



STATE OF NEW JERSEY

In the Matter of County Reentry
Coordinator

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

CSC Docket No. 2023-649

Title Creation

ISSUED: October 12, 2022 (HS)

The Division of Agency Services (Agency Services) requests the establishment of the unclassified title of County Reentry Coordinator for use in county government.

As background, *P.L. 2021, c. 312* established the position of County Reentry Coordinator, which was codified at *N.J.S.A. 30:8-16.19* to *-16.23*. The legislation provides that the governing body of each county may, by duly adopted ordinance or resolution, appoint a County Reentry Coordinator who shall be responsible for evaluating the needs of, and navigating the appropriate treatment and services for, each inmate in a county correctional facility. *N.J.S.A. 30:8-16.19a*. The incumbent shall evaluate each inmate in a county correctional facility who has been sentenced to a term of incarceration or ordered detained pending trial following a pretrial detention hearing to identify appropriate treatment, services, and programs that would benefit the inmate. *N.J.S.A. 30:8-16.19b*. The incumbent shall offer assistance to the inmate in accessing any services deemed appropriate for the inmate, based on the aforementioned evaluation, by, among many other duties, providing information concerning insurance eligibility and assistance in completing applications for insurance coverage. *N.J.S.A. 30:8-16.19d*.

Additionally, the incumbent shall provide assistance with obtaining a non-driver identification card; ensure, to the best of the incumbent's ability and conditioned on discharge information provided by the Administrative Office of the Courts, that each inmate is released from custody during regular business hours so that the inmate may access appropriate treatment and services immediately upon

release; and ensure each inmate at the time of discharge is provided with the required prescription medication. *N.J.S.A.* 30:8-16.19e. The incumbent shall, in collaboration with the chief executive officer, warden, or keeper of a county correctional facility, develop peer counseling programs in the county correctional facility that support the treatment of county inmates with substance use disorders. *N.J.S.A.* 30:8-16.21.

Further, the incumbent shall meet annually with community stakeholders who may offer guidance for evaluating the needs of and providing services to inmates in county correctional facilities. *N.J.S.A.* 30:8-16.22a. These stakeholders include, among others, the Commissioner of Corrections or designee; the Commissioner of Human Services or designee; the chief executive officer, warden, or keeper of the county correctional facility; the superintendent, director, or other chief administrative officer of the County Board of Social Services or welfare agency; the county human services director or designee; the county mental health administrator or designee; and the president of a county community college or designee. *Id.* Based on the guidance received during these meetings, the incumbent shall, among other things, establish best practices for preparing county inmates for release and make appropriate recommendations to the county correctional facility and County Board of Social Services or welfare agency with respect to preparing county inmates for successful reentry into the community and reducing recidivism. *N.J.S.A.* 30:8-16.22b.

The instant request follows an expressed need by Ocean County. Agency Services indicates that it reviewed existing titles to determine if there was any title that would accommodate the needs of the County Reentry Coordinator function but found none. Agency Services also notes that it has developed a job specification for the new title. Agency Services requests that the effective date for the creation of the new title be the first Monday following the Civil Service Commission's (Commission) approval.

CONCLUSION

In matters involving the question of whether a particular title should be allocated to the career or unclassified service, the starting point is the *New Jersey Constitution*, Article VII, sec. 1, par. 2, providing that:

Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, *as far as practicable, by examination*, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law (emphasis added).

An interpretation of Civil Service law governing the unclassified service must be made in view of this constitutional mandate and a strict interpretation is generally given in matters concerning allocation to the unclassified service. *See in the Matter of Investigator, Penal Institution, et al., Essex County* (MSB, decided September 16, 1997).

In local service, *N.J.S.A.* 11A:3-5 provides that the unclassified service shall be limited to those titles it specifically designates and all other titles as provided by law or as the Commission may determine. *N.J.A.C.* 4A:3-1.1(a) provides that all job titles shall be allocated to the career service, except for those job titles allocated by the Commission to the unclassified service pursuant to *N.J.A.C.* 4A:3-1.3. *N.J.A.C.* 4A:3-1.3(a) provides that a title shall be allocated to the unclassified service when:

- 1) In State service, the title is so designated under *N.J.S.A.* 11A:3-4;
- 2) In local service, the title is so designated under *N.J.S.A.* 11A:3-5;
- 3) The title is designated unclassified by another specific statute;
- 4) A specific statute provides that incumbents in the title serve for a fixed term or at the pleasure of the appointing authority; or
- 5) The [Commission] determines that it is not practicable to determine merit and fitness for appointment in or promotion to that title by examination and that it is not appropriate to make permanent appointments to the title.

