

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Classification, Services and Compensation

Trainee, Apprentice, Recruit and Intern Titles

Anniversary Dates: State Service

Proposed Amendments: N.J.A.C. 4A:3-3.7 and 4.5

Authorized By: Civil Service Commission, Robert M. Czech, Chair/CEO.

Authority: N.J.S.A. 11A:2-6(d) and 11A:3-1 through 7; and P.L. 2008, c. 29.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-226.

A **public hearing** concerning the proposal will be held on:

Tuesday, November 22, 2011 at 3:00 P.M.

Civil Service Commission Room

44 South Clinton Avenue

Trenton, New Jersey

Please call Elizabeth Rosenthal at (609) 984-7140 if you wish to be included on the list of speakers.

Submit written comments by January 6, 2012 to:

Henry Maurer, Director

Merit System Practices and Labor Relations

Civil Service Commission

P.O. Box 312

Trenton, New Jersey 08625-0312

The agency proposal follows:

Summary

The Civil Service Commission proposes an amendment to N.J.A.C. 4A:3-3.7, Trainee titles, which would rename the rule “Trainee, apprentice, recruit and intern titles,” and codify existing standards and procedures for the advancement to the primary title of employees serving in apprentice, recruit, and intern titles, in addition to trainee titles, in both State and local service.

N.J.A.C. 4A:3-3.7(a) would be amended to permit the establishment of apprentice, recruit and intern titles, in addition to trainee titles. Paragraph (a)1 is proposed for amendment to provide that, unless otherwise specified, N.J.A.C. 4A:3-3.7 applies to all trainee titles, as well as other titles, such as apprentice, recruit and intern titles, governed by job specifications necessitating application of the rule. Therefore, whenever the term “trainee” is used in this rule, the term would apply equally to apprentice, recruit and intern titles unless expressly stated to the contrary. It is noted that recruits encompass many titles serving public safety functions in addition to Correction Officer Recruit, such as Campus Police Officer Recruit, Medical Security Officer Recruit and Parole Officer Recruit.

Existing subsection (d), concerning grounds for advancement to the primary title, the length of, and interruptions to the training period, and the effect on the training period for serving provisionally or in a higher related title, is proposed for

deletion. The Commission proposes new subsections (d) through (g) to replace existing subsection (d).

Proposed new subsection (d) would provide solely for the duration of the training period. Proposed new paragraph (d)1 would govern training period durations for trainees and recruits. As indicated in proposed new subparagraph (d)1i, training periods are to be set forth in the applicable job specifications, with the length of the training period for a trainee (not an apprentice, recruit or intern) title not lasting longer than 12 months unless otherwise provided by law. Proposed new subparagraph (d)1ii would address the length of the training period for the recruit title, which may be set forth in the job specification or in separate regulatory requirements. Proposed new paragraph (d)2 would govern the length of the training period for apprentice and intern titles, which would be set forth in the applicable job specifications and take into account the necessary coursework and training, and the attainment of any required certifications, permits and/or licenses.

Proposed new paragraph (d)2 would recognize that apprentice and intern titles do not necessarily require a particular duration for a training period. With some apprentice and intern titles, incumbents may advance once they have demonstrated mastery of specific bodies of knowledge or obtained appropriate licensure or certification. Different students learn at different rates and in these cases, the amount of experience gained is less important than what the incumbents have learned. For example, if a Substance Abuse Counselor Intern (a title used in both State and local service) does not receive the required Certified Alcohol and

Drug Counselor certification within three years from the date of appointment, this is cause for separation, however, if the employee earns the certification in less than three years, he or she may still be advanced to one of the designated primary titles without serving as an intern the full three years. It is acknowledged that job specifications for some apprentice titles require a specific training period duration, which is usually longer than the duration of trainee training periods. However, this is not the case with other apprentice titles. For example, while an employee serving in the local title of Building Inspector Apprentice must qualify for, and obtain, a Building Inspector license within two years of appointment, the employee will advance to the primary title should he or she receive the license in less than two years.

Proposed new subsection (e) would require that the training period be continuous, unless it is interrupted by leave or layoff, as provided in existing subsection (d). It is noted that existing subsection (d) permits the inclusion in the training period for provisional service, but only for trainees. Proposed new subsection (f) would now codify this provision, still limiting the inclusion of provisional service to trainees. Provisional service in recruit titles generally would not have the same significance that it would in trainee titles, as recruit experience is only relevant to the primary title once the recruit has completed the training academy. Service accrued prior to successfully completing the academy would have little value from a public safety standpoint. Similarly, apprentice and intern titles are not generally filled through provisional appointments. Moreover, due to the

unique nature of the apprentice title of Correction Officer Apprentice, an individual receives a temporary appointment to the title of six months, during which time the apprentice undergoes the training required by the Police Training Commission. At the successful conclusion of the temporary appointment as a Correction Officer Apprentice, the employee advances to a recruit title, Correction Officer Recruit, by means of a regular appointment (see N.J.A.C. 4A:3-3.7B; a provisional appointment would not be possible to either Correction Officer Apprentice or Correction Officer Recruit).

