



The Reporter

News from the Civil Service Commission

<https://nj.gov/csc>

October 2020

IN THIS ISSUE

WELCOME

Remarks from the Chair

CIVIL SERVICE COMMISSION DECISIONS

Determinations Relating to the COVID-19 Pandemic

Pages 2-4

Sheriff's Officers petition for interim relief of appointing authority procedure requiring that they screen temperatures of individuals entering facilities. *In the Matter of Policemen's Benevolent Association, Sheriff's Officers of Union County, Local Number 108, Inc., Union County Sheriff*

Communications Workers of America seeks stay of a layoff of employees in the New Jersey School of Conservation, Montclair State University. *In the Matter of the New Jersey School of Conservation, Montclair State University, Layoff*

Commission waives Physical Performance Test portion of the Fire Fighter examination. *In the Matter of Fire Fighter Physical Performance Test*

COURT DECISIONS

Pages 4-5

Round-up of significant Appellate Division opinions rendered during the first half of 2020

COVID-19 RELATED GUIDELINES

Page 6

Families First Coronavirus Response Act (FFCRA)

FAQs for State Employees Concerning the Reopening of Schools and Remote Learning and the Applicability of the FFCRA

REGULATORY UPDATE

Page 7

Adoptions of temporary rule relaxations and modifications to the New Jersey Administrative Code resulting from COVID-19

OF PERSONNEL INTEREST

Pages 8-10

Meet Commissioner Diomedes Tsitouras
Commission Programs and Activities

HELPFUL LINKS

Page 10

Welcome to Issue 6 of The Reporter!

I hope that you and your family are staying safe and healthy during these unprecedented times.

The Civil Service Commission (Commission), like other State agencies and departments, has made major adjustments due to the COVID-19 pandemic. As a result, our agency has curtailed some services and public events. We have taken this action to ensure the health and safety of our community and State. Although some of our programs and activities have been temporarily postponed, offices and divisions within the Commission have developed innovative ways to complete the valuable work we do on behalf of the Civil Service workforce, including establishing safety protocols that will allow us to become fully operational.

In this issue of The Reporter, we cover topics pertaining to the COVID-19 pandemic, including Commission determinations resulting from the pandemic's impact, the innovative adjustments our agency has implemented during these challenging times, and the issuance of guidelines relating to COVID-19. In addition, this issue sets forth various temporary rule relaxations and modifications which were approved by the Commission in response to the public health emergency. We also introduce the newest member of the Commission, Diomedes Tsitouras. Commissioner Tsitouras brings a wealth of experience and has been instrumental in adjudicating Commission cases that could not previously be decided due to a lack of quorum.

We look forward to continuing our mission of advancing New Jersey government with fair and efficient human resources responsive to the needs of the Civil Service workforce. I wish you and your family good health during the coming months.

Best regards,

Deirdre L. Webster Cobb, Esq.
Chair/Chief Executive Officer
New Jersey Civil Service Commission



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

CIVIL SERVICE COMMISSION DECISIONS

Determinations Relating to the COVID-19 Pandemic

N.J.A.C. 4A:2-1.2(c) provides the following factors in reviewing interim relief petitions and requests for stay: (1) clear likelihood of success on the merits by the petitioner; (2) danger of immediate or irreparable harm; (3) absence of substantial injury to other parties; and (4) the public interest. In addition, *N.J.A.C.* 4A:3-3.4 states that employees shall not perform out-of-title work. Moreover, *N.J.A.C.* 4A:8-1.2(a), in conjunction with *N.J.A.C.* 4A:8-1.2(c), indicates that in State service, appointing authorities shall provide alternatives to layoffs where appropriate, such as voluntary leaves of absences without pay and furloughs or reduction of hours. Additionally, *N.J.A.C.* 4A:8-1.2(e) and *N.J.A.C.* 4A:8-1.3(c) provide that appointing authorities shall consult with affected negotiations representatives prior to initiating alternatives to layoff and pre-layoff actions. The first two cases set forth below involve these regulatory provisions. Unions had petitioned the Commission to stop appointing authority actions relating to public safety and economic issues that had arisen as a result of the COVID-19 pandemic.

The third case involves a request from appointing authorities to permit appointments when a critical component of the testing requirements had been delayed due to the pandemic.

These cases illustrate how the Commission has balanced employee rights, appointing authority needs, and the public interest in accordance with regulatory provisions amid the COVID-19 pandemic.

