



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Department of
Community Affairs, Various Titles

CSC Docket No. 2020-232

Request for Title Reallocation

ISSUED: AUGUST 5, 2019 (SLK)

The Division of Agency Services (Agency Services), on behalf of the Department of Community Affairs (DCA), requests that various titles be placed in the non-competitive division of the career service on an interim basis in order to permanently appoint the following six individuals.

By way of background, the DCA and the New Jersey Housing Mortgage Finance Agency (HMFA) have agreed to move the Supportive Housing Connection (SHC) Program from the HMFA to the DCA's Division of Housing and Community Resources. The SHC program was established at the HMFA to administer rental assistance vouchers for people referred by the Division of Mental Health and Addiction Services (DMHAS) and the Division of Developmental Disabilities (DDD). At that time, both DMHAS and DDD were within the Department of Human Services (DHS), now DMHAS is in the Department of Health (DOH). The SHC program has grown from administering approximately 3,000 vouchers for DMHAS to the administration of more than 11,000 vouchers, including 8,000 for DDD, by the end of FY2018. The main mission of HMFA is to provide financing for the creation of affordable housing; it does not operate any other large-scale rental assistance programs. In order to take advantage of economies of scale, and an existing infrastructure at the DCA, the administration of SHC vouchers will

transfer from HMFA to DCA. While HMFA is an affiliate of DCA, its staff members are not subject to the provisions of Title 11A, the Civil Service Act.¹

DCA currently administers various large-scale housing assistance programs which are operated from a central office and 14 field offices, with more than 100 staff providing service to more than 30,000 households and 14,000 landlords. With the growth of SHC to more than 11,000 vouchers, its transfer to DCA will allow the program to integrate with the mainstream programs DCA already operates, and leverage DCA's existing statewide coverage and expertise in administering housing assistance programs.

To operate the SHC program effectively, DCA asks to absorb the current permanent HMFA staff working on this program as permanent State employees. SHC works with vulnerable populations, and the experience these staff have in working with these populations will not only assure that SHC continues to meet their needs, but will provide benefits to DCA as its rental assistance, and other programs for people with special needs, grow.

Agency Services conducted a review to determine the proper classifications of the positions involved, the qualifications of each incumbent, and the existence of current applicable lists. Based on Agency Services' review, it was determined that the following titles are appropriate classifications for each incumbent, as noted:

Technical Assistant 1 (64181/A14)

Jessica Barnes
Charlene Harris
Lourdes Ramirez
Atria White

Technical Assistant 2 (64182/P17)

Leopold Gorecki

Field Representative Housing, Housing Assistance Program (64392C/P18)

Michelle Marshall

There are currently no special reemployment lists for the above-referenced titles. Additionally, there are no applicable promotional lists for the unit scope (D595) to which the appointing authority has advised the subject employees will be assigned. It is noted that an open competitive list (S0254W) exists. However, only one eligible remains on this list for the Mercer County location, resulting in an incomplete list. A regular reemployment list also currently exists; however, there is

¹ In accordance with *N.J.S.A. 26:21-4e*, the HMFA may appoint, retain and employ, without regards to Title 11A, the Civil Service Act.

no regular reemployment list for Mercer County as the individual on the list indicated preference in only Bergen, Essex, and Passaic Counties.

Regarding the subject individuals' qualifications, Agency Services indicated that all of the incumbents meet the requirements of the respective titles.

Based on the circumstances surrounding this matter, Agency Services supports this request. It indicated that these noncompetitive appointments will allow the DCA to employ experienced individuals who have the requisite knowledge, skills and service within the program critical to assuring the continued success and continuity of the program. Accordingly, Agency Services requests relaxation of criteria outlined in *N.J.A.C.* 4A:3-1.2(c) in order to allocate the above-referenced titles to the noncompetitive division on an interim basis, for one pay period, in order to effectuate the appointment of the six subject employees into the appropriate career service titles as listed above.

In accordance with *N.J.A.C.* 4A:3-3.3(f), the affected negotiations representatives were notified on June 28, 2019 of the request to reallocate the subject titles to the noncompetitive division, on an interim basis. No comments from the unions have been 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 by the Civil Service Commission (Commission) that it is appropriate to make permanent appointments to the title and 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 likely have not or 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 legislation program or major agency reorganization.

N.J.A.C. 4A:3-3.3(f) provides that, in State service, the agency representative shall provide notice to affected and potentially affected negotiations representatives upon submission of certain changes to the State Classification Plan to the appropriate Commission representative.

N.J.A.C. 4A:1-1.2(c) provides that the Commission may relax rules for good cause in a particular situation in order to effectuate the purposes of Title 11A, New Jersey Statutes.

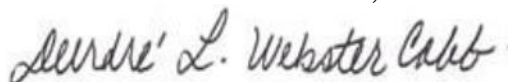
In the instant matter, the DCA seeks approval to reallocate the Technical Assistant 1 (64181/A14), Technical Assistant 2 (64182/P17), and Field Representative Housing, Housing Assistance Program (64392C/P18) titles to the non-competitive division of the career service on an interim basis. Based on the circumstances surrounding this matter as described above, Agency Services supports the request. These noncompetitive appointments will allow the DCA to employ experienced individuals who have the requisite knowledge, skills and service within the SHC program critical to assuring the continued success and continuity of the program. Additionally, the affected negotiations representatives were given notice of this request in accordance with *N.J.A.C.* 4A:3-3.3(f) and no comments were received. Therefore, the Commission grants Agency Services' request to relax the criteria outlined in *N.J.A.C.* 4A:3-1.2(c) in order to allocate the above referenced titles to the non-competitive division of the career service on an interim basis, for one pay period, in order to effectuate the appointment of the six named employees into the appropriate titles. It is noted that the employees would need to serve current working test periods, since appointments cannot become permanent until successful completion of a working test period pursuant to *N.J.A.C.* 4A:4-5.1, *et seq.* Further, this decision is based on the unique facts of this case and does not set a precedent for any other case.

ORDER

It is ordered that the specified titles within the Department of Community Affairs be reallocated to the non-competitive division title of the career service on an interim basis, for one pay period, in order to effectuate the appointment of the six named employees into the appropriate titles. It is further ordered that such actions be effective the first pay period following the Commission's approval.

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 31st DAY OF JULY, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Jodi Evangelista
Hetty Rosenstein
Kelly Glenn
Records Center