



# NEW JERSEY ASSOCIATION OF COUNTIES

## RECOMMENDATIONS TO STREAMLINE CIVIL SERVICE

The New Jersey Association of Counties (NJAC) recognizes the importance of the significant protections afforded workers by our State's civil service system. However, the time has come to develop and implement fair and equitable reforms necessary to streamline what has transformed into an overly burdensome and outdated bureaucracy.

As a result of a very productive meeting with Assemblywoman Linda Stender, NJAC formed a work group of seasoned human resources personnel to develop a set of realistic and meaningful civil service reform measures. In summary, these measures include: extending temporary seasonal employee appointments to ten months; expanding the working test period to six months; extending the time frame for disciplinary review appeals to 15 days; authorizing reconciliation plans; modifying special reemployment lists; modifying individual transfers; eliminating bumping rights, and altering the open competitive process.

### 1. SEASONAL EMPLOYEES

Current civil service laws prevent local governments from hiring temporary seasonal employees for more than six months. As a result of this antiquated measure, county governments must hire and train two separate workforces to maintain seasonal services at county golf courses, park systems, and zoos that remain open to the public for up to ten months every calendar year. With this in mind, NJAC recommends authorizing local governments to hire temporary seasonal employees for up to 10 months to eliminate an unnecessary level of bureaucracy and to empower county governments to operate more efficiently and effectively.

Please note that outlined below is an unofficial list of "Temporary Seasonal Employee Titles" currently used by several county governments, but not maintained by the Civil Service Commission (Commission):

Animal Attendant, Archery Instructor, Bathroom Attendant, Bridge Operator, Cashier, Clerk, Clerical, County Park Ranger, Election Worker, Farm Maintenance, Gardener, Golf Ranger, Golf Starter, Graduate Nurse, Graphic Artist, Greens Keeper, Groundskeeper, Historian, Historic Site Interpreter, Horseback Riding Instructor,

Human Service Summer Youth Employee, Laborer, Life Guard, Life Guard Supervisor, Medical Examiner Investigator, Morgue Attendant, Morgue Custodian, Mosquito Extermination Inspector, Naturalist Educator, Park Attendant, Park Laborer, Park Maintenance Worker, Park Naturalist, Practical Nurse, Range Instructor, Recreation Leader, Recreation Program Supervisor, Recreation Supervisor, Security Guard, Telecommunications Trainee, Truck Driver, Zoo Aide.

Given that as noted above the Commission does not maintain such a list and that several legislators have expressed concerns about including law enforcement personnel in certain civil service reform measures, NJAC recommends the following language to amend the relevant sections of N.J.S. 11A:4-13 c.:

“Other than temporary law enforcement appointments, seasonal positions may be established for a maximum of ten months in a 12-month period if the appointing authority has submitted the applicable list of seasonal titles to the chairperson and the chairperson has approved them.”

## 2. WORKING TEST PERIOD

The Commission defines the Working Test Period (WTP) as the period of time following a regular appointment from a certified list or appointment to a non-competitive title. The Commission considers the WTP as a continuation of the examination process and as an opportunity for local governments to properly evaluate employees. The current WTP for local governments is three months with no extensions unless the position is an entry level law enforcement or firefighter title. County officials have found that this relatively short time frame inhibits human resources personnel from properly evaluating employees and making accurate recommendations accordingly. As such, NJAC recommends a WTP of six months to provide local governments with a greater opportunity to fully assess the potential of future employees.

## 3. DISCIPLINARY REVIEW APPEALS

Current civil service rules authorize employees to appeal all disciplinary actions that result in an employee being suspended for five working days or more without regard for the severity of the disciplinary action. After a departmental hearing on the merits, an employee may file such an appeal with the Merit System Board within the Commission, which then typically transfers the matter to the Office of Administrative Law for a hearing by an Administrative Law Judge. This process takes a considerable amount of time and uses valuable

county taxpayer dollars in terms of county counsel fees and staff resources. Although departmental hearings are an essential component of the collective bargaining process and serve to protect employees, NJAC recommends that the Commission limit its jurisdiction to hear appeals only when the disciplinary action results in an employee being suspended for 15 working days or more.

