

STATE OF NEW JERSEY

In the Matter of Reallocation of Counselor 1, Employee Advisory Service from the Competitive to the Non-Competitive Division of the Career Service

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CSC Docket No. 2019-2828

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Title Reallocation

ISSUED: DECEMBER 19, 2019

The Division of Administration (Administration) and the Division of Agency Services (Agency Services) requests reallocation of the Counselor 1, Employee Advisory Service title to the non-competitive division of the career service on an interim basis in accordance with *N.J.A.C.* 4A:3-1.2.

By way of background, the Employee Advisory Service (EAS) is a State program designed to help employees and their dependents with personal, family or work-related issues. EAS provides confidential assessment, counseling and referral services. Administration and Agency Services present that this request is being made to address the opioid crisis, domestic violence and workplace harassment, in coordination with the Governor's initiatives. In this regard, in accordance with N.J.S.A. 11A:2-6a, this agency was charged with developing, adopting, and distributing a uniform domestic violence policy for all public employers. In October 2019, the Statewide Domestic Violence Policy was released throughout the State. This policy is designed to encourage employees who are victims of domestic violence as well as those impacted by domestic violence seek assistance. Due to the release of the policy, it is anticipated that additional resources will be needed by EAS to assist appointing authorities. Thus, it is imperative that EAS have adequate staff readily available to provide service on an emergent and long-term basis. Therefore, Administration and Agency Services requests that the Counselor 1, Employee Advisory Service title be reallocated from the competitive to the non-competitive division on an interim basis for six months to expeditiously staff these positions.

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 legislation described above, interim noncompetitive status for the subject titles is appropriate in this matter. Additionally, *N.J.A.C.* 4A:3-1.2(g) provides that, if a title is designated noncompetitive on an interim basis, 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 title be effected. This designation will be effective from December 21, 2019 to May 30, 2020. At the end of this period, the subject titles 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 18TH DAY OF DECEMBER, 2019

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