In the Matter of Policemen's Benevolent Association, Sheriff's Officers of Union County, Local Number 108, Inc., Union County Sheriff (CSC, decided July 17, 2020)

The Union County Sheriff's Office (UCSO) issued a Standard Operating Procedure providing that Sheriff's Officers would screen individuals entering the Justice Complex or other facilities secured by the UCSO using a passive infrared thermal screening system. The officers would provide a secondary, manual screening using a "no-touch medical grade infrared or similar thermometer" to any individual exhibiting an "anomaly temperature." On behalf of the Sheriff's Officers, the Policemen's Benevolent Association (PBA) filed a request for interim relief,

arguing that these duties were out-of-title for a Sheriff's Officer. However, the Commission was not persuaded, as it found that the Sheriff's Officer job specification included performance of "public safety related duties."

The Commission stated that taking the temperatures of individuals entering a County building or courthouse would screen out potential carriers of COVID-19, as fever is a possible symptom. Thus, the risk that such individuals would expose other members of the public present in County buildings to COVID-19 would be reduced, thereby promoting the safety of the public. The Commission was also unconvinced by PBA's assertion that officers had not been trained to manually take temperatures as Sheriff's Officers already may be required to administer appropriate first aid treatment, a duty that arguably calls for an application of medical knowledge greater than that required to take a temperature. Neither was the Commission persuaded by the contention that it would be more appropriate for Practical Nurses and Nurse's Aides to perform the manual temperature screenings of the individuals. The Commission noted that those are patient care titles. As such, the reference to the certifications that incumbents in those titles were required to hold was inapt as Sheriff's Officers were not being asked to engage in patient care. The mere fact that the duty appeared in the respective job specifications for Practical Nurse and Nurse's Aide did not render the duty out-of-title for a Sheriff's Officer.

Additionally, the Commission found that irreparable harm could not be persuasively established where the duties had not been clearly demonstrated to be out-of-title. Sheriff's Officers already may perform many duties involving an element of risk to themselves that could place them in close proximity to other individuals. Therefore, the request for interim relief was denied. To read the full text, click [here](#).

In the Matter of the New Jersey School of Conservation, Montclair State University, Layoff (CSC, decided July 17, 2020)

The Communications Workers of America (CWA) requested a stay of a layoff, effective August 28, 2020, of the Montclair State University (MSU) employees in the New Jersey School of Conservation (School of Conservation), located in Stokes State Forest. MSU had submitted a layoff plan, which was approved, indicating that it could no longer subsidize the school and would relinquish control of the property back to the Department of Environmental Protection (DEP).

MSU also stated that the School of Conservation facility was closed due to the COVID-19 public health emergency and it had lost funding.

MSU explained that pursuant to a 1981 law, the Legislature transferred the management and control of the land and buildings of the School of Conservation from the Division of Parks and Forestry, DEP, to MSU. See L. 1981, c.148 (N.J.S.A. 18A:64I-1, *et seq.*). The 1981 law also provided that the Board of Trustees of MSU would expend the sum of money as may be included in any annual appropriations act for the expenses necessary for the educational program and for the maintenance of the buildings and grounds necessary for that program. See N.J.S.A. 18A:64I-2. However, MSU stated that a line item earmarked for the School of Conservation was included in the annual appropriations act until Fiscal Year 2011, when it was deleted without explanation. Further, MSU maintained that it had experienced increased expenses of at least \$24 million dollars resulting from the COVID-19 pandemic. MSU also indicated that in an attempt to reduce the possibility of layoffs, it considered voluntary alternatives to layoffs, but none were feasible, and conducted pre-layoff actions. Moreover, MSU advised that it consulted with representatives of the affected collective negotiations on various dates in May 2020, including CWA.

In its petition for stay, CWA argued that the 1981 law directed that MSU operate the School of Conservation “in perpetuity.” Moreover, it alleged that MSU had failed “to demonstrate any serious effort to comply, or substantially comply, with its consultation obligation.” CWA also argued that MSU has not engaged in consideration of alternatives to layoff or pre-layoff actions in a “meaningful” way. Additionally, CWA asserted that the abandonment of the facilities would result in deterioration of the buildings and surrounding property, and vandalism and theft were “likely to ensue.” CWA also argued that the public interest would not be served if the layoff occurred, as the School of Conservation is an important natural and educational resource for students and professors to learn and conduct research. Furthermore, CWA alleged that MSU failed to respond to requests for budgetary information.