#### 4. RECONCILIATION PLANS

The Uniform Shared Services and Consolidation Act sets forth the rules necessary to effectuate agreements between local units for any service or circumstance intended to reduce property taxes through the reduction of local expenses. This law currently includes a requirement to compensate employees who are separated from employment due to a consolidation or shared services agreement with terminal leave payments. NJAC recommends eliminating these statutorily imposed severance payments as a substantial financial disincentive for local governments working to consolidate costs and save valuable taxpayer dollars.

#### 5. SPECIAL REEMPLOYMENT LISTS

Current civil service rules require the establishment of a “Special Reemployment List” when permanent employees are laid off, demoted, or displaced from employment. With very few exceptions, special reemployment lists take priority over all other reemployment lists, open competitive lists, and lateral title changes. Further, employees placed on special reemployment lists remain on said list for an unlimited duration. As currently drafted, the Administrative Code grants extraordinary reemployment rights to displaced workers. While it is understandable that civil service seeks to protect employees from layoff, the rules place an undue hardship on management. Displaced employees often exercise lateral “bumping rights” and acquire positions for which they lack relevant experience at the expense of other covered employees. Most notably, however, special reemployment lists do not expire. As such, employees routinely pass up jobs that they are not interested in to preserve their place on a special reemployment list. This creates unnecessary levels of bureaucracy at both the State and local levels. If the purpose of a special reemployment list is to preserve an employee’s rights to a title that is closed, that protection should cease once an employee declines such a position. As such, NJAC recommends modifying the Administrative Code to eliminate the perpetuity of special reemployment lists. Once an employee declines a position for which they have title rights, they should then be removed from a special reemployment list.

## 6 BUMPING RIGHTS

Current civil service laws make it difficult for local governments to layoff staff for reasons of economy and efficiency. Once a layoff plan has been approved and proper notice has been given, subject employees have the right to “Bump” other employees from their titles and potentially their jobs. Although an appointing authority may have planned for a certain financial and service outcome from said layoff, that plan is typically inaccurate because of bumping entitlements. To make matters worse, the Commission will not share bumping rights with the appointing authority; and such rights are granted based on title and qualifications and not on job performance. With this in mind, NJAC recommends either eliminating bumping rights or requiring the Commission to fully disclose such rights upon request, so that local governments may properly execute a layoff as original planned.

## 7. INDIVIDUAL TRANSFERS

Current civil service laws prohibit local governments from transferring individual permanent classified employees from one department to another without an employee’s express written consent. As local governments continue to struggle to make ends meet while providing essential services, this outdated procedural hurdle makes it difficult for local governments to manage affairs in a flexible manner and provide efficient resources where necessary. With this in mind, NJAC recommends authorizing local governments to transfer employees from one department to another when a department experiences down time and important resources are needed elsewhere. Please note that current law authorizes local governments to transfer entire units without the written consent of employees.

## 8. OPEN COMPETITIVE PROCESS

As a modified position to legislation that would allow local governments to “opt out” of civil service, NJAC recommends revising the broken “Open Competitive Process.” Title certifications cannot be generated to find candidates, since it takes far too long to fill positions. In most cases, a local government fills a position with a provisional employee hired through regular human resources practice and screening. Only after this hire has been made and months have passed does the Commission post a vacancy announcement. The announcement is misleading to job seekers, who believe that a vacancy exists when in fact it does not. After the announcement closes and several months have passed, a certification is generated; and in most cases, the names provided to the local appointing authority as eligible are not screened by the Commission beyond a paper application. The Commission does not interview the job seeker, verify

information, check references, or test candidates. However, the local authority is informed that they must use this list for hiring purposes, and that prior interviews, reference checks, or skills examination carry no weight.

Revisions to the open competitive process should authorize local governments, which subscribe to the Commission's job specifications, to recruit and screen candidates by using best practices methodology and residency preference guidelines to select the most qualified candidate. The Commission may still regulate the procedures to assure the proper posting of vacancies and review appropriate veterans' preferences. Upon employment, local governments should then submit to the Commission for approval, the new hire's application, resume, other relevant credentials, and of course an application fee. The Commission may also issue a certificate to the appointing authority that the employee is the most qualified and best candidate for the position.

*Special thanks to work group members: Monmouth County Administrator Teri O'Connor, Essex County Administrator Joyce Harley, Salem County Administrator Earl Gage, Middlesex County Clerk Elaine Flynn, Morris County Director of Human Resources Grace Kelly, Middlesex County Director of Human Resources Dennis Cerami, and Passaic County Deputy County Administrator Tim Cunningham.*