



STATE OF NEW JERSEY

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

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2024-1833

Administrative Appeal

ISSUED: March 20, 2024 (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.

By way of background, the Civil Service Commission (Commission) has previously relaxed the provisions of *N.J.A.C. 4A:3-5.3* to allow DL&PS to utilize Capacity Enhancement and Backlog Reduction (CEBR) funds for the overtime of the NE employees in the DNA laboratory, within the Office of Forensic Sciences. In the most recent decisions, the Commission noted absent different circumstances, such additional requests would not be approved as it was one of many such requests from DL&PS to allow for overtime to address the backlog within the DNA laboratory. *See also, In the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police* (CSC, decided December 7, 2016); *In the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police* (CSC, decided May 3, 2017); *In the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police* (CSC, decided January 16, 2019); *In the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police* (CSC, decided January 15, 2020); *In the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police* (CSC, decided November 4, 2020); *In*

the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police (CSC, decided November 17, 2021); and *In the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police* (CSC, decided August 23, 2023).

In its instant request, DL&PS explains that a new requirement of the Fiscal Year 2023 CEBR grant requires that a minimum allocation of 40% of the total award must be for the analysis of samples for entry into CODIS. DL&PS maintains that in order to maximize grant funding, a portion of the funds (\$515,000) was earmarked for overtime to address the approximately 1,260¹ backlog cases pending analysis in the DNA laboratory. DL&PS notes it may take until nearly the grant expiration date of September 30, 2025, to deplete all of the \$515,000 earmarked funds. Additionally, DL&PS note that this request would apply to 24 employees and it should allow an additional 500 cases to be worked on using the grant funding. Based on these circumstances, Agency Services indicated its support of DL&PS' request and requested that *N.J.A.C. 4A:3-5.3* be relaxed until September 30, 2025.

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 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 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 receipt of the grant funds to address an approximate backlog of 1,260 cases that still need analysis, \$515,000 of which has been earmarked for overtime, 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, and in light of the additional specifics provided, 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 September 30, 2025, or until all \$515,000 of the earmarked funds are expended, whichever occurs first.

¹ In *In the Matter of Overtime Program, Department of Law and Public Safety, Division of State Police* (CSC, decided August 23, 2023), the noted backlog was 1,400 cases.

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 20TH DAY OF MARCH, 2024



Allison Chris Meyers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Alyson Gush
Division of Agency Services
Division of Human Resources Information Services
Division of Administrative and Employee Services