Proposed new subsection (g) would permit a training period in the case of a trainee, recruit, apprentice or intern to include a higher related title; existing subsection (d) permits this only with respect to trainees. Existing subsection (e) would be recodified as new subsection (h) and would permit the extension of training periods for trainees as existing (e) now does, but not the extension of training periods of apprentices, recruits or interns.

Existing subsection (f), which concerns the circumstances under which the training period may be reduced, would be recodified as subsection (i) and apply to not only trainees, but apprentices, recruits and interns. Where the words “trainee” or “trainees” are proposed for deletion in paragraphs (i)1 through 3 and replaced with “employee” or employees,” the words “employee” or “employees” are intended to apply to trainees, apprentices, recruits or interns, as applicable; leaving the word “trainee” untouched could give the erroneous impression that only trainees are impacted.

Existing subsection (g), which concerns the process by which a trainee advances to the primary title, would be recodified as subsection (j) and apply to not only trainees, but apprentices, recruits and interns. Language in existing subsection (g), which describes the advancement process as the reclassification of the trainee position to an appropriate primary title with a concurrent regular appointment, would be deleted. In its place, new language is proposed simply providing for the regular appointment of the employee to the appropriate primary title. Here also, where the word “trainee” is proposed for deletion and replaced with “employee,” the meaning is intended to encompass trainees, apprentices, recruits or interns, as applicable.

Recodified paragraph (j)1 requires certification by the appointing authority that the trainee has successfully completed the training period and any other mandatory training courses or proficiency standards prior to the trainee’s advancement to the primary title. It would be amended, as proposed new paragraph (j)1, to delete most of the language in the paragraph; specifically, the language proposed for deletion references the trainee’s successful completion of extra training courses required by certain primary titles and the attainment of proficiency standards over trainee title requirements, and includes the statement that a trainee may only receive advancement to one of the appropriate primary titles specified for the particular trainee title. New language proposed in its place would apply to not just trainees, but apprentices, recruits, and interns. For this reason, the word “trainee” is replaced in paragraph (j)1 by “employee” to express the

provision's applicability to all four categories of trainee employment. Recodified paragraph (j)1 would also clearly state that the appointing authority is obligated to certify as to the satisfaction of any additional requirements indicated in the applicable job specification, including licensure, extra training or a proficiency standard. With regard to the language proposed for deletion which states that a trainee may only receive advancement to an appropriate primary title, the substance of this provision would be included in proposed new subsection (j), as already noted.

Existing paragraph (g)2, regarding advancement to the primary title in State service being effective at the start of a pay period, would be recodified as (j)2 without substantive change. Existing paragraph (g)3, regarding inability of a permanent trainee to advance to the primary title as a cause for separation, is proposed for deletion. New paragraph (j)3 is proposed to replace it and would apply this provision to not only trainees, but recruits, apprentices and interns, and clearly states that the failure of a permanent employee to successfully complete the training period as indicated in the job specification is a cause for separation. It is noted that the use of the word "employee" here, again, is intended to reference trainees, apprentices, recruits or interns, as applicable.

Recodified paragraph (j)4, setting forth the requirement that trainees are to complete a working test period, but that if they fail to do so, they do not have a right to return to the trainee title, is amended to provide that this language also pertains to apprentices, recruits and interns. (The Correction Officer Apprentice is unique

here. An employee serving in that title is not subject to a working test period, given that a Correction Officer Apprentice appointment is a temporary one not entailing the procedures or rights applicable to an individual receiving a regular appointment. See N.J.A.C. 4A:3-3.7B, and 4A:4-1.7.) Finally, the solitary reference to “trainees” in paragraph (j)4 is proposed for deletion and replacement by the word “employees,” again to make clear that trainees, apprentices, recruits or interns, as applicable, are impacted by this paragraph.

Proposed new subsection (k) would provide a cross-reference to N.J.A.C. 4A:3-4.5, regarding anniversary date changes in State service for trainees, apprentices, recruits and interns who receive a regular appointment to the primary title.

In addition to the substantive changes to the language of N.J.A.C. 4A:3-3.7, the rule would also be amended to reflect the technical changes to civil service law in P.L. 2008, c. 29, in which the Department of Personnel and the Merit System Board were abolished and replaced with the Civil Service Commission, a State agency in, but not of, the Department of Labor and Workforce Development. Therefore, references to the Department of Personnel in recodified N.J.A.C. 4A:3-3.7(h) and (i) would be changed to refer to the Chairperson of the Civil Service Commission or designee.

