



**STATE OF NEW JERSEY**

In the Matter of Investigator 1, Office  
of the Chief State Medical Examiner  
and Investigator 3, Office of the Chief  
State Medical Examiner

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

CSC Docket No. 2021-1502

Request for Title Reallocation

**ISSUED: JUNE 7, 2021 (SLK)**

The Division of Agency Services (Agency Services), on behalf of the Department of Health (DOH), requests that the Investigator 1, Office of the Chief State Medical Examiner and Investigator 3, Office of the Chief State Medical Examiner titles be placed in the non-competitive division of the career service on an interim basis to effectuate the appointments of seven employees.

By way of background, the Office of the Chief State Medical Examiner (OCSME) was transferred from the Department of Law and Public Safety to the DOH on September 1, 2018. In a letter dated May 22, 2019, the DOH requested the creation of an Investigator title series specific to the OCSME. The DOH requested a new title series for employees currently serving in the non-competitive title of Investigator, County Medical Examiner (W98, 02183). It claimed that the creation of this new title series would facilitate filling critical vacancies and would promote succession planning in the OCSME, consistent with the Department’s Workforce Development Strategy. As a result of this request, Agency Services, in cooperation with the DOH, created a new title series along with the respective classification specifications to address its needs. This new title series includes Investigator 1, 2 and 3, OCSME. These titles will be used in various regional State Medical Examiner’s Offices.

With the new title series currently in place, the DOH would now like to appoint six employees to Investigator 1, OCSME (I20 56782H), and one employee to Investigator 3, OCSME (R26 56774C). It is DOH's contention that because these employees are currently working in the Medical Examiner's Office and possess the education and necessary skills, competitive testing at this critical time in public health is not practicable. Therefore, in accordance with *N.J.A.C.* 4A:3-1.2(c)1, it is requesting that these titles be allocated to the non-competitive division for one pay period to allow for the appointments. It contends that the approval of these appointments is crucial given the recent rise in the number of deaths associated with the COVID-19 pandemic.

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

**Investigator 1, OCSME (I20, 56782H)**

Nicole Anthony  
Doreesha Armstrong  
Tracy Doran  
Caroline Johnson  
James Santilli  
Debra Rue

**Investigator 3, OSCME (R26, 56774C)**

Lindsey Scott

All employees were found to be performing the appropriate duties for their proposed titles and were found to meet the open competitive requirements. In addition, as these are newly created titles, no current promotional lists, special reemployment lists, or current or pending announcements exist for these titles.

Based on the circumstances surrounding this matter, Agency Services supports this request. It indicates that these noncompetitive appointments will allow the DOH to employ experienced individuals who have the requisite knowledge, skills and service within the Medical Examiner's Office. Further, the approval of these appointments is crucial given the recent rise in the number of deaths associated with the COVID-19 pandemic. 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 seven 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 May 4, 2021 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 DOH seeks approval to reallocate the Investigator 1, OCSME (I20 56782H) and Investigator 3, OCSME (R26 56774C) titles to the non-competitive division of the career service on an interim basis to effectuate the appointments of seven employees. Based on the circumstances surrounding this matter as described above, Agency Services supports the request. These noncompetitive appointments will allow the DOH to employ experienced individuals who have the requisite knowledge, skills and service within the Medical Examiner's Office. Further, the approval of these appointments is crucial given the recent rise in the number of deaths associated with the COVID-19 pandemic. 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 the request to relax the criteria outlined in *N.J.A.C.* 4A:3-1.2(c)

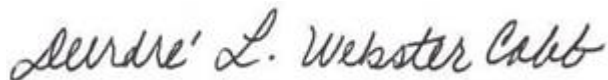
in order to allocate the above referenced titles to the non-competitive division of the career service on an interim basis, for one pay period, in order to effectuate the appointment of the seven named employees into the appropriate titles. It is noted that the employees would need to serve current working 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 Health 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 seven 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 2ND DAY OF JUNE, 2021



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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Records Center