

*In the Matter of Reallocation of State, Local and Common Titles from the
Competitive to the Non-Competitive Division of the Career Service*
CSC Docket No. 2013-920
(Civil Service Commission, decided October 17, 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 an analysis of the requirements and examination history for these titles. Specifically, each of the titles requires a State-issued license or certification. Currently, the Civil Service Commission (Commission) does not typically administer written examinations for such titles since possession of the license establishes that the applicant has successfully met the requirements necessary to qualify for the title. State-issued licenses can easily be verified by the issuing agency. The appointing authority will be responsible for ensuring and verifying the employee's license status, as is currently the case with existing titles assigned to the non-competitive division, such as Licensed Practical Nurse. In cases where specific experience is also required, the appointing authority will also verify that these requirements have been met.

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 of 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 or certification.

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 October 20, 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:

Advanced Practice Nurse 10 months
P28-51201

Clerk Driver
A09-20140

Clerk Driver
A07-20142

Barber
H12-40942

Hairdresser
H12-40923

Truck Driver, Single Axle
O11-42132

Truck Driver, Tandem Axle
O12-42128

Dental Hygienist
H19-01053

Dental Assistant 1
H14-01035

Occupational Therapist
P20-03671

Occupational Therapy Assistant
H15-03669

Senior Field Representative, Pharmaceuticals
P25-01283

Physical Therapy Assistant
H15-03690

Registered Environmental Health Inspector Trainee
P95-03150

Respiratory Therapy Technician
H16-03845

Speech and Hearing Specialist
P25-03653

Substance Abuse Counselor 2 Mental Health and Alcoholism Services
P18-63114C

X-Ray Technician
H12-18043

LOCAL TITLES COMPETITIVE TO NONCOMPETITIVE:

Advanced Practice Nurse Gerontology
06569

Advanced Practice Nurse Obstetrics and Gynecology
05672

Advanced Practice Nurse Pediatrics
06241

Chauffeur
00993

Clerk Driver
01257

Delivery Worker
01480

Library Clerk Driver
02281

Motor Vehicle Operator Elderly and Handicapped Persons
02516

Omnibus Operator
05594

School Bus Driver
03115

Truck Driver
04222

Truck Driver Heavy
04226

Emergency Medical Technician
01724

Range Instructor
07963

Assistant Health Officer
00563

Health Officer
01988

Land Surveyor
02255

Lead Poisoning Inspector
02268

Mortician
02514

Nursing Home Administrator
02563

Occupational Therapist Assistant
04578

Occupational Therapist
02565

Physical Therapist Assistant
04810

Physical Therapist
02671 @

Registered Environmental Health Specialist Trainee Public Health
03101

Speech Pathologist
04766

Teacher
04134@

Teacher Juvenile Facilities
04582

Teacher Penal Institution
04581

Teacher Early Childhood Education
07574

Teacher Early Childhood Education Bilingual in Spanish and English
07598

Teacher Special Education
04136

COMMON TITLES COMPETITIVE TO NONCOMPETITIVE:

Advanced Practice Nurse
P31-51200

Substance Abuse Counselor Intern
P15-63117

Substance Abuse Counselor 2
P18-63114

Substance Abuse Counselor 2 Bilingual Spanish and English
P18-63114D

School Nurse
P21-03120

X-Ray Technician
W98-04327