In reviewing the matter, the Commission found that N.J.S.A. 18A:64I-1 did not specifically state that the actual school must forever be open, nor did it preclude a layoff of employees. Rather, it mandated that the tract of land together with its buildings be utilized as a school of environmental field study and

could not be used for any other purpose. Furthermore, CWA had not convincingly shown that the line item deletion did not occur. Additionally, the Commission stated that, although CWA disputed the defunding of the school in the appropriations act and presented information that purportedly included appropriations through at least Fiscal Year 2016, it did not shed any light on the funding situation between that time and July 2020. Moreover, the initial information submitted in response to the petition for stay, as well as the supplemental information, appeared to have satisfied CWA’s claim that it did not receive requested budgetary information. Nonetheless, the Commission noted that a dispute of monetary ability, and a refusal to answer requests for information, raised a question of whether the layoff had been made in good faith, and as such, was considered a material fact in dispute that required a hearing. The Commission indicated that it would not attempt to determine the merits of CWA’s contentions on the written record without a full plenary hearing. Therefore, there was no clear likelihood of success on the merits of CWA’s claims.

As for CWA’s contention that MSU did not engage in “meaningful” consultations, the Commission noted that the level of consultation contemplated by Civil Service law and rules governing layoffs did not require negotiations. However, it did require more than mere notification of impending layoffs. The Commission was satisfied that MSU acted in accordance with the regulatory requirements, which included an opportunity to engage in further discussion with CWA after the request for stay was filed. In addition, the Commission emphasized that while it was cognizant of a layoff’s impact on affected employees, the employees would be entitled to back pay and a return to positions should they be successful in an appeal of their layoffs. As to the effects of the layoff to the surrounding property, MSU had indicated that it was relinquishing control of the property back to the DEP, which already had the responsibility for the care, management and preservation of the Stokes State Forest reserve. Lastly, the Commission determined that it would not be in the public interest for the affected employees to remain in their positions where no sufficient basis had been found to stay the layoff, and regulatory requirements had been satisfied to approve the plan. Accordingly, CWA’s request for a stay was denied. To read the full text, click [here](#).

It is noted that the layoff occurred as scheduled on August 28, 2020.

***In the Matter of Fire Fighter
Physical Performance Test
(CSC, decided September 30, 2020)***

Various appointing authorities petitioned the Commission to permit conditional appointments to the title of Fire Fighter. The Fire Fighter examination consists of two parts: a written examination, on which candidates are ranked, and the Physical Performance Test (PPT), which simulates the physical activities Fire Fighters perform on the job and is administered as a pass/fail examination. Moreover, the eligible list for Fire Fighter is issued prior to administering the PPT. Candidates are only tested via the PPT when a Certification of Eligibles is issued and candidates have responded to the appointing authority as interested in the position. The PPT would then be administered. However, due to the current COVID-19 pandemic, the subsequent stay at home orders, and social distancing requirements, the PPT has not been scheduled. Upon its review, the Commission recognized the need to fill these critical public safety positions during the COVID-19 crisis, as each unfilled position undermines overall public safety and results in budgetary hardship due to such things as increased overtime costs. Moreover, the petitioning appointing authorities were willing to make permanent appointments, absent the critical PPT selection tool, and defer to the Fire Academy physical training component during the COVID-19 crisis. Under these unique circumstances, the Commission found it appropriate to waive the PPT portion of the examination process for all appointing authorities desiring to make permanent appointments until such time as the PPT can be safely and expeditiously administered. At that time, all appointing authorities would be advised that the former examination and certification procedures will be put back into effect. To read the full text, click [here](#).

COURT DECISIONS

Set forth are decisions of the Superior Court of New Jersey, Appellate Division, on appeal from Commission decisions. Unless otherwise noted, the Appellate Division opinions have not been approved for publication. As such, their use is limited in accordance with R. 1:36-3 of the New Jersey Court Rules. Full texts of the opinions may be searched on the court's website by clicking [here](#).

***In the Matter of Muhammed Ojibara, Fire Fighter
(M1540T), Irvington, Docket No. A-6013-17T3
(App. Div., decided January 9, 2020)***

Court affirms Commission's removal of Fire Fighter candidate from eligible list noting that Commission had express authority from the Legislature to promulgate rules. The Commission upheld Muhammed Ojibara's removal from the Fire Fighter (M1540T), Irvington, eligible list due to his arrest record, finding that the appellant's arrest record adversely related to the position of Fire Fighter. The Appellate Division held that the record amply supported the Commission's determination and affirmed. In doing so, the court dismissed the appellant's arguments regarding the Commission's authority "as legally unsupported." In that regard, the appellant had argued that the Commission exceeded the authority granted to it by the Legislature. The Appellate Division noted that the Legislature expressly granted the Commission the authority to promulgate rules to effectuate the purposes of the Civil Service Act, which included the issues involved.

