CIVIL SERVICE COMMISSION

Veterans and Disabled Veterans Preference

Proposed Readoption with Amendment: N.J.A.C. 4A:5

Authorized By: Civil Service Commission, Robert M. Czech,
Chair/CEO.
Authority: N.J.S.A. 11A:2-6.d, 11A:4-1.e, 11A:4-8, 11A:4-9, 11A:5-1
64, and P.L. 2007, c. 115.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.
Proposal Number: PRN 2015-078.

A public hearing concerning the notice of rules proposed for
readoption with amendments will be held on:
Wednesday, August 19, 2015, at 3:00 P.M.
Civil Service Commission Room
44 South Clinton Avenue
Trenton, New Jersey

Please call Walker Ristau at (609) 777-0910 if you wish to be included
on the list of speakers.

Submit written comments by September 4, 2015, to:
Henry Maurer, Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Or electronically at: http://info.csc.state.nj.us/cscmailer

Summary

Pursuant to N.J.S.A. 52:14B-5.1.c(2), N.J.A.C. 4A:5 expires on
December 28, 2015. The Civil Service Commission has reviewed the
rules and has determined them to be necessary, reasonable, and proper for
the purpose for which they were originally promulgated, as required by
law. Since N.J.A.C. 4A:5 was last readopted in 2008, no amendments
have been adopted in connection with this chapter.

N.J.A.C. 4A:5-1.1. Veterans preference, is an informational rule that
specifies the types of military service that will qualify an individual for
veterans preference for purposes of Civil Service system appointments.

Paragraph (b) is proposed for amendment to relocate existing
subparagraph (b)1v into paragraph (b)1 and subparagraph (b)1v, as
appropriate, with no substantive change to the paragraph. Paragraph (b)2
is proposed for amendment to provide the inception date of Operation
Iraqi Freedom, which was March 19, 2003. This amendment would bring
the paragraph in line with information provided by the Department of
Military and Veterans’ Affairs on its web site, at
www.state.nj.us/military/veterans/preference.html. Additionally, the date
is in accordance with the date declared by the then President of the
United States. See “U.S. Periods of War and Dates of Recent Conflicts,”
by Barbara Salazar Torreon, Congressional Research Service, February

N.J.A.C. 4A:5-1.2. Disabled veterans preference, provides the
circumstances under which an individual may be entitled to disabled
veterans preference for purposes of Civil Service system appointments.
N.J.A.C. 4A:5-1.3. Filing for veterans or disabled veterans preference,
specifies the procedures an individual must follow to apply for veterans
or disabled veterans preference. Individuals interested in establishing
such preference must apply to the Adjutant General of the Department of
Military and Veterans Affairs. Subsection (b) provides that individuals
are eligible for veterans or disabled veterans preference if they receive a
determination awarding such status from the Adjutant General no later
than eight days prior to the issuance of an eligible list for which the
individuals received passing scores.
N.J.A.C. 4A:5-2.1, Open competitive examinations, provides the
procedures by which eligibles are appointed from an open competitive
list in accordance with veterans and disabled veterans preference.

N.J.A.C. 4A:5-2.2, Promotional examinations, provides the procedures
by which eligibles are appointed from a promotional list in accordance
with veterans and disabled veterans preference.
N.J.A.C. 4A:5-2.3, Veterans and disabled veterans preference in the
noncompetitive division, provides for the use of veterans and disabled
veterans preference in the case of appointments in the noncompetitive
division of the career service.

As the Commission has provided a 60-day comment period for this
notice of proposal, this notice is excepted from the rulemaking calendar
requirements, pursuant to N.J.A.C. 1:30-3.3(a5).

Social Impact

It is anticipated that the proposed readoption with an amendment of
N.J.A.C. 4A:5 would have a positive social impact. The rules would
continue to ensure the protection of the rights of veterans in the Civil
Service system selection process that is guaranteed by the New Jersey
State Constitution. Moreover, the proposed amendment to N.J.A.C. 4A:5-
1.1(b)12 would have a positive social impact in informing appointing
authorities and members of the military of the correct inception date of
Operation Iraqi Freedom.

