk. Ms. Thomas seeks a Principal Audit Account Clerk job classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-25 CHYRL K. WREH

Chyrl K. Wreh appeals the decision of the Division of Classification and Personnel Management, which found that her position with the Department of the Treasury is properly classified as a Conferee 1, Taxation. The appellant seeks a Conferee 2, Taxation job classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-26 G. D.

G. D., an Equipment Operator with the Department of Transportation, appeals the determination of the Director, Division of Civil Rights and Affirmative Action, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-27 G. J.

G. J., a Senior Correction Officer with the Department of Corrections, appeals the decisions of the Assistant Director of the Equal Employment Division for DOC, which found that the appellant did not present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that these appeals be denied.

B-28 HUMAN SERVICES SPECIALIST 3 (PC0039N) AND HUMAN SERVICES SPECIALIST 4 (PC0251N)

The Camden County Board of Social Services (Camden County) requests that the eligible lists for Human Services Specialist 3 (PC0039N) and Human Services Specialist 4 (PC0251N) be extended for one year beyond their expiration dates.

ACTION: The Civil Service Commission directed that these requests be granted.

B-29 THERAPEUTIC TECHNICIAN (C0353L), OCEAN COUNTY BOARD OF SOCIAL SERVICES

In In the Matter of Therapeutic Technician (C0353L), Ocean County Board of Social Services (CSC, decided February 2, 2011), the Civil Service Commission granted the request of the Ocean County Board of Social Services (OCBS) for an appointment waiver for the March 11, 2010 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, OCBS did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

ACTION: The Civil Service Commission directed that no selection costs be assessed.

B-30 JUDICIARY CLERK 4 (S0089R), VICINAGE 13, THE JUDICIARY AND SHARON HACKWORTH

Vicinage 13, the Judiciary, requests permission not to make an appointment from the July 19, 2013 certification for Judiciary Clerk 4 (S0089R). Sharon Hackworth requests that she be appointed from the eligible list for Judiciary Clerk 4 (S0089R).

ACTION: The Civil Service Commission directed that this request for an appointment waiver be granted, no selection costs presently be assessed, and Sharon Hackworth's request be denied.

B-31 PROGRAM MONITOR (C0260R), BERGEN COUNTY

Bergen County requests permission not to make an appointment from the August 8, 2013 certification for Program Monitor (C0260R), Bergen County.

ACTION: The Civil Service Commission directed that this request be granted and assessed selection costs.

B-32 KEVIN CURRY

Kevin Curry requests reconsideration of the final administrative determination *In the Matter of Kevin Curry* (CSC, decided December 4, 2013), which determined that his position is properly classified as an Auditor 2, Taxation. The petitioner seeks an Auditor 1, Taxation job classification.

ACTION: The Civil Service Commission directed that this request for reconsideration be denied.

B-33 JOSEPH JULIANO

Joseph Juliano petitions the Civil Service Commission for reconsideration of the decision rendered on February 12, 2014, regarding the scoring of the oral portion of the examination for Deputy Fire Chief (PM1320P), Orange.

ACTION: The Civil Service Commission directed that this request be denied.

B-34 WILLIAM BRASE

William Brase appeals the decision of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the 'dual' open-competitive examination for Chief Police Instructor/Curriculum Development Specialist Police School (C0863R), Ocean County.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-35 TERESA COICO

Teresa Coico appeals the determination of the Division of Selection Services which found that she did not meet the minimum requirements in experience for the open competitive examination for Training Coordinator (C0816R), Essex County.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-36 MAREDDA CROSS

Maredda Cross appeals her score for the Bilingual Communicative Ability Test portion of the examination for Judiciary Clerk 2, Bilingual in Spanish/English (S0812R), Statewide.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-37 THOMAS DARCY

Thomas Darcy appeals the determination of the Division of Selection Services which found that he did not meet the minimum requirements in experience for the open competitive examination for Water Treatment Plant Repairer (C0947R), Morris County.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-38 ERIK JONES

Erik Jones appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for a qualifying examination for a lateral title change to Road Repair Supervisor, Ocean County.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-39 HAWA LARI

Hawa Lari appeals the validity of and her score for the promotional examination for Supervisor of Nursing Services (PS8472K), Ancora Psychiatric Hospital, which was administered via the Supervisory Test Battery (STB).