***In the Matter of M.M., Department of Human
Services, 463 N.J. Super. 128 (App. Div. 2020)***

In a published decision, court affirms Commission determination that career service employee could not directly appeal to the Commission regarding State Policy Prohibiting Discrimination in the Workplace (State Policy) violations and discipline. M.M., a career service employee at a State hospital, filed an appeal of the appointing authority's findings that she had violated the State Policy. However, the Commission determined that M.M. could not directly appeal the findings to the Commission, nor could she directly appeal the imposition of discipline where she received an official written reprimand for one violation and notice of a five-day suspension for another violation. Instead, the Commission indicated that M.M. could appeal using the procedures under *N.J.A.C. 4A:2-2* and *-3*.

M.M. pursued an appeal to the Appellate Division, arguing that, even though she was subject to disciplinary action, an appeal in accordance with *N.J.A.C. 4A:7-3.2(n)(3)* was not required, and that she had the option to appeal directly to the Commission pursuant to *N.J.A.C. 4A:7-3.2(n)*. The Appellate Division affirmed the Commission's decision noting that the term, "may appeal," in the regulations indicated that M.M. had the option to appeal the decisions, but she was not mandated to do so. However, it did not give M.M. the right to choose the forum of her appeal. Otherwise, the court noted that there would be no need for two regulations.

Court affirms Commission decision upholding removal of a Vineland Police Officer who provided false testimony in obtaining a search warrant. Gamaliel Cruz, a Police Officer who had been serving as a police detective, learned of a potential robbery through a telephone call with an individual who did not identify himself, but who he suspected was a confidential informant who he had a relationship with, which led to the arrests of the suspects. During a telephone application to a judge for a search warrant while under oath, Cruz testified that the information came from an anonymous subject. A few months later, the prosecutor's office realized that Cruz may have provided false testimony while obtaining the search warrant. This led to Cruz's removal from employment, which an Administrative Law Judge (ALJ), the Commission and the Appellate Division upheld. The Appellate Division found that Cruz's removal was reasonable even though he may have had good intentions by not wanting to "blow the cover" of the informant. Nonetheless, Cruz's false testimony led to a dismissal of cases, and he could no longer testify in court. Therefore, he could no longer perform his duties as a police detective.

In the Matter of Shirley Savage, Docket No. A-1125-17T2 (App. Div. April 28, 2020)

Court affirms Commission decision upholding removal of Human Services Assistant who left her one-to-one patient assignments without authorization. Shirley Savage, a former Human Services Assistant at Ancora Psychiatric Hospital, was assigned one-to-one patients who could not be left unattended because of the risks posed by these patients. However, Savage was removed from her employment following two separate incidents during which she left her work assignment without authorization. The Commission adopted the ALJ's decision of removal and Savage appealed to the Appellate Division. On appeal, Savage challenged the sufficiency of the evidence; pointed to the related infractions by her co-workers as justification for her actions; contested the penalty of removal as severe; and claimed her rights were violated because evidence and transcripts of the Office of Administrative Law and departmental hearings were withheld, tampered with or omitted from the record. The Appellate Division rejected Savage's claims as the Commission's decision was supported by credible evidence in the record. The court also found that the penalty of removal was appropriate.

Court affirms Commission's interlocutory decision granting appointing authority's motion for summary decision and upholds removal of Senior Correctional Police Officer for violating the undue familiarity policy and other charges. Asia Atkins, a Senior Correctional Police Officer with the Department of Corrections (DOC) filed an Application for Accidental Disability Retirement with the New Jersey Division of Pensions and Benefits (NJDPB) seeking an effective retirement date in October 2015. In November 2015, Atkins began dating a parolee and married him in March 2016, while he was still under parole supervision. In October 2016, the NJDPB issued a letter to Atkins denying her application for disability retirement benefits. In May 2017, the parolee was re-incarcerated, and after he was questioned about his relationship with Atkins by DOC's Internal Affairs, Atkins claimed that she first learned that she was still considered a DOC employee. DOC removed Atkins from employment, for unbecoming conduct and violating its undue familiarity policy, among other violations. Atkins appealed her removal to the Commission.

At the Office of Administrative Law, DOC filed a motion for summary decision. The ALJ denied DOC's motion as the ALJ concluded that an evidentiary hearing was needed. After granting DOC's request for interlocutory review, the Commission reversed the ALJ and granted summary decision to DOC. The Commission found that it was undisputed that Atkins began dating the parolee while he was on parole, had a relationship with him while he was still incarcerated, and did not report these activities to DOC. Moreover, the Commission concluded that the only appropriate penalty for violating the undue familiarity policy was removal. On appeal, the Appellate Division affirmed the Commission's decision as the evidence clearly established that Atkins engaged in undue familiarity and, under these circumstances, removal was not "shocking to one's sense of fairness." In upholding the decision, the court noted that the Commission "was not obligated to withhold discipline merely because appellant appealed the denial of her accidental disability retirement application."

