

July 15, 2010 - P.L. 2010, c. 26, which took effect July 1, 2010, imposes a \$20.00 fee for appeals to the Civil Service Commission filed under the provisions of N.J.S.A. 11A:2-6a (major discipline and termination at the end of the working test period), 11A:2-6b (written record appeals), 11A:4-1e (examination appeals) and 11A:8-4 (good faith layoff appeals). Thus, some appeals and requests for Civil Service Commission action based on other statutory provisions are excluded, such as N.J.S.A. 11A:2-11h (classification, grievances in State service, layoff rights, and salary – job reevaluation), N.J.S.A. 11A:2-24 (reprisal appeals), N.J.S.A. 11A:4-5 (appointment waivers) and N.J.S.A. 11A:10-3 (requests for enforcement).

As a preliminary step in implementing this new law, we have prepared the following chart with a list of the appeals subject to the fee and a list of appeals/requests not subject to the fee. We anticipate that the Commission will propose rules in the near future to more fully explain this new law.

Types of appeals subject to fees under P.L. 2010, c. 26

<u>Type of Appeal</u>	<u>Statute*</u>
Back pay/counsel fees	11A:2-6b
Discipline, major	11A:2-6a
Discipline, minor	11A:2-6b
Discrimination in State service	11A:2-6b
Exam eligibility, scoring, and administration	11A:4-1e
Interim relief not on a pending appeal	11A:2-6b
Layoff, good faith	11A:8-4
List bypass/rule of three	11A:4-1e
List removal	11A:4-1e
Reconsideration of appeal subject to fee	11A:2-6b
Resignation under duress	11A:2-6b
Sick Leave Injury (SLI)	11A:2-6b
Stay following decision on appeal subject to fee	11A:2-6b
Termination at end of working test period	11A:2-6a
Transfer, reassignment or lateral title change	11A:2-6b
All other appeals not specifically excluded below	11A:2-6b

Types of appeals/requests not subject to fees under P.L. 2010, c. 26

<u>Type of Appeal</u>	<u>Statute</u>
Appointment Waiver	11A:4-5
Classification	11A:2-11h
Enforcement of Commission decision	11A:10-3
Grievance in State service	11A:2-11h
Intergovernmental transfer rule relaxation	11A:2-6d
Interim relief on pending appeal	11A:2-6c
Layoff rights	11A:2-11h
List extension or revival	11A:4-6
Reconsideration of appeal not subject to fee	11A:2-11h
Reprisal	11A:2-24
Request for retroactive appointment date	11A:4-13a
Salary – job reevaluation	11A:2-11h
Waiver of salary overpayment	11A:3-7c

* Statute authorizing Commission review and determination