ACTION: The Civil Service Commission directed that this appeal be denied.

B-40 CHRISTA A. LESLIE

Christa A. Leslie appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Administrative Secretary (PC1366R), Middlesex County Board of Social Services.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-41 ANNETTE QUARTERMAN

Annette Quarterman appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Aide (PM1645R), Winslow Township.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-42 RECENT COURT DECISIONS

Submitted for the Civil Service Commission's review are summaries of recent court decisions involving Civil Service Commission determinations.

ACTION: The Civil Service Commission noted the decisions.

B-43 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 23, 2014.

ACTION: The Civil Service Commission adopted the minutes of its meeting of April 23, 2014.

VOTE:

Robert M. Czech	(Yes)
Robert E. Brenner	(Yes)
Thomas J. Perna	(Abstained)
Richard E. Williams	(Yes)

B-44 RYAN BOMBA

Ryan Bomba, represented by Daniel J. Zirrith, Esq., appeals his rejection as a Fire Fighter candidate by Bayonne and its request to remove his name from the eligible list for Fire Fighter (M2502M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-45 REALLOCATION OF CHIEF INSURANCE EXAMINER FROM THE COMPETITIVE TO THE NON-COMPETITIVE DIVISION OF THE CAREER SERVICE

The Division of Classification and Personnel Management recommends reallocation of the Chief Insurance Examiner title to the non-competitive division of the career service in accordance with *N.J.A.C. 4A:3-1.2*.

ACTION: The Civil Service Commission directed that this request be granted.

B-46 REALLOCATION OF LOCAL DUAL TITLES FROM THE COMPETITIVE TO THE NON-COMPETITIVE DIVISION OF THE CAREER SERVICE

The Division of Classification and Personnel Management recommends reallocation of three Local dual titles to the non-competitive division of the career service in accordance with *N.J.A.C. 4A:3-1.2*.

ACTION: The Civil Service Commission directed that this request be granted.

B-47 SUPERVISOR OF DATA PROCESSING SYSTEMS AND PROGRAMMING (C0080R), ESSEX COUNTY

Essex County requests permission not to make an appointment from the June 11, 2013 certification for Supervisor of Data Processing Systems and Programming (C0080R).

ACTION: The Civil Service Commission directed that this request be granted and the appointing authority be assessed for the costs of the selection process in the amount of \$2,048.

B-48 EMMANUEL NUNEZ

Emmanuel Nunez, represented by Craig S. Gumpel, Esq., appeals the decision of the Division of Classification and Personnel Management, which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Police Officer (S9999M), City of Passaic eligible list on the basis of an unsatisfactory criminal record.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-49 L. V.

L. V., a Principal Payroll Clerk with the Department of Human Services appeals the decision of the Chief of Staff, Human Services, which found that the appellant did not present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-50 JENNIFER FELTIS-CORTESE

Jennifer Feltis-Cortese appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Department of Environmental Protection (DEP) is Program Specialist 3, Regulatory Programs. The appellant seeks a Research Scientist 2 classification. In addition, the DEP requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Feltis-Cortese to be provisionally appointed, pending promotional examination procedures, to the competitive title of Program Specialist 3, Regulatory Programs.

ACTION: The Civil Service Commission directed that the appellant's classification appeal be denied but the DEP's request to appoint the appellant provisionally, pending promotional examination procedures to Program Specialist 3, Regulatory Programs, be granted.