The Commission is pleased to announce the release of its 2019 Annual Report. [The 2019 Annual Report](#) is filled with the many accomplishments of each Division/Office within the Commission. You can find the Report in the [Forms and Publications section of our website](#).

COVID-19 RELATED GUIDELINES

On March 9, 2020, Governor Philip D. Murphy signed [Executive Order 103](#), declaring a State of Emergency and a Public Health Emergency that authorized all State departments and agencies to enact measures to respond to the spread of the novel coronavirus COVID-19.

On March 11, 2020, in compliance with Executive Order 103, the Commission issued temporary COVID-19 guidelines, which implemented paid leave to protect State employees and their families from the spread of COVID-19. The purpose of the temporary COVID-19 paid leave was (1) to address State governmental staffing requirements necessary to ensure the continuation of essential operations, and (2) to provide State employees with greater latitude in applicable leave time procedures to prevent further spread of the virus and to prioritize their health and the health of their immediate family members.

Subsequently, on March 21, 2020, Governor Murphy signed [Executive Order 107](#), which imposed a shelter in place order, closed all schools, child care centers and non-essential retail businesses, and required all businesses or non-profits, wherever practicable to accommodate telework or work-from-home arrangements and reduce staff on site to the minimal number necessary to continue essential operations.

With the decrease in number of cases in the State, and based on scientific data and metrics concerning the level of disease transmission risk and essential classification, on May 18, 2020, Governor Murphy announced a multi-stage [“The Road Back: Restoring Economic Health through Public Health”](#) plan for the methodical and strategic reopening of businesses and activities within the State.

To assist State employers and employees with the reopening process and the possibility that leave may still need to be taken by an employee, on June 30, 2020, the Commission issued the [Families First Coronavirus Response Act \(FFCRA\) Guidelines for State Employees](#). The FFCRA Guidelines for State Employees gives further detail on the two federal emergency paid leave options enacted in response to COVID-19, which are the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA). As an employer, the

State is subject to both the EPSLA and EFMLEA. Employees may be eligible for these leaves by meeting certain criteria.

Additionally, on August 13, 2020, as the new school year neared, Governor Murphy issued [Executive Order 175](#), which superseded Executive Orders Nos. 104 (2020) and 107 (2020) *“to the extent that they required all public, private, and parochial preschool program premises, and elementary schools, including charter and renaissance schools (collectively “school districts”), to remain closed.”*

However, Executive Order 175 prescribed a number of health and safety standards that all school districts must meet to reopen for full or part-time in person instruction. Executive Order 175 also required school districts to allow students to engage in full-time remote learning upon request of a parent or guardian. Further, if a school district could not successfully satisfy the health and safety requirements for in-person instruction, Executive Order 175 permitted the school district to provide full-time remote instruction to all students.

In conjunction with the school reopening process and anticipation of any school district closings that may affect State, county, or local government employees, the Commission provided information concerning State employee eligibility for the federal FFCRA benefits during periods of remote learning. In that regard, the Commission published [Frequently Asked Questions \(FAQs\) For State Employees Concerning the Reopening of Schools and Remote Learning and the Applicability of the Families First Coronavirus Response Act](#).

The FFCRA Guidelines for State Employees and the FAQs for State Employees with respect to school reopening and remote learning may be found by clicking the links above or by visiting the Commission’s website at <https://www.state.nj.us/csc/employees/covid.html>, which also has other pertinent information regarding the COVID-19 response. If you have further inquiries on this issue, please email us at CSC-COVID19.Inquiries@csc.nj.gov.

The Commission continues to monitor Executive Orders and new legislation affecting the various State departments and agencies and will issue appropriate guidelines and promulgate regulations for the Civil Service community.

REGULATORY UPDATE

Set forth below are Commission approvals of various emergency adoptions of temporary rule relaxations and modifications to *N.J.A.C. 4A* concerning time frames for filing appeals, emergency compensation rates, workweek provisions, voluntary furloughs, and holidays in accordance with Section 6 of Executive Order 103, issued in response to the COVID-19 pandemic.

