



**RESOLUTION OF THE DELAWARE AND RARITAN CANAL COMMISSION 2021-03:  
COMMISSION ENGINEER SPECIAL PROJECT BLANKET APPROVAL**

**WHEREAS**, The Delaware and Raritan Canal Commission (“Commission”) was created by statute in 1974 (N.J.S.A. 13:13A-11a.) and is located in Stockton, New Jersey, and among its enumerated statutory powers is the authority to “...appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation” (N.J.S.A. 13:13A-11f.); and

**WHEREAS**, Although allocated to the Department of Environmental Protection (DEP), the Commission has independent statutory authority to, in part, conduct land use permitting within a 450 square-mile watershed around the approximately 60 mile-long Delaware and Raritan Canal. The permitting program exists to protect the water of the Delaware and Raritan Canal, which is a drinking water source for over one million residents of central New Jersey; and

**WHEREAS**, This permit review program includes the analysis of the engineering design of proposed site developments, including stormwater management systems and floodplain delineations, submitted by licensed professional engineers that can only be reviewed by Commission-employed engineers who possess specialized knowledge of the Commission’s regulations in order to determine compliance with the stormwater runoff, water quality, stream corridor, and traffic impact standards at N.J.A.C. 7:45-8, N.J.A.C. 7:45-9, and N.J.A.C. 7:45-11, respectively; and

**WHEREAS**, For most of the Commission’s history, the engineering analysis associated with project applications was reviewed by a full-time Commission employee who was a licensed professional engineer, who was supported by a General Fund appropriation in the annual appropriation act, which was able to cover the salary cost of the engineer, which approach functioned adequately until the threshold for the Commission’s jurisdiction over land use projects was significantly expanded and the Commission’s annual appropriation was eliminated and converted to a fee-based system in 2009.

**WHEREAS**, Following these major programmatic and budgetary changes, the Commission was required to employ two licensed professional engineers on a part-time basis, who are also full-time employees of other programs within the DEP, under a “special project blanket” to conduct the 500 annual engineering reviews related to the permit applications, issue technical reports regarding

compliance and deficiencies, provide expert advice at monthly public Commission meetings, and meet with applicants' engineers to discuss their projects and provide guidance; and

**WHEREAS**, While the part-time engineers' work was considered overtime, they were paid an hourly rate equal to their full-time rate at DEP up until 2011, after which time the Commission was directed by DEP Human Resources to follow the "special project overtime blanket" set by the Civil Service Commission (CSC) at N.J.A.C. 4A:3-4.19, and in which the engineers would work at the Commission office on their alternate workweek program; however, while this rate was generally in accord with the rate the Commission approved for the engineers, it was nevertheless lower than what was used under the prior arrangement; and

**WHEREAS**, In 2017 the CSC revised its application of the special project blanket as it related to non "S" (Supervisory) employees, which when applied to the Commission's engineers by the DEP Division of Human Resources, which administers the Commission's payroll, reduced the engineer's compensation to a rate of \$34.10/hour, or an immediate 24% reduction in the engineers compensation, which had been set by the Commission at a rate of \$50.00/hour pursuant to a motion approved by the Commission in November of 2017; and

**WHEREAS**, The application of the special project blanket has resulted in the anomalous situation in which a part-time Commission engineer that was paid \$36.50/hour in the year 2000 could only be paid \$34.83/hour in 2019, and \$35.53/hour in 2020, which amount is an actual reduction when compared to the rate which existed 20 years ago, and substantially less than the \$135-\$225/hour rate which would be charged for the services of a licensed professional engineer in the private sector; and

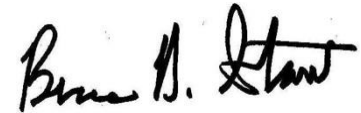
**WHEREAS**, The DEP Human Resources Office has submitted a formal request to the CSC for a Commission-specific special project blanket at a rate of \$50.00/hour; and

**WHEREAS**, The CSC's position, expressed to the Commission Executive Director in 2018 concurred that the Commission had the unambiguous authority to appoint employees and determine their qualifications, duties, compensation, without regard to the laws governing Civil Service, and that the CSC did not possess the jurisdiction to address this issue, other than ensuring that Commission employees were recorded in the Personnel Management Information System that is linked to the State centralized payroll system;

**NOW THEREFORE, BE IT RESOLVED:**

1. The Commission respectfully requests the Civil Service Commission, consistent with the analysis and statements made in 2018, to approve the pending special project blanket for Delaware and Raritan Canal Commission part-time engineers at the proposed rate of \$50.00/hour.

2. That a copy of this resolution, signed by the Chairman and attested by the Secretary, be transmitted to the Chair/CEO of the Civil Service Commission, the DEP Assistant Commissioner for Natural and Historic Resources, the Director of the DEP Human Resource Office.



---

Bruce D. Stout, Ph.D., Vice Chairman

I hereby certify the foregoing to be a true copy of the resolution adopted by the Delaware and Raritan Canal Commission at their meeting of September 15, 2021.



---

John Hutchison, Secretary