B-51 ROSA TOTH

Rosa Toth appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the requirements for the promotional examination for Taxpayer Service Representative 2 (PS2587U), Department of the Treasury.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-52 JEFFREY BURDSALL

The appeal of Jeffrey Burdsall, a Senior Probation Officer with the Judiciary, Vicinage 15-Cumberland, Gloucester and Salem, of his 15 working day suspension, on charges was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on March 12, 2014. At its meeting on April 23, 2014, the Civil Service Commission did not adopt the ALJ's recommendation to grant the appellant's motion for summary decision and dismiss the charge. Rather, the Commission upheld the charge and modified the penalty to an official written reprimand. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

VOTE: **Robert M. Czech** **(Yes)**
 Robert E. Brenner **(Yes)**
 Thomas J. Perna **(Abstained)**
 Richard E. Williams **(Yes)**

B-53 JOSEPH GILROY, III

Joseph Gilroy, III, represented by Sheila D. Ellington, Esq., appeals his rejection as a County Correction Officer candidate by Union County and its request to remove his name from the eligible list for Union County (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-54 SERGIO MENENDEZ

Sergio Menendez appeals the determination of the Division of Classification and Personnel Management upholding the removal of his name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections, on the basis of his failure to complete pre-employment processing.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-55 MARK DEBRECKI AND JUAN HUERTAS

Morris County requests that the educational requirements be relaxed in order to permit Mark Debrecki and Juan Huertas to compete in an open competitive examination for Counselor Adolescent Unit.

ACTION: The Civil Service Commission directed that this request be granted.

B-56 ANDREW TRIANDAFILOU

Andrew Triandafilou, a former Associate Supervisor 2, Facilities with Kean University, represented by Kathleen Hernandez, Vice President, CWA Local 1031, appeals his resignation in good standing.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-57 NOTICE OF ADOPTED SUBSTANTIAL CHANGES UPON ADOPTION (JOB BANDING): SUBSTANTIAL CHANGES TO ADOPTED NEW RULE: N.J.A.C. 4A:3-3.2A, SUBSTANTIAL CHANGES TO ADOPTED AMENDMENTS: N.J.A.C. 4A:3-3.5 AND 3.9; 4A:4-2.4; AND 4A:4-7.1A, NEW ADOPTED AMENDMENT: N.J.A.C. 4A:7-3.2

Submitted for the Commission's approval is a Notice of Adopted Substantial Changes Upon Adoption to the job banding rule proposal. The job banding rule proposal was originally published in the March 18, 2013 issue of the *New Jersey Register*. The adopted changes to the original rule proposal addresses five areas: 1) Clarifying that veterans shall receive the same preference in job banding advancement appointments as they receive in promotional situations; 2) Limiting job banding to State service, 3) excluding State law enforcement and public safety titles under PFRS from job banding, 4) clarifying that the new job banding rule will not apply to existing job banding programs approved by this agency outside of the Executive Branch of State government; and 5) Clarifying that employees serving in job bands who complain of discrimination in the advancement appointment process retain their appeal rights under the State Policy Prohibiting Discrimination in the Workplace. Ten people testified at the February 26, 2014 public hearing, and 140 written comments were received. All comments expressed opposition to the job banding program. However, it is recommended that the proposed substantial changes be adopted with technical changes not requiring additional public notice and comment for the reasons set forth in the Notice of Adoption.

ACTION: The Civil Service Commission adopted the proposal.

After the Commission voted on the above matter, the Chairperson, Robert M. Czech made the following comments:

Today we are adopting the banding rule, with substantive amendments that were introduced in December. These amendments were introduced in response to the concurrent resolution passed by the legislature, and consistent with the constitutional provision allowing for amendment within 30 days of the transmittal of the resolution to the agency. However, at the very end of their term, contrary to the constitutional process, the legislature ignored the amendments, and voted to invalidate. Although we have my statement from December that addresses many of the comments received and the amendments, I do want to note the following. Banding has been part of Civil Service policy for over 15 years. This is evidenced by the fact that we approved their plan in 1998 and continued to hear appeals since then. This banding rule is therefore based on the results not only of our pilot, but of its success at Judiciary. Merit and fitness are at the core of this banding rule and

thereby consistent with the constitution and statutes. Our adoption document fully addresses the basis for the rule and the comments received.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, May 21, 2014, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission