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December 5, 2013

Dear Members of the Senate Budget and Appropriations Committee:

Re: Please support ACR-199
Determines that Civil Service Commissions Proposed Regulation Concerning
Job Banding is not Consistent with Legislative Intent

The New Jersey State AFL-CIO expresses our strong opposition to the proposed rule concerning job banding. If enacted, this regulation will take a significant step backwards in regard to ensuring that public employee promotions are based upon merit, and not political favoritism. This proposed rule also opens the door to discriminatory practices based upon race, gender or sexual orientation.

This proposed rule gives management wide latitude in determining which public employees gets promoted and eliminates test-based promotions and undermines veteran preference due to changes in the ranking system.

Furthermore, we take exception to the categorization in the proposed rule that because banding is currently being performed in Judiciary, that it makes sense to be broadly implemented for all state and local government workers. It must be understood that the Judiciary bands were implemented through bargaining – where employee representatives had a seat at the table to negotiate a program that was in the best interest of the employees. The proposal before you today is not being negotiated.

We also would like to bring to the Commission's attention that by law, the publication of this type of rule requires a previous meeting of the Labor Advisory Board. That meeting never occurred.

Furthermore, the proposed rule ignores important information detailing what type of criteria is going to be used to develop the bands. The rule only speaks to this in the broadest of terms and it is unclear how these bands will be developed. Furthermore, we need certain questions answered such as how many examinations there would be in a particular appointing authority and then how this would be impacted if titles are banded. What type of impact would this have on employees is an important question that the Civil Service Commission refuses to answer. In fact, this is the fourth public hearing on this matter, and to date, the Civil Service Commission has refused to send a representative to any of the hearings to answer questions about the rule.

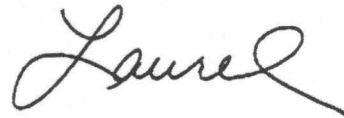
We have received an outpouring of opposition to this rule. In June of 2013, when the rule was first proposed by the Civil Service Commission, our office was contacted by 781 people objecting to the rule and petitioning the Civil Service Commission to hold more hearings on its impact. A copy of those letters were submitted to the civil service commission during the comment period and at the first meeting public hearing.

In closing, it is the responsibility of the Civil Service Commission to administer a system that ensures a balance between the needs of management and the protection of employee rights. This proposed rule, in the simplest of terms, dismisses this balanced system in the favor of management. This rule needs to be nullified and we commend the legislature for taking action doing just that.

Sincerely,



Charles Wowkanech
President



Laurel Brennan
Secretary-Treasurer

CW:LB:jd
OPEIU:153