The proposed amendment to N.J.A.C. 4A:3-4.5 pertains to adjustments of anniversary dates in State service for employees advancing to a primary title from a trainee, apprentice, recruit or intern title. The need for this amendment surfaced in the Civil Service Commission decision of *In the Matter of Eric Oslin, Department of*

Corrections (CSC, decided January 14, 2009). In *Oslin*, the Commission noted that, while the practice in State service has been to assign an anniversary date based on the date of advancement to the “journeyman,” or primary title, civil service rules do not specifically address anniversary dates under these circumstances. Therefore, the Commission proposes new subsection (c), which would provide that, in State service, the anniversary date of a trainee, apprentice, recruit or intern who advances to the primary title will change. The new anniversary date would be the pay period following the employee’s completion of 26 full pay periods after the date of the employee’s regular appointment to the primary title.

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(a)5.

Social Impact

A positive social impact is anticipated as a result of the proposed amendments. The proposed amendments would codify existing programs for apprentices, recruits and interns, as well as trainees, and lay the groundwork for an expansion of these programs, as needed. The proposed amendments would also clearly set forth requirements regarding the duration, extension and reduction of the training period; other service that may be included in the training period; additional thresholds that an employee may have to reach before advancing to the primary title; how advancement to the primary title may occur; application of the working test period to a training period; and the consequences of failing to

successfully complete the training period as indicated in the job specification. Additionally, the proposed amendments would explain how the anniversary date is calculated in State service when an employee advances to the primary title. All of the foregoing procedures and principles would be clearly set forth in the rules for the first time. Therefore, the smooth operation of programs concerning trainees, apprentices, recruits and interns is anticipated, and civil service employees would have the opportunity to receive education and training to advance their careers.

Economic Impact

A positive economic impact is anticipated as a result of the proposed amendments. Clear standards for the operations of trainee, apprentice, recruit and intern programs would be set forth. State and local civil service appointing authorities would benefit from well-trained individuals for a variety of important titles involving public safety, social work and technical positions requiring unique skill sets. Having fully-trained individuals serving in the primary titles rather than individuals learning on-the-job, would yield fiscal savings in civil service employment that ultimately would inure to the benefit of taxpayers. Employees who successfully complete their training periods would economically benefit when they advance to the applicable primary title. Proposed new N.J.A.C. 4A:3-4.5(c) would codify the procedure for determining an employee's anniversary date once he or she advances to the primary title. This amendment would benefit the employee by ensuring the predictability of salary increments and enhance governmental

efficiency by providing important guidance as to the setting of the employee's anniversary date in this instance.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments concern New Jersey civil service employment and are not subject to any Federal standards or requirements.

Jobs Impact

It is not anticipated that the proposed amendments would cause the generation or loss of jobs. The proposed amendments concern the advancement of trainees, apprentices, recruits and interns to the applicable primary title in New Jersey civil service.

Agriculture Industry Impact

It is not anticipated that the proposed amendments would have any agriculture industry impact. The proposed amendments concern the advancement of trainees, apprentices, recruits and interns to the applicable primary title in New Jersey civil service.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required since the proposed amendments would have no effect on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments

would govern trainee, apprentice, recruit, and intern programs in the civil service of State and local governments.

Smart Growth Impact

It is not anticipated that the proposed amendments would have any impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan as defined under Executive Order No. 4 (2002).

Housing Affordability Impact Analysis

Since it concerns the advancement of trainees, apprentices, recruits and interns to the applicable primary title in New Jersey civil service, the proposed amendments would have no impact on the number of housing units or the average cost of housing in New Jersey.

Smart Growth Development Impact Analysis

Since it concerns the advancement of trainees, apprentices, recruits and interns to the applicable primary title in New Jersey civil service, the proposed amendments would have no impact on new construction within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. CLASSIFICATION

4A:3-3.7 Trainee, **apprentice, recruit and intern** titles

(a) Trainee, **apprentice, recruit and intern** titles may be established in State and local service to provide for entry level employment.

1. [This] **Unless otherwise specified, this** section applies to all titles designated by the term "trainee" and to other titles where the **job** specification [designates] **necessitates** the application of [the trainee rule, for example, Correction Officer Recruit] **this section, such as apprentice, recruit and intern titles.**

2. A single trainee title may provide entry level employment for more than one title or title series, under appropriate circumstances.

3. In State service, trainee positions are established by the temporary downward classification of another title.

(b) Positions in competitive trainee titles may only be filled by regular appointments from open competitive, promotional, regular or special reemployment lists, or, in the absence of such lists, by provisional appointments. Positions in noncompetitive trainee titles may only be filled by regular appointments, including appointments from regular or special reemployment lists. Eligibility for promotion to a trainee title shall include open competitive requirements.

