

July 15, 2010 - P.L. 2010, c. 26, which took effect July 1, 2010, imposes a \$20.00 fee for appeals to the Civil Service Commission filed under the provisions of N.J.S.A. 11A:2-6a (major discipline and termination at the end of the working test period), 11A:2-6b (written record appeals), 11A:4-1e (examination appeals) and 11A:8-4 (good faith layoff appeals). Thus, some appeals and requests for Civil Service Commission action based on other statutory provisions are excluded, such as N.J.S.A. 11A:2-11h (classification, grievances in State service, layoff rights, and salary - job reevaluation), N.J.S.A. 11A:2-24 (reprisal appeals), N.J.S.A. 11A:4-5 (appointment waivers) and N.J.S.A. 11A:10-3 (requests for enforcement).

As a preliminary step in implementing this new law, we have prepared the following chart with a list of the appeals subject to the fee and a list of appeals/requests not subject to the fee. We anticipate that the Commission will propose rules in the near future to more fully explain this new law.

**Types of appeals subject to fees under P.L. 2010, c. 26**

<u>Type of Appeal</u>	<u>Statute*</u>
Back pay/counsel fees	11A:2-6b
Discipline, major	11A:2-6a
Discipline, minor	11A:2-6b
Discrimination in State service	11A:2-6b
Exam eligibility, scoring, and administration	11A:4-1e
Interim relief not on a pending appeal	11A:2-6b
Layoff, good faith	11A:8-4
List bypass/rule of three	11A:4-1e
List removal	11A:4-1e
Reconsideration of appeal subject to fee	11A:2-6b
Resignation under duress	11A:2-6b
Sick Leave Injury (SLI)	11A:2-6b
Stay following decision on appeal subject to fee	11A:2-6b
Termination at end of working test period	11A:2-6a
Transfer, reassignment or lateral title change	11A:2-6b
All other appeals not specifically excluded below	11A:2-6b

**Types of appeals/requests not subject to fees under P.L. 2010, c. 26**

<u>Type of Appeal</u>	<u>Statute</u>
Appointment Waiver	11A:4-5
Classification	11A:2-11h
Enforcement of Commission decision	11A:10-3
Grievance in State service	11A:2-11h
Intergovernmental transfer rule relaxation	11A:2-6d
Interim relief on pending appeal	11A:2-6c
Layoff rights	11A:2-11h
List extension or revival	11A:4-6
Reconsideration of appeal not subject to fee	11A:2-11h
Reprisal	11A:2-24
Request for retroactive appointment date	11A:4-13a
Salary - job reevaluation	11A:2-11h
Waiver of salary overpayment	11A:3-7c

\* Statute authorizing Commission review and determination