At its April 2020 meetings, the Commission approved Notices of Adoption for Temporary Rule Relaxations and Modifications to various provisions of *N.J.A.C. 4A*. The first emergency adoption concerned the time frames on filing administrative appeals set forth in *N.J.A.C. 4A:2-1.1, 2.5, 2.6, and 5.2; 4A:3-3.9; 4A:4-5.2, 6.4, and 6.5; 4A:6-2.5, 2.6, 2.7, and 2.8; and 4A:7-3.2*. The second concerned the emergency compensation rates set forth in *N.J.A.C. 4A:3-4.19*. Due to the concerns associated with an increased risk of infection, as well as changes to the nature of the job duties, the Commission had established a temporary emergency rate of compensation for those employees in the Division of Children Protection and Permanency (DCPP), Department of Children and Families, serving on a special response team when certain conditions are present. Similarly, employees in the Division of Developmental Disabilities (DDD), Department of Human Services, were to receive an emergency rate of compensation contingent upon the presence of set conditions in consideration of the COVID-19 pandemic. The emergency rates were effective from March 28, 2020 through June 30, 2020, with a possibility for extension. The third concerned the regulatory provisions relating to the 40 hours or less in a workweek, State service, *N.J.A.C. 4A:3-5.3*, and Special circumstances: State service, *N.J.A.C. 4A:3-5.7*. These temporary provisions applied to DCPP, DDD, and Labor employees serving in the Divisions of Income Security, Disability Determinations, Information Technology, and Finance and Administration.

At its May 20, 2020 meeting, the Commission approved a Notice of Adoption for Temporary Rule Relaxations and Modifications to *N.J.A.C. 4A:6-1.23*. As a result of emergency measures relating to the COVID-19 pandemic, appointing authorities had been experiencing increased financial constraints, as well as workforce challenges, as they had restructured operations to meet the essential needs of the public within the parameters dictated by public health requirements. To address the need for

additional flexibility to State and local appointing authorities, including the State Colleges and Universities, with regard to staffing, the Commission adopted temporary rule relaxations and modifications so that staff may be reduced through the Voluntary Furlough Program in the short term while maintaining their employer-sponsored health benefits coverage. It is noted that at its September 30, 2020 meeting, the Commission approved an additional 90 workdays of voluntary furlough for an employee. This modification now provides for a total of 180 workdays of furlough and the maintenance of the employer-sponsored health benefit coverage for the affected employee during that time.

At its June 2020 meetings, the Commission approved Notices of Adoption for Temporary Rule Relaxations and Modifications to *N.J.A.C. 4A:3-4.19*. Due to the concerns associated with an increased risk of infection, as well as changes to the nature of job duties, the Commission established a temporary emergency rate of compensation for direct care and service employees in the Department of Health and the Department of Military and Veterans Affairs contingent upon the presence of set conditions in consideration of the COVID-19 pandemic. The emergency rates were to be effective from March 28, 2020 through June 30, 2020, with a possibility for extension.

At its July 1, 2020 meeting, the Commission approved a Notice of Adoption for Temporary Rule Relaxations and Modifications to *N.J.A.C. 4A:6-2.4, Holidays: State service*. The Chairperson of the Commission had requested that the provisions of *N.J.A.C. 4A:6-2.4(d)* be modified in order to implement Memorandums of Agreement between the State and various collective negotiations agents regarding COVID-19 furloughs. The Commission found the modification appropriate so that employees who have an unpaid COVID-19 furlough day on the day immediately preceding a State holiday would receive holiday pay associated with the State holiday.

To view enacted regulations and laws which affect Civil Service employees and employers, please follow this [link](#). For more information on proposed and recently adopted regulations, please visit our website [page](#). If you wish to register for the Rules e-Notification system, which e-mails recipients regarding Civil Service regulatory activity, please click [here](#).

Meet Commissioner Diomedes Tsitouras

The Commission is a five-member, bipartisan, public body consisting of the Chair/Chief Executive Officer, who serves as the chairperson, and four members who are appointed to a four-year term by the Governor with the consent of the State Senate. The Commission is charged with interpreting Title 4A of the New Jersey Administrative Code, adopting new rules and amending existing rules, rendering decisions on appeals, and enforcing its rulings. Diomedes Tsitouras joins the Commission as its fourth member.

Governor Philip D. Murphy's appointment of Commissioner Tsitouras to the Commission was confirmed by the State Senate on January 9, 2020. Commissioner Tsitouras joined the other Commission members, Chairperson Deirdré Webster Cobb, Dolores Gorczyca, and Daniel W. O'Mullan at the Commission's January 29, 2020 meeting. Commissioner Tsitouras received his Bachelor's degree and Master of Public Administration from Cornell University and his Juris Doctor degree from Indiana University School of Law. He is the Executive Director of the American Association of University Professors – Biomedical and Health Sciences of New Jersey. We welcome Commissioner Tsitouras to the Commission.



Commissioner Diomedes Tsitouras

In the wake of the COVID-19 pandemic, the Commission and its operating divisions have had to temporarily stay or alter operations to safely provide services to the Civil Service community. Similar to other government agencies, the Commission has implemented its Continuity of Operation Plan, which keeps in mind its core mission to advance New Jersey government with fair and efficient human resources responsive to the needs of the Civil Service workforce. The following modifications to Commission operations, programs, and activities have been highlighted for the Civil Service community's information.

