

In the Matter of Reallocation of State, Local and Common Titles from the Competitive to the Non-Competitive Division of the Career Service, Phase 2

CSC Docket No. 2013-1380

(Civil Service Commission, decided December 5, 2012)

The Division of Classification and Personnel Management (CPM) recommends reallocation of various State, Local and Common titles to the non-competitive division of the career service in accordance with *N.J.A.C. 4A:3-1.2*. The titles recommended for reallocation to the non-competitive division are listed in the attachment.

The rationale for reallocating these titles is to provide State and local jurisdictions with the flexibility needed to more efficiently and quickly meet their hiring responsibilities. CPM explains that these titles were recommended for reallocation based on two criteria. First, the titles had a requirement of a license, certification or specialization. CPM states that for these titles, the applicant's qualifications have already been established and verification of the license, certification or specialization can be easily accomplished through a post-audit. The second criteria evaluated titles where testing is impractical, difficult to test, or for which it is difficult to recruit. This category also includes titles with a high turnover rate for which it is difficult to generate lists quickly enough to meet the needs of jurisdictions.

Any existing eligibility lists for these titles and any current announcements for which examinations have not been administered will be cancelled upon completion of the reallocation process. Nevertheless, State and local agencies wishing to do so may recruit and appoint from the cancelled lists. However, resulting appointments will be recorded as regular appointments in the non-competitive division (RAN). Appointment types for existing employees in these title as of the effective date will be handled in accordance with *N.J.A.C. 4A:3-1.2(f)*:

1. Permanent employees in that title as of the effective date shall have their appointment types changed to RAN, and shall retain their permanent status in the non-competitive division.
2. Probationary employees in that title as of the effective date shall continue serving their working test periods and, upon successful completion, attain permanent status in the non-competitive division.
3. Provisional employees who remain in that title as of the effective date shall receive regular appointments (RAN) and begin serving their working test period on the effective date.
4. Where it is found that an employee's movement from a non-competitive title to a competitive title could have been effectuated via promotional examination procedures before any title reallocation impacting the

employee's title, the Division of Selection Services and Recruitment (Selection Services) will announce a promotional examination, regardless of whether or not the movement after the reallocation constitutes a promotional movement. Similarly, where an employee was previously classified in a competitive title, but, as a result of the title reallocation, is cross-walked into a non-competitive title, Selection Services will process any future promotional movements based on the employee's competitive title before the title reallocation without regard to whether or not the employee's present non-competitive title is approved to promote to a competitive title.

CPM advises that all State and local appointing authorities were provided the opportunity to review the proposal and all articulated issues have been reviewed and resolved. Additionally, State negotiations representatives have been notified and provided with an opportunity to review and comment on the proposal. No comments or objections were received. Further, CPM posted an announcement on this agency's website to provide notice of the plan to reallocate these titles from the competitive to the non-competitive division. Finally, CPM states that the changes specified in this title reallocation will become effective beginning on the first pay period following Commission approval of these actions.

N.J.A.C. 4A:3-1.2 provides, in part, that the Commission may reallocate titles from the competitive to the non-competitive division when competitive testing is not practicable due to the nature of the knowledge, skills, and abilities associated with the job or when 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.

Based on all of the foregoing, ample reasons exist for the reallocation of the proposed titles to the non-competitive division of the career service. It is clearly not practicable to continue to examine for such positions when each title requires possession of a State-issued license, certification or specialization or for those titles where testing is impractical or for which it is difficult to recruit.

Under current Civil Service rules, reallocation of the named titles will result in the granting of permanent status and all attendant Civil Service rights and privileges currently accorded employees in the non-competitive division of the career service. Seniority for any affected permanent employee would be continuous and include all permanent service in the reallocated title. As of the effective date of reallocation, all employees serving provisionally in these affected titles are to be recorded as permanent, pending completion of the required working test period.

ORDER

Based on all of the above, it is ordered that the titles listed in the attachment be reallocated to the non-competitive division. It is further ordered that such action be effective December 15, 2012.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

STATE TITLES COMPETITIVE TO NONCOMPETITIVE:

Apprentice Inspector Multiple Dwellings
116-55472

Charge Nurse 10 Months
R19-03862

Charge Nurse 12 Months
R20-59966

Charge Nurse 12 Months
R22-03853

Clinic Nurse
P17-03952

Clinical Laboratory Technician
AI 3-01773

Clinical Specialist in Psychiatric Nursing
P26-00473

Geographic Information Systems Specialist 1
R29-0321 0

Geographic Information Systems Specialist 2
P26-03209

Geographic Information Systems Specialist 3
P22-03208

Geographic Information Systems Specialist Trainee
P95-03207

Head Hairdresser
R15-40922

Health Care Services Evaluator! Nurse
P25-60451

Highway Marker
011-42032

Interpreter For The Deaf
AI 8-55892

Nursing Consultant
P28-00183

Operating Engineer Repairer
CI3-40432

Radiation Physicist 1
R28-59980

Radiation Physicist 1, Mammography Unit
R28-599800

Radiation Physicist 2
P25-59981

Radiation Physicist 2, Mammography Unit
P25-59981 C

Radiation Physicist 3
P22-59982

Regional Pharmaceutical Consultant
S27-01296

Regulatory Officer 4
P26-56749

Repairer Mechanical
011-43721

Staff Clinical Psychologist 2
P21-60309

Staff Clinical Psychologist 2, Division of Mental Health Services
P21 -60309C

Staff Clinical Psychologist 3
P24-60310

Staff Clinical Psychologist 3, Division of Mental Health Services
P24-603 1 OC

Supervising Nuclear Engineer
R30-59995

Supervising Radiation Physicist
S30-18085

Therapist Music
P19-03662

LOCAL TITLES COMPETITIVE TO NONCOMPETITIVE:

Human Services Aide
02085

COMMON TITLES COMPETITIVE TO NONCOMPETITIVE:

Chief Nursing Officer Psychiatric
M34-00545

Geographic Information Systems Specialist 1
R28-031 77

Geographic Information Systems Specialist 2
P25-03163

COMMON TITLES COMPETITIVE TO NONCOMPETITIVE:

Geographic information Systems Specialist 3
P21-03176

Geographic Information Systems Specialist Trainee
P95-03174

Medical Records Technician
AI 6-21054