

December 5, 2016

## **Job Banding update**

On Thursday, December 1, a three judge Appellate Division panel issued a unanimous decision rejecting the attempt by the Civil Service Commission to eviscerate the the requirement that promotions in the career service be based on merit and fitness, determined through competitive examinations. The decision vacates the rule in its entirety and reverses any CSC decision implementing the rule. The Job Banding Rule was twice rejected by the New Legislature on the grounds that the rule was contrary to statutory intent. The Christie-controlled Civil Service Commission ignored the Legislature's actions by issuing the rule, and some Departments - including DOT and OIT - implemented the rule, but the appellate court concluded that the "Legislature validly exercised its authority under the Legislative Review Clause and invalidated the [Job Banding] Rule." This decision is a significant rebuke to the Christie administration and a victory for a civil service system where merit, and not patronage, determines who is hired and promoted.

Thanks to everyone who worked on this issue - many of you attended hearings, testified, and called legislators - all of which were incredibly important to this fight. Obviously, we do not know yet if the State intends to appeal this decision but we will keep you updated on that. We have reached out to Departments where job banding was implemented and, while they are aware of the decision, they have not taken any steps one way or the other at this time. We will continue to monitor this and will post updates here as they become available.

[You can read a copy of the Court's ruling here](#)