

Civil Service System
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I. PURPOSE

To explain the New Jersey Civil Service System as it relates to employment by the County of Morris.

II. DEFINITIONS

- A. Exempt Division – a part of the classified service which includes positions so designated by statute. Appointee to such positions shall be subject to all the provisions of Civil Service Law except competitive examination procedures for those positions.
- B. Labor Division – a part of the classified service which includes positions involving mainly laboring work.
- C. Non-Competitive Division – a part of the classified service which includes positions for which it is not practicable to secure a sufficient number of eligibles by competitive examinations because of the character of the work, the relatively low rate of pay, or the place or conditions of employment.
- D. Open-Competitive Examination – an examination open to members of the public who meet and comply with prescribed requirements for admission, to determine their relative merit and fitness for employment.
- E. Unclassified Service – offices and positions not subject to the provisions of the Civil Service Law or Commission rules. Included are positions for which a statute prescribes a fixed term, or provides that the appointee shall serve at the pleasure of the appointing authority.
- F. Part-Time Employees – an employee whose regular hours of duty are less than the regular and normal work week for that class or agency.
- G. Permanent Employee – an employee who has acquired Civil Service permanent status in his/her position after the satisfactory completion of a working test period.
- H. Provisional Appointment – appointment to a permanent position pending the regular appointment of an eligible person from a special reemployment, regular reemployment, or employment list.

- I. Temporary (Emergency) Appointment – appointment for the duration of an emergency, for a period not to exceed four (4) months.
- J. Promotion Examination - an examination open to permanent employees of a particular class or classes to determine their relative merit and fitness for positions in a higher class.
- K. Working Test (Probation) Period – part of the testing process which consists of a trial working period after regular appointment, during which time the work performance and conduct of the appointee is evaluated to determine if he/she shall merit permanent status.
- L. Veteran – a person who, before the announced closing date for filing applications for a test for a position in the competitive division or before appointment to a position in the noncompetitive or labor divisions, presents evidence to the New Jersey Department of Civil Service that he was a soldier, sailor, marine, airman, nurse, or army field clerk who served in the active United States military or naval service and has been released therefrom under conditions other than dishonorable, in the several wars, uprisings, insurrections or expeditions enumerated in N.J.S.A.11:27-1. “Veteran” shall also mean the widow of a veteran, as herein defined, until she remarries.

III. RATIONALE

The County of Morris, as a government employer, is subject to the Civil Service Rules set forth in Title 4 of the New Jersey Administrative Code. These rules are prescribed for the purpose of implementing the statutory provisions to assure the continuance of the merit system and to provide a modern personnel system, thereby promoting efficiency in the conduct of public business and assuring fair and impartial treatment for all applicants for employment and all employees in the classified service.

Morris County adopted Civil Service by County-wide referendum in 1937.

III. TESTING

- A. Authority – The president of the Civil Service Commission shall order examinations held, whenever necessary, to establish employment lists for positions in the classified service of the State and local governments.
- B. Competitive Examinations - Except for positions in the Non-Competitive and/or Labor classes, appointments shall be made only according to merit and fitness to be ascertained, as far as practicable, by examinations, which as far as practicable, shall be competitive.

- C. Promotion Examinations – Whenever an examination is to be held to promulgate an employment list, the Department of Civil Service, after receiving the recommendations of the appointing authority, shall determine whether a promotion or open competitive test or both shall be held. Insofar as it is in the best interests of the service, vacancies shall be filled by promotion of permanent employees based on competitive examinations which shall include an evaluation of records of service.

V. RESIDENCY

Residency in the governmental subdivision in which one is seeking employment is required of applicants for County jobs. The residency requirement may be waived when, because of the character of the work, such a limitation would seriously restrict the County's ability to recruit a sufficient number of qualified residents for the position, or it has been demonstrated that advertisement has failed to produce a sufficient number of qualified residents.

When the Civil Service Job Opportunities Bulletin indicates that an open competitive examination is open to County residents only, the applicant must be a Morris County resident as of the date the examination closes for filing applications. When an open competitive exam is open to non-residents also, County residents will be ranked ahead of non-residents on the eligible list.

VI. VETERAN'S PREFERENCE

- A. Noncompetitive and Labor Positions – Disabled veterans first and then veterans shall be given preference in appointment to positions in the non-competitive and labor divisions.
- B. Open Competitive Positions – Eligible lists resulting from open competitive examinations will rank disabled veterans first, veterans next and then nonveterans, in order of their scores.

VII. PROVISIONAL APPOINTMENT

Pending the establishment of an appropriate eligible list, a vacant position may be filled by provisional appointment. Such appointment shall continue only until an appropriate eligible list is established or until certification and appointment is made from an existing list.

