



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

**GUIDANCE FOR ATTORNEYS AND PRO SE LITIGANTS
ON SETTLING CIVIL SERVICE MATTERS**

While parties to Civil Service litigation are encouraged to craft settlement agreements that meet the needs of the parties, settlements in general must, nonetheless, receive approval from the Civil Service Commission.

As a matter of practice, the Commission routinely withholds approval where the settlement omits important information:

1. The settlement refers to the Preliminary Notice of Discipline, but not the Final Notice of Discipline. It is the FINAL that matters because that is the notice that is appealed to the Commission, and then forwarded to the OAL.
2. There is more than one charge, and the settlement only talks about one of them. A settlement must spell out what happens to every charge.
3. There has been a suspension, and the settlement does not explain what happens to every single day of the suspension. Is there a three-day leave without pay? It must say that. Are two days' sick leave to be used? The settlement must recite that.
4. The settlement can NOT state that an employee will receive pension credit or civil service seniority for time for which that employee was not and will not be paid under the settlement. The law does not allow pension credit or seniority for unpaid time.
5. If the settlement requires a fitness for duty examination, but does not say what happens if the employee fails the exam, the Commission will view that as a less-than-complete settlement. The OAL's general preference and practice is to place the case on the inactive list until such time as the examination has occurred, and the parties can finalize whatever settlement language is appropriate or go forward with the hearing.

Sample forms for state and local government use are available. As always, parties are free to create their own settlement documents. Rather, the forms are offered for the convenience of parties in ensuring that they have addressed all the issues necessary to close the matter.

