STENDER, CONAWAY, GUSCIORA, DEANGELO, BENSON & GIBLIN
BILL TO HALT STATE FROM ELIMINATING CIVIL SERVICE PROTECTIONS GETS FINAL LEG OK

Resolution Gives Civil Service Commission 30 Days to Amend or Withdraw "Job Banding" Proposal because it Violates State Constitution

(TRENTON) - The full Senate on Thursday (6-27-2013) granted final legislative approval to a measure sponsored by Assembly Democrats Linda Stender, Herb Conaway, Jr., M.D., Reed Gusciora, Wayne DeAngelo, Daniel Benson and Thomas Giblin objecting to the establishment of the Civil Service Commission's proposed job banding program because it violates the legislative intent established in New Jersey's constitution.

"In order to best serve the public, government requires competent professional employees who are hired through a fair process," said Stender (D-Union, Middlesex, Somerset). "Civil service is in place to constitutionally guarantee public access to publicly funded jobs. We must have safeguards in place to ensure that elected or appointed officials do not turn public employment into their own personal hiring agency."

"The people of New Jersey benefit most from public service that is based on knowledge, skills and abilities, the guarantee of equal employment opportunities and the protection from political coercion and the sins of discrimination and political cronyism," said Conaway (D-Burlington). "These changes threaten to undermine these principles, which were enshrined in our constitution with the approval of the residents of this state."

The sponsors noted that the civil service system in New Jersey, once a statutory creation, gained permanence through its inclusion in the New Jersey Constitution, which provides that appointments and promotions in the civil service system must be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examination.

But on March 18, the state Civil Service Commission published proposed rule changes to establish a new job banding program for positions in both state and local service. The proposed job banding
program gives substantial discretion to civil service employers, potentially imperiling or curtailing veterans' preference and advancement opportunities for women, minorities, those with disabilities and those vulnerable to discriminatory practices.

The bill (ACR199 / SCR158), approved 24-13 by the Senate today, notes that the proposed rule change is contrary to the spirit, intent, and plain meaning of these provisions in the New Jersey Constitution.

"The current civil service exam process helps reduce discrimination, patronage and cronyism in the selection of candidates for promotions," said Gusciora (D-Mercer, Hunterdon). "The system has been highly effective for years in protecting qualified employees from political retribution and harassment and should not be unilaterally disbanded now."

"The proposed new rule will effectively eliminate promotional examinations for tens of thousands of state and local government positions that are currently subject to a formal exam process," said DeAngelo (D-Mercer, Middlesex). "This does a disservice to both hardworking qualified employees, as well as the public they serve should someone with lesser qualifications be given the position."

Specifically, the measure notes that the proposed changes are not consistent with legislative intent because they violate a number of constitutional edicts, including:

* that employees be selected and advanced on the basis of their relative knowledge, skills and abilities;

* that equal employment opportunities are ensured at all levels of public service to protect career public employees from political coercion;

* that a competitive promotional examination process be established; and

* that veterans ranking highest on a promotional certification receive preference.

"As it stands now, our civil service system works to ensure equal employment opportunity at all levels of public service and protect
career public employees from political coercion," said Benson (D-Mercer, Middlesex). "These are basic principles of fairness that the people of our state approved in our constitution."

"The existing civil service system is designed to ensure that employees are hired and advanced based on their relative knowledge, skills and abilities," said Giblin (D-Essex, Passaic). "This was the clear intent of the legislature when this constitutional amendment was put forth years ago and the people gave it their seal of approval. To let this be undone by some backroom bureaucracy is clearly a violation of legislative intent."

Under the proposed rule change, the appeal process would also be unavailable to employees who have not been selected for an advancement appointment under the proposed job banding program. Instead, a less protective grievance appeal procedure would be used.

Duly authenticated copies of the resolution signed by the Assembly Speaker and the Senate President will now be transmitted to the Governor and the Civil Service Commission.

The Civil Service Commission will then have 30 days following transmittal of the resolution to amend or withdraw the proposed regulations or the legislature may, by passage of another concurrent resolution, exercise its authority under the constitution to invalidate the regulations in whole or in part.