



**From:** NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]  
**Sent:** Thursday, August 06, 2009 4:12 PM  
**To:** Lashway, Lisa  
**Subject:** Temporary Layoff Guidelines for Local Appointing Authorities

## LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

August 6, 2009

**Re: Temporary Layoff Guidelines for Local  
Appointing Authorities**

Dear Mayor:

This letter is to update you on the status of the Civil Service rule regarding temporary layoffs that we have been monitoring. On August 5th, 2009, the Civil Service Commission (CSC) voted to propose the repeal of N.J.A.C. 4A:8-1.1A and to stay that rule pending its eventual repeal. This rule, adopted on an emergency basis on March 25, 2009 and as a regular rule on May 13, 2009, was created to provide greater flexibility to appointing authorities with respect to temporary layoffs.

The CSC's decision to stay N.J.A.C. 4A:8-1.1A and initiate the rule repeal process does not eliminate an appointing authority's ability to implement temporary layoffs. The authority to temporarily close an entire layoff unit (i.e., department or agency) preceded the rule and exists independently of the rule that the CSC is repealing. In short, as long as the temporary layoff is the complete closure of entire layoff units (i.e., departments or agencies) in accordance with N.J.A.C. 4A:8-1 *et seq.*, temporary layoffs are permissible under Civil Service law. Appointing authorities that have already submitted and received CSC approval for a temporary layoff plan that provides for the complete closure of entire departments or agencies will not be affected by the stay and proposed repeal of N.J.A.C. 4A:8-1.1A. Jurisdictions in this category may proceed with the implementation of approved temporary layoff plans.

The CSC's decision does eliminate an appointing authority's ability to institute temporary layoffs on a partial or staggered basis. Under no circumstances can an employee in a department subject to temporary layoffs be suffered or permitted to work. In a department targeted for temporary layoffs, exemptions for certain employees or staggered layoffs are not allowed. Departments that cannot shut down entirely cannot be targeted in a temporary layoff plan. Appointing authorities whose previously approved plans included exemptions or called for "partial" or "staggered" temporary layoffs within a department or agency must submit a revised temporary layoff plan. Jurisdictions whose plans require revision will receive a separate

notice to that effect from the CSC.

For the Commissions Guidelines on Temporary Layoffs, go to  
<http://www.njslom.org/Layoff-Guidelines.html>

Of course, non-civil service jurisdictions are not impacted by this decision.

Very truly yours,

William G. Dressel, Jr.  
Executive Director

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