Civil Service Commission

To comply with social distance guidelines, Commission meetings have been held via teleconference. The public may listen to the meetings by calling 1-877-336-1831 and entering Access Code 8654076. Public comments and questions about items on the agenda may be sent to DARA@csc.nj.gov.

Division of Appeals and Regulatory Affairs (DARA)

Among its various duties, DARA provides support for the Commission by administering the appeal process and assisting the Commission in its regulatory responsibilities. As noted above, Commission meetings have been held by teleconference. Agenda materials are now sent to the Commission members electronically. Additionally, prior to the pandemic, all decisions and letters were printed and mailed to the parties. In most cases, decisions and letters are now emailed. DARA staff members have continued to work in the office or remotely and can be contacted by office telephone or email. There is a division email address (DARA@csc.nj.gov) where inquiries can also be made. Moreover, email submissions were generally not accepted prior to the pandemic. However, email filings have now been permitted for certain submissions, such as responses to written record appeals and exceptions, cross exceptions, and replies to initial decisions rendered by ALJs at the Office of Administrative Law. Senders are advised to copy any adversary on the email and to submit a copy of the submission by regular mail. In addition, meetings of the Medical Review Panel, which reviews and provides recommendations on appeals of psychological disqualification for the Commission, are now conducted through video conferencing where the appellant, appointing authority, and representatives may appear. DARA's Medical Review Panel Liaison hosts the meetings.

Division of Test Development and Analytics

To support the constitutional mandate that Civil Service appointments and promotions to government positions should be made in accordance with the principles of “merit and fitness,” candidates compete for job opportunities by participating in Civil Service examinations. These examinations assess a candidate’s knowledge, skills and abilities necessary to perform the required job functions. In March 2020, due to the COVID-19 pandemic, all examinations were postponed. However, the Commission’s Test Administration recently adopted health and safety protocols for resuming Civil Service testing. These protocols are based on guidance from the State, as well as from health policy organizations such as the Center for Disease Control and the World Health Organization. The division will begin with make-up examinations, transition to examinations that were canceled beginning in March as a result of the COVID-19 pandemic, and lastly newly announced examinations.

Division of Agency Services (Agency Services)

Agency Services is the primary point of customer service contact for human resource matters for Civil service agencies, employees, and applicants. Its responsibilities consist of examination announcements, determining examination eligibility, eligible list issuance, job classification, administration of reductions in force, maintenance of State and local government Civil Service employee personnel records, issuance of certifications, bilingual testing, and oversight of the agency’s business systems. Although Agency Services suspended examination announcement and certification list activity in the beginning of the COVID-19 pandemic, it recently resumed those activities. Staff members report to the office rotationally to complete tasks.

Division of Equal Employment Opportunity (EEO)/Affirmative Action (AA)

At the onset of the COVID-19 pandemic, the Division of EEO/AA was unable to meet with employees. Therefore, it was necessary to temporarily stay certain interviews. The division, however, worked to finalize existing EEO reports. Thereafter, in April 2020, the division provided initial guidance to the EEO Officers, and then later in June, provided training on best practices for conducting remote interviews, i.e., via telephone or video, and sharing/collecting evidence using Microsoft Teams and OneDrive. Moreover, Bi-Monthly EEO Officer meetings are now conducted via Microsoft Teams until further notice. As for training, throughout 2019, in conjunction with Cornell University, the Division of EEO/AA finalized a six-day EEO Officer/Investigator certificate training course.

The first session of this six-day training occurred in the fall of 2019 and the second session was scheduled in the spring of 2020. However, this training has been postponed. Further information will be forthcoming. The Division of EEO/AA has also been working with the New Jersey Coalition Against Sexual Assault (“NJ CASA”) to be consistent with legislation requiring applicable public employees to receive additional training to manage harassment or discrimination complaints. Due to the COVID-19 pandemic, the training has been postponed until at least the fall of 2020 and will most likely be delivered virtually.

Diversity and Inclusion Summit, Diversity Council, and Diversity in Law Enforcement Career Program

In the spring of 2019, the Commission’s Office of Diversity held its first full-day Diversity and Inclusion Summit for Human Resource Officers, EEO Officers, and Diversity Officers. The purpose of the Summit was to provide State government employees with the opportunity to learn, gather, and share information related to diversity and inclusion in the State’s workforce. The second annual Diversity and Inclusion Summit is scheduled for December 3, 2020 and has been modified to a virtual presentation format. The Diversity Council meetings have also been moved to a virtual format. The Diversity Council is comprised of State government representatives. A function of the Diversity Council is to serve as a forum to provide diversity training, develop programs, provide resource information, and make recommendations on issues related to diversity and inclusion as it pertains to the State’s workforce. In addition, the Diversity in Law Enforcement Career Program was developed to support and increase diversity and inclusion in law enforcement careers. This program was modified to a virtual presentation format which took place on October 22, 2020. The event served as a recruitment activity for job candidates, as well as an informational program on law enforcement careers, including but not limited to the testing/examination process, how to prepare for a career in law enforcement, and the types of careers available.