Economic Impact

It is anticipated that the proposed readoption with an amendment of
N.J.A.C. 4A:5 would have a positive economic impact on veterans and
disabled veterans seeking Civil Service system appointment. In
particular, N.J.A.C. 4A:5-1.1 would recognize these veterans’ wartime
service by assisting them in attaining gainful Civil Service system
employment. The proposed amendment to paragraph (b)12 would further
the effectiveness of N.J.A.C. 4A:5-1.1 in so assisting veterans. Moreover,
the readoption of N.J.A.C. 4A:5-1.3 would have a positive economic
impact on the Civil Service Commission. The Commission would not
have to devote substantial resources to evaluating veterans preference
applications and reviewing veterans preference eligibility appeals.
However, the economic impact on the Department of Military and
Veterans Affairs of making veterans preference eligibility determinations
and reviewing related appeals would be negligible, particularly in light of
that Department’s expertise in this area.

Federal Standards Statement

A Federal standards analysis is not required because the rules
proposed for readoption with an amendment are not subject to any
Federal requirements or standards. The rules proposed for readoption
with an amendment are governed by State law.

Jobs Impact

It is not anticipated that the rules proposed for readoption with an
amendment would result in any jobs being generated or lost. The rules
proposed for readoption with an amendment would govern veterans and
disabled veterans preference.

Agriculture Industry Impact

The rules proposed for readoption with an amendment would not have
any impact on the agriculture industry. As indicated in the prior
statements, the rules proposed for readoption with an amendment would
govern veterans and disabled veterans preference.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since the rules
proposed for readoption with an amendment would have no effect on
small businesses as defined under the Regulatory Flexibility Act, N.J.S.A.
52:14B-16 et seq. The rules proposed for readoption with an
amendment would regulate employment in the public sector.

Housing Affordability Impact Analysis

It is not anticipated that the rules proposed for readoption with an
amendment would have any impact on the number of housing units or the
average cost of housing in New Jersey. The rules concern employment in
the public sector by veterans and disabled veterans.

Smart Growth Development Impact Analysis

The rules proposed for readoption with an amendment would govern
veterans and disabled veterans preference and would have no impact on
new construction within Planning Areas 1 and 2, or within designated
centers, under the State Development and Redevelopment Plan.
that nation for a period, continuous or in the aggregate, of at least 14 days on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days. The 14 days must have commenced on or after August 2, 1990;

7. Served in the Arabian peninsula and the Persian Gulf, and in direct support of Operation Northern Watch and Operation Southern Watch, for a period, continuously or in the aggregate, of at least 14 days, on or after August 27, 1992, but commencing on or before the date of inception of that operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of inception is earliest;

8. Served in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation for the Operation Restore Hope mission for a period, continuously or in the aggregate, of at least 14 days. The 14 days must have commenced on or after December 5, 1992, or on or after the date of inception of that operation as proclaimed by the President of the United States or the Congress, whichever date is earliest, and on or before March 31, 1994, or the date of termination as proclaimed by the President of the United States or the Congress, whichever date is latest;

9. Served in Operation Uphold Democracy in Haiti for a period of at least 14 days, continuously or in the aggregate, on or after September 19, 1994, and commencing on or before March 31, 1995, in Haiti or on board any ship actively engaged in patrolling the territorial waters of Haiti for that period, and received an Armed Forces Expeditionary Medal for such service;

10. Served in the Republic of Bosnia and Herzegovina for a period of 14 days, continuously or in the aggregate, on or after November 20, 1995, in direct support of Operation Joint Endeavor or Operation Joint Guard, commencing on or before June 20, 1998, and:

i. Was deployed in that nation or in another area in the region;

ii. Was on board a United States naval vessel operating in the Adriatic Sea;

iii. Operated in airspace above the Republic of Bosnia and Herzegovina;

11. Served in Operation Enduring Freedom in a theater of operation and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days, on or after November 11, 2001, but commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation;

12. Served in Operation Iraqi Freedom in Iraq or in another area in the region in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days, on or after the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation;

13. Received a service-incurred injury or disability during a period in (b) above or while serving in a mission during a period and within the corresponding geographical area, as specified in (b)2 through 12 above, regardless of the length of service or, in the case of (b)9 above, regardless of receipt of an Armed Forces Expeditionary Medal;

14. Served in any army or navy of the United States allies in World War I between July 14, 1914 and November 11, 1918, or World War II between September 1, 1939 and September 2, 1945, provided he or she voluntarily enlisted in such service, was a United States citizen at the time of enlistment, did not renounce or lose United States citizenship, and was honorably discharged; or

15. Is the surviving spouse of a person entitled to veterans preference and has not remarried.