Our courts have recognized the State's strong public policy, as evinced by the State Constitution, favoring the inclusion of as many titles as possible in the career service. *See Walsh v. Department of Civil Service*, 32 *N.J. Super.* 39, 43-44 (App. Div. 1954); *Loboda v. Clark Township*, 40 *N.J.* 424, 434 (1983); *State v. Clark*, 15 *N.J.* 334, 341 (1954); *In the Matter of Hudson County Probation Department*, 178 *N.J. Super.* 362, 371 (App. Div. 1981). This principle of ascertaining "merit and fitness" for promotions and appointments through an open competitive examination process is at the very heart of our merit system.

The title of County Reentry Coordinator is not specifically designated as unclassified by *N.J.S.A.* 11A:3-5. No specific statute states, in such explicit terms, that the title is to be unclassified. Likewise, there is no statute providing for the appointment of an incumbent in the title to serve for a fixed term or at the pleasure of an appointing authority. In sum, none of these statutory preconditions for the allocation of a title to the unclassified service have been met. Thus, the real issue is whether the title requires possession of knowledge and skills and the exercise of duties and functions so unique that "merit and fitness" for the position cannot be

ascertained through a competitive examination process and that a permanent appointment to the title is not appropriate, and, accordingly, allocation of the title to the unclassified service is warranted.

Ogden v. Department of Civil Service, 77 N.J. Super. 296 (App. Div. 1962), cert. denied, 39 N.J. 238 (1963), though not involving facts that precisely mirror those found here, is nevertheless instructive. In *Ogden*, the Appellate Division held that, given the complex nature of the duties and the uniqueness of the position of General Superintendent and Chief Engineer of the Passaic Valley Water Commission (PVWC), it was not practicable to determine merit and fitness for the position by examination or minimum qualification requirements. In that case, the position was the highest ranking full-time position in the employ of the PVWC, answerable only to the four Commissioners whose role was analogous to that of a governing body. Moreover, since the Commissioners themselves served only part-time in the role of trustees and lacked technical training, they necessarily relied on the General Superintendent and Chief Engineer for guidance. Additionally, concurring with the findings made by the Department, the court noted the many complex duties and required abilities of the General Superintendent and Chief Engineer, involving knowledge of engineering, administration, fiscal policies, expansion programs, personnel problems, and public relations. The court further underscored the importance of the confidential relationship that must exist between the Commissioners and the General Superintendent and Chief Engineer and the fact that the Commissioners leaned heavily on this individual for advice and guidance in creating and implementing policy.

In this matter, County Reentry Coordinator is a single, unique position established by statute to serve a high-level mission: evaluating the needs of, and navigating the appropriate treatment and services for, each inmate in a county correctional facility. The appointee would be expected to bring to the job the knowledge, skills, and abilities required to effectively perform the varied and complex duties specifically set forth in the legislation. For example, the incumbent is required to collaborate with the chief executive officer, warden, or keeper of a county correctional facility, all high-ranking employees, on the development of peer counseling programs in the county correctional facility that support the treatment of county inmates with substance use disorders. The incumbent must also meet with a diverse range of community stakeholders, many of whom are high-ranking officials. Based on the guidance received from these stakeholders, the incumbent is expected to *establish best practices* for preparing county inmates for release and make appropriate recommendations to the county correctional facility and County Board of Social Services or welfare agency with respect to preparing county inmates for successful reentry into the community and reducing recidivism. As such requirements are not easily tested for, it would be impracticable to determine merit and fitness for the position by examination. In addition, given the incumbent's duty to establish best practices for preparing county inmates for release, the incumbent

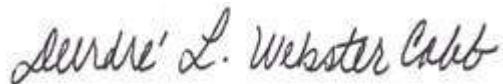
essentially exercises policy-making responsibility. In light of the position's role in policy-making, a permanent appointment to the title is not appropriate. Thus, good cause exists to create the title of County Reentry Coordinator in the unclassified service.

ORDER

Therefore, it is ordered that this request be granted and that the title of County Reentry Coordinator be established in the unclassified service, effective October 17, 2022, to be utilized in county government.

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 12TH DAY OF OCTOBER, 2022



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