Employee Advisory Service (EAS)

With the dramatic changes in work and society caused by the COVID-19 pandemic, EAS has responded by making changes to its delivery of services to employees. Telephone and video-based sessions were introduced as a means of staying connected to employees. EAS has also collaborated with the State Health Benefits Plan to obtain information regarding access to proactive supportive services, which include no-copay services to assist employees in dealing with stress and isolation. Moreover, EAS has added additional live webinars to

assist employees. EAS' newsletters have also included targeted messages to address dealing with societal changes and empowering employees with resources to increase resiliency and self-care. EAS has also provided an increased number of management consultation to assist agencies in dealing with the concerns brought on by managing a remote workforce.

Center for Learning and Improving Performance

In June 2020, the Center for Learning and Improving Performance (CLIP) team launched a new statewide Learning Management (LMS) platform, which could not have come at a more opportune time. The new LMS system is cloud-based, user friendly and features state-of-the-art technology. While CLIP's training format has always been a blended delivery approach, which combines face-to-face, instructor-led training with web-based training, during this unprecedented time, staff had to quickly pivot to a "web-based only" training strategy to engage learners remotely. CLIP did this by developing and releasing a series of free, micro-learning "quick clips" that focused on the theme, "Be Well, Work Well". CLIP also offers a variety of online professional development courses from top publishing sources through the courseware vendor, Open Sesame. Additionally, CLIP staff is developing training materials for learners and managers that can be completed online. Moreover, to assist with educating employees on taking proper worksite precautions during the pandemic, the CLIP team is developing an informational course. CLIP is also conducting administrator training using the internal virtual classroom feature in the LMS system.

Job Fairs and Information Sessions

The Commission scheduled four regional job fairs for the year. Two job fairs were held and over 2,000 job seekers attended these programs. At this time, the job fairs have been postponed. However, One-Stop Career Center Job Opportunities information sessions continue and have been modified to a virtual presentation format. The job information sessions include a step-by-step "how to" on applying for examination announcements posted on the Commission's website. Additionally, information is provided on the types of positions available, i.e., competitive, non-competitive, and the variety of public service careers within government service.



Follow Us on Social Media

Facebook: [NJ Civil Service Commission](#)
Twitter: [@NJCivilService](#)
Instagram: [@NJCivilService](#)
Hashtag: #CSCWorksForYou

HELPFUL LINKS

Civil Service Commission Website

<https://nj.gov/csc>

Office of the Chair/Chief Executive Officer

<https://www.state.nj.us/csc/about/chair/>

Commission Decisions (July 16, 2014 to the present)

<https://nj.gov/csc/about/meetings/search> or
<https://nj.gov/csc/about/meetings/minutes/>

Civil Service Regulations and Laws

www.nj.gov/csc/about/about/regulations/index.html

Filing Appeals with the Civil Service Commission

www.nj.gov/csc/authorities/faq/appeals

Division of Appeals and Regulatory Affairs

www.nj.gov/csc/about/divisions/merit/

Job Announcements and Testing

www.nj.gov/csc/seekers/jobs/announcements

Public Safety Testing News

www.nj.gov/csc/about/news/safety/index.html

Division of Test Development and Analytics

<https://nj.gov/csc/about/divisions/selection/>

Division of Agency Services

www.nj.gov/csc/about/divisions/slo/

Division of EEO/AA

<https://www.state.nj.us/csc/about/divisions/eoo/index.html>

Employee Advisory Service

<https://www.state.nj.us/csc/employees/programs/advisory/eas.html>

Employee Advisory Service Publications

<https://www.nj.gov/csc/employees/programs/advisory/publications.html>

Employee Training

www.nj.gov/csc/employees/training/index.html

Training Post Newsletter

www.nj.gov/csc/employees/training/training_newsletter.html

Issues of The Reporter

<https://nj.gov/csc/about/publications/merit/>

If you have questions or comments regarding The Reporter, please email us at: TheReporter@csc.nj.gov. We welcome suggestions on topics or areas of interest you would like to see in upcoming issues of The Reporter. If you wish to subscribe to The Reporter, please click the link: https://www.surveymonkey.com/r/The_Reporter. If you wish to unsubscribe, please email us.