VIII. WORKING TEST (PROBATIONARY) PERIOD

- A. Applicability – All regular appointments to positions in the competitive, noncompetitive and labor divisions of the classified service shall be subject to a working test period except appointments from regular or special reemployment lists or appointments to a comparable or lower class title in lieu of layoff.
- B. Purpose – The purpose of the working test period is to enable the appointing authority to evaluate the employee's work performance and conduct in order to determine whether the employee merits permanent status.
- C. Duration – In local government services the duration of the working test period is three (3) months, which may not be extended. This period shall not include any time served by an employee under provisional, temporary, or emergency employment, but shall commence with the date of beginning work after regular appointment from the eligible list.
- D. Unsatisfactory Performance – Employees must receive written notice of poor performance and/or conduct in adequate time to correct the problem before the end of the working test period. If the conduct and/or performance of the probationer remains unsatisfactory, the appointing authority shall give written notice to the probationer and the Personnel Director that the services of the probationer will be discontinued and the reasons for such action. Such notice shall be made upon the expiration of the working test period, based on written documentation of poor performance and/or conduct.

IX. PERMANENT EMPLOYMENT

- A. Labor and Noncompetitive Divisions – An appointing authority may fill vacant positions in these divisions by appointment of persons meeting the minimum qualifications. Appointment shall be made on the basis of merit and fitness, except that preference shall be given to disabled veterans and veterans. Appointments in the labor and noncompetitive divisions shall be permanent from the date of hire, pending satisfactory completion of the three-month probationary period.
- B. Competitive Division - In making permanent appointments for competitive positions, the appointing authority shall choose from among the three highest ranked individuals on the appropriate eligible list. The eligible lists, in priority order, are:

1. Special Reemployment List – list of persons who had been permanent employees but were laid off for reasons of economy or otherwise, and not because of any misconduct or delinquency on their part; or whose office or position has been abolished and who are entitled to be certified for reemployment.
 2. Promotional List – list resulting from a promotional examination, taken by permanent employees of a particular class or classes for promotion to a position in a higher class.
 3. Regular Reemployment List – list of persons who had been permanent employees, and who resigned in good standing and are entitled to be certified for reemployment.
 4. Open Competitive List – list ranking persons who took an open competitive test.
- C. Unclassified Employees – Unclassified employees are appointed from the hire date, subject to the continuing approval of the appointing authority.

X. LAYOFFS

- A. Authority – The appointing authority may lay off an employee in the classified service for purposes of efficiency, economy, or other valid reason requiring a reduction of the number of employees in a given class.
- B. Prerequisite to Layoff - No permanent employee shall be laid off until all emergency, temporary and provisional employees and all probationers who are serving their working test period holding positions in the same class in the organization unit are separated; nor; shall a permanent employee be laid off except in accordance with the procedure as prescribed in the Civil Service Rules.

Whenever possible such employee shall be demoted in lieu of layoff to some lesser office or position in the same organization unit.

- C. Order of Layoff or Demotion – Not applicable for local government services. Layoff or demotions of permanent employees shall be in the order of seniority in the class.

- D. Notice in Layoff or Demotion – No permanent employee in the classified service or employee serving a working test period after

regular appointment shall be laid off or demoted in lieu of layoff until he/she shall have been given notice in writing, personally or by certified mail, of the date upon which he will be laid off or demoted and the reasons for such action. Such notice shall be served at least forty-five (45) calendar days before the layoff or demotion becomes effective, and a copy of such notice must be sent to the Civil Service Department at the same time.

- E. Demotional and Reemployment Rights – The name of any employee laid off or demoted in lieu of layoff shall be placed on a special reemployment list for the position from which he/she has been laid off or demoted.

When a position of the same or comparable duties and responsibilities to that previously held by the employee is to be filled, the name of the employee on the special reemployment list shall be certified before using the open competitive or a regular reemployment list.

REMOVAL

- A. Provisional or Temporary Employees – A provisional or temporary employee may be terminated for valid reasons at the discretion of the appointing authority. Such employees have no right of appeal to the Civil Service Commission.

- B. Permanent Employees – A permanent employee in the classified service may not be removed except for just cause upon written charges. Notice of the removal shall be sent to the employee on the form prescribed by the Civil Service Commission and a copy of said notice shall be sent to the Civil Service Department at the same time.

- C. Causes for Removal – Any one of the following shall be cause for removal from the service, although removals may be made for sufficient causes other than those listed:

1. Neglect of duty;
2. Incompetency or inefficiency;
3. Incapacity due to mental or physical disability;
4. Insubordination or serious breach of discipline;
5. Intoxication while on duty;
6. Chronic or excessive absenteeism

7. Disorderly or immoral conduct
8. Willful violation of any statutes relating to the employment of public employees;
9. The conviction of any criminal act or offense;
10. Negligence or willful damage to public property or waste of public supplies;
11. Conduct unbecoming an employee in the public service; or
12. The use or attempt to use one's authority or official influence to control or modify the political action of any person in the service or engaging in any form of political activity during working hours.

D. Procedures – Removals for cause require that certain procedures be followed, including the issuing of a Notice of Preliminary Disciplinary Action Form (CS-31A), a departmental hearing, and a Notice of Final Disciplinary Action Form (CS-31B). Contact the Personnel Department for guidance and assistance with any contemplated removal.