(c) Upon regular appointment, trainees must successfully complete [their] a working test period[s].

[(d) Advancement to the lowest title in the related title series, referred to in this section as the primary title, shall take place only upon successful completion of the training period. The length of the training period shall be designated in the specification for the particular trainee title. The designated length shall not be longer than 12 months, unless otherwise provided by law. The training period must be continuous, except if interrupted by leave or layoff from the trainee title, and may include provisional service in the trainee or higher related title.]

(d) The duration of the training period shall be as follows:

1. In the case of trainees and recruits only, the length of the training period shall be designated in the job specification for the particular title.

i. The designated length of a training period for a trainee (not an apprentice, recruit or intern) title shall not be longer than 12 months, unless otherwise provided by law.

ii. The length of a training period for a recruit title may vary in accordance with the applicable job specification or be determined by separate regulatory requirements; or

2. The length of a training period for an apprentice or intern title shall be not less than 12 months and not more than the length of time provided in the applicable job specification to successfully complete the training period, as determined by the time permitted for completion of formal coursework and preparatory training, and, where applicable, attainment of any required certifications, permits and/or licenses.

(e) The training period must be continuous, except if interrupted by leave or layoff from the title.

(f) The training period may include provisional service in the case of a trainee title.

(g) The training period may include service of the trainee, recruit, apprentice or intern in a higher related title.

[(e)] (h) [The] In the case of trainees (not apprentices, recruits or interns), the training period shall be extended, upon approval by the [Department of Personnel] Chairperson of the Civil Service Commission or designee, beyond the time designated in the job specification when:

1. The trainee has not yet completed the working test period; or

2. A trainee is serving provisionally and an eligible list for the title has not yet been issued.

[(f)] (i) [The] **In the case of trainees, apprentices, recruits and interns, the** training period may be reduced, upon approval by the [Department of Personnel] **Chairperson of the Civil Service Commission or designee**, to a shorter period than designated in the specification when:

1. The [trainee] **employee** has completed the working test period;

2. The [trainee] **employee** meets the minimum qualifications for the primary title;
and

3. All [trainees] **employees** in [that] **the same** title **subject to the training period** in the same appointing authority who meet [these] **the** conditions **specified in (i)1 and 2 above** are provided with a reduced training period.

[(g)] (j) The advancement of the successful, permanent trainee, **apprentice, recruit or intern, as applicable**, to the appropriate primary title shall be accomplished without the usual promotional examination process, but rather by [reclassifying the trainee position to an appropriate primary title and by concurrent] regular appointment of the [trainee] **employee** to the [position] **appropriate primary title**.

1. To effect advancement, the appointing authority must certify the [trainee's] **employee's** successful completion of the training period, [and, for those primary titles requiring extra training courses or the attainment of a proficiency standard over the trainee title requirements, the trainee has successfully completed such requirements. A trainee may only receive advancement to one of the appropriate primary titles specified for that trainee title] **as well as, where the job specification for the primary title so provides, the satisfaction of any and all additional requirements beyond the trainee requirements, such as obtaining a license, completing extra training or attaining a particular proficiency standard.**

2. In State service, advancement to a primary title shall coincide with the beginning of a pay period.

[3. The inability of a permanent trainee to attain a level of performance warranting advancement to the appropriate primary title shall be considered cause for separation.]

3. The failure of a permanent employee to successfully complete the training period as indicated in the job specification shall be considered a cause for separation.

4. Trainees, **apprentices, recruits or interns, as applicable, who are** advanced to a primary title, shall be required to complete a working test period in the primary title. [Trainees] **Employees** who fail to successfully complete [their] a working test period in the primary title have no right to return to the trainee [position], **apprentice, recruit or intern title.**

(k) For anniversary date changes in State service when a trainee, apprentice, recruit or intern receives a regular appointment to the primary title, see N.J.A.C. 4A:3-4.5.

SUBCHAPTER 4. COMPENSATION

4A:3-4.5 Anniversary dates: State service

(a) – (b) (No change.)

(c) The anniversary date of a trainee, apprentice, recruit or intern shall change as the result of regular appointment to the primary title. See N.J.A.C. 4A:3-3.7. The new anniversary date shall be the pay period following completion of 26 full pay periods after the date of regular appointment to the primary title.

[(c)] **(d) Employees in intermittent titles shall receive initial and subsequent anniversary dates which correspond to the first pay period after completion of 1827**

work hours (NL, NE, 35 and 3E titles) or 2088 work hours (40, 4E and N4 titles) in regular pay status. When an employee moves from an intermittent title, 80 hours of service in an intermittent title shall equal one pay period for 40, 4E and N4 titles and 70 hours of service in an intermittent title shall equal one pay period for NL, NE, 35 and 3E titles.