



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Reallocation of
Technician MVC

Request for Interim
Noncompetitive Appointments

CSC Docket No. 2020-987

ISSUED: NOVEMBER 12, 2019 (ABR)

The Division of Agency Services (Agency Services) recommends an extension of the interim noncompetitive period for the title of Technician MVC, which was granted in the attached Civil Service Commission (Commission) decision rendered on February 6, 2019.

By way of background, the instant request originated with the Motor Vehicle Commission (MVC). At the time of the MVC's initial request, there were outstanding certifications¹ of the promotional (PS5528T) and regular reemployment lists for the subject title. However, in order to comply with federal mandates related to the REAL ID program, the MVC needed to shift its operations and make approximately 200 appointments to the subject title within a limited timeframe. Given this critical and immediate need to adjust its operations, the MVC asserted that competitive testing for the subject title was not practicable and that appointees could gain the requisite knowledge and skills through on-the-job training. Against this backdrop, the Commission approved the reallocation of the subject title to the noncompetitive division of the career service on an interim basis for six months. However, the Commission's decision provided that the interim noncompetitive period would not begin until the beginning of the first pay period following the exhaustion of the above-noted promotional and regular reemployment lists. Agency records indicate that the regular reemployment list was exhausted after the disposition of the January 29, 2019 certification was recorded on April 22, 2019 and

¹ Specifically, on January 29, 2019, the MVC received a certification (OS190065) of two names from a regular reemployment list and a certification (PS190109) of two names from the PS5528T eligible list for the subject title.

the PS5528T list was exhausted after the disposition of the January 29, 2019 certification was recorded on April 24, 2019. Accordingly, the effective date of the interim noncompetitive period was April 27, 2019.

Agency records indicate that the MVC has made approximately 75 appointments to this title and the Trainee level of the title series since the interim noncompetitive period began. The MVC submits that it needs to fill approximately 100 additional positions in order to ensure proper staffing levels as it continues to implement the REAL ID program at additional agencies. It adds that the recruitment process for this title is onerous and lengthy due to the need for fingerprinting, which can disqualify many candidates from employment.

Based upon the foregoing, Agency Services recommends a six-month extension for the reallocation of the subject title to the noncompetitive division.

It is noted that pursuant to *N.J.A.C. 4A:3-3.3(f)* and *N.J.A.C. 4A:3-1.2(e)*, the Division of Appeals and Regulatory Affairs has notified the Communications Workers of America (CWA) of its recommendation to place the Technician MVC title in the noncompetitive division on an interim basis. The CWA has no objection to the foregoing extension request.

CONCLUSION

N.J.A.C. 4A:3-1.2(c) provides that a job title may be placed in the noncompetitive division on an ongoing or interim basis when it is determined that it is appropriate to make permanent appointments to the title, and that one or more of the following criteria are met:

1. Competitive testing is not practicable due to the nature of the knowledge, skills and abilities associated with the job;
2. Certification procedures based on ranked eligible lists have not or are not likely to meet the needs of appointing authorities due to such factors as salary, geographic location, recruitment problems and working conditions; or
3. There is a need for immediate appointments arising from a new legislative program or major agency reorganization.

Based on the record in this matter, an extension of interim noncompetitive status for the subject title for an additional six months is appropriate. The Commission notes that with interim noncompetitive status, *N.J.A.C. 4A:3-1.2(g)* provides at the end of the interim noncompetitive period, which shall be no greater than one year, the job title shall be redesignated as competitive. Individuals

appointed during the interim noncompetitive period shall, upon successful completion of their working test periods, attain permanent status in the competitive division.

ORDER

Therefore, it is ordered that this request be granted and the interim noncompetitive designation for the subject title be extended for six months. This designation will be effective through April 25, 2020. At the end of this period, the subject title will be returned to the competitive division of the career service.

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 6TH DAY OF NOVEMBER, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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and
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Attachment

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Records Center

names from the PS5528T¹ eligible list for the subject title. The certifications have disposition due dates of April 29, 2019 and have not yet been disposed of.

It is noted that pursuant to *N.J.A.C.* 4A:3-3.3(f) and *N.J.A.C.* 4A:3-1.2(e), Agency Services has notified the Communications Workers of America of its recommendation to place the Technician MVC title in the noncompetitive division on an interim basis. No comments were received.

CONCLUSION

N.J.A.C. 4A:3-1.2(c) provides that a job title may be placed in the noncompetitive division on an ongoing or interim basis when it is determined that it is appropriate to make permanent appointments to the title, and that one or more of the following criteria are met:

1. Competitive testing is not practicable due to the nature of the knowledge, skills and abilities associated with the job;
2. Certification procedures based on ranked eligible lists have not or are not likely to meet the needs of appointing authorities due to such factors as salary, geographic location, recruitment problems and working conditions; or
3. There is a need for immediate appointments arising from a new legislative program or major agency reorganization.

Based on the record in this matter, interim noncompetitive status for the subject title is appropriate. However, because there are existing regular reemployment and promotional eligible lists for the subject title, it is not appropriate for such action to take effect until these lists are exhausted. The Commission notes that with interim noncompetitive status that will follow the exhaustion of these lists, *N.J.A.C.* 4A:3-1.2(g) provides at the end of the interim noncompetitive period, which shall be no greater than one year, the job title shall be redesignated as competitive. Individuals appointed during the interim noncompetitive period shall, upon successful completion of their working test periods, attain permanent status in the competitive division.

ORDER

Therefore, it is ordered that this request be granted and interim noncompetitive designations for the subject titles be effected for a six-month period. It is further ordered that such action be effective on the beginning of the first pay

¹ The PS5822T eligible list promulgated on August 2, 2018 and expires on August 1, 2021. The remaining eligibles' names appeared on the January 29, 2019 certification.

period following exhaustion of the regular reemployment list and the promotional (PS5528T) eligible lists for the subject title. At the end of this period, the subject title will be returned to the competitive division of the career service.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF FEBRUARY, 2019

Deirdre L. Webster Cobb

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Chairperson
Civil Service Commission

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