

DEPARTMENT OF HUMAN SERVICES

EFFECTIVE DATE: August 19, 1991 DATE ISSUED: August 19, 1991

SUBJECT: Non-Lawyer Representation at Merit System Board Hearings

I. PURPOSE

The purpose of this Administrative Order is to establish policies for the use of Department of Human Services employees as non-lawyer representatives when the Attorney General will not provide representation of the Department in a case that has been accepted for a hearing by the Merit System Board.

II. SCOPE

This Order has Department-wide applicability.

III. AUTHORITY

N.J.A.C. 1:1-5.4.

IV. POLICY

- A. The Director of Employee Relations, Assistant Director of Employee Relations, professional employees of the Department's Employee Relations Office, Employee Relations Officers/Coordinators, Acting Employee Relations Officers/Coordinators, and other individuals approved by the Director of Employee Relations shall act as Department non-lawyer representatives in accordance with N.J.A.C. 1:1-5.4(b)2i.
- B. Only the individuals set forth in A above shall act as Department non-lawyer representatives in those Merit System Board cases not represented by the Attorney General.
- C. Department non-lawyer representatives have the responsibility and authority to prepare, present, enter into settlement discussion and agreement, and perform all related activities for each assigned case.
- D. The Director of Employee Relations is responsible for and has the authority to directly supervise the Department's non-lawyer

representatives in case preparation, presentation, settlement discussion and agreement, and any related activities.

- E. In consultation with the Appointing Authority who caused the appealed action to be implemented, the Director of Employee Relations has the responsibility and authority to represent the Department in all cases where non-lawyer representatives are involved.
- F. The Director of Employee Relations has the responsibility and authority to determine case assignments.
- G. When an Employee Relations Officer/Coordinator or Acting Employee Relations Officer/Coordinator is not assigned as the non-lawyer representative in a case from his/her component, he/she shall provide all assistance necessary for the preparation, presentation, settlement discussion and agreement, and other activities related to the case.
- H. The Director of Employee Relations has the responsibility and authority to develop and promulgate procedures to fully implement this Order.



Alan J. Gibbs
Commissioner