

B-116



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Overtime Program,
Department of Law and Public
Safety, Division of State Police

CSC Docket No. 2017-1632

Rule Relaxation

ISSUED: **DEC 13 2016** (SLD)

The Division of Agency Services (Agency Services), on behalf of the Department of Law and Public Safety (DL&PS), Division of State Police, Office of Forensic Sciences, requests that the provisions of *N.J.A.C.* 4A:3-5.3 be relaxed to provide individuals in the non-limited, non-exempt (NE) titles of Forensic Scientist 1, DL&PS and Forensic Scientist 2, DL&PS, cash compensation at one and one-half times the regular rate for hours worked between 35 and 40 hours.

In its request, Agency Services explains that the Office of Forensic Sciences has experienced a 30% increase in case submissions over the past nine months, consistent with the 27% increase in drug arrests throughout the State in 2016. This has resulted in a significant case backlog within the unit that has resulted in prosecutors experiencing challenges in presenting cases to grand juries. In order to address this backlog, DL&PS requests that the provisions of *N.J.A.C.* 4A:3-5.3 be relaxed as referred to above. Further, it indicates that the overtime program would be limited to a maximum of 12 hours per week per affected employee and end on April 30, 2017. Based on these circumstances, Agency Services indicated its support of DL&PS' request.

CONCLUSION

N.J.A.C. 4A:3-5.5(a)1 and *N.J.A.C.* 4A:3-5.5(b)1 provide, in pertinent part, that employees in NE titles are entitled to overtime compensation at the rate of one and one-half times their regular rate of pay "for time worked in excess of 40 hours per week" with the approval of the Civil Service Commission or designee. However,

per *N.J.A.C.* 4A:3-5.3(d)2, for work performed in excess of 35 hours per week, up to 40 hours, employees in NE titles are only entitled to comparable amounts of time off, not cash overtime compensation.

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

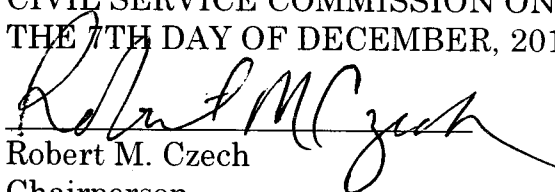
Due to the rise in case submissions to the Office of Forensic Sciences and the resultant backlog which has caused prosecutors to experience challenges in presenting cases to grand juries, it is appropriate to permit NE employees who work more than 40 hours in a week to receive cash overtime per *N.J.A.C.* 4A:3-5.5(a)1 and *N.J.A.C.* 4A:3-5.5(b)1. Further, under these particular facts and circumstances, it is also appropriate to relax the provisions of *N.J.A.C.* 4A:3-5.3 and permit the DL&PS, Division of State Police, Office of Forensic Sciences, to provide individuals in the titles of Forensic Scientist 1, DL&PS and Forensic Scientist 2, DL&PS, cash compensation at one and one-half times the regular rate for hours worked between 35 and 40 hours until April 30, 2017.

ORDER

Therefore, it is ordered that this request be granted.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 7TH DAY OF DECEMBER, 2016


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