



STATE OF NEW JERSEY

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

In the Matter of Research Economist 3,
Department of the Treasury

CSC Docket No. 2023-648

Request for Interim
Noncompetitive Appointments

ISSUED: July 19, 2023 (EG)

The Division of Agency Services (Agency Services) requests the reallocation of the Research Economist 3, Department of the Treasury title to the noncompetitive division of the career service from July 29, 2023 to August 12, 2023.

Agency Services requests that the Research Economist 3, Department of the Treasury (Treasury) title be designated as noncompetitive on an interim basis, for one pay period, to allow William Irving to be permanently appointed to the subject career service title. Agency Services indicates that it was asked by Treasury to review the organization and classification of the positions of the professional staff assigned to the Office of Revenue and Economic Analysis (OREA). The review found inconsistency among the titles which the professional staff in OREA were serving. Agency Services reviewed the duties assigned to these positions and found that Irving, who had been serving as a Government Representative 2, should be properly classified as a Research Economist 3. In this regard, it requests a relaxation of the criteria outlined in *N.J.A.C. 4A:3-1.2(c)* to allow Research Economist 3 to be reallocated to the noncompetitive division of the career service on an interim basis to effectuate the movement of Irving into this title. Further, Agency Services states that Irving, through no fault of his own, was erroneously placed in a Government Representative 2 title and that the continuity of his employment is essential to the operation of OREA.

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 that it is appropriate to make permanent appointments to the title, and that 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 not 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 legislative program or major agency reorganization.

Initially, *N.J.A.C.* 4A:3-1.2(c)1 and 2 do not apply to the facts of this matter. Further, based on the information described above, it is unclear if the review and findings of Agency Services of the organization and classification of the positions of the professional staff assigned to OREA qualifies as a major agency reorganization under *N.J.A.C.* 4A:3-1.2(c)3. However, given the findings of the review, the fact that Irving was misclassified through no fault of his own, and that the continuity of his employment is essential to the operation of OREA, good cause has been shown to relax of the provisions outlined in *N.J.A.C.* 4A:3-1.2(c) to allow for the interim noncompetitive status for the subject title in this matter. *See N.J.A.C.* 4A:1-1.2(c). Further, *N.J.A.C.* 4A:3-1.2(g) provides that, if a title is designated noncompetitive on an interim basis, at the end of the interim noncompetitive period, which shall be no greater than one year, the job title shall be redesignated as competitive. Individuals appointed during the interim noncompetitive period shall, upon successful completion of their working test periods, attain permanent status in the competitive division.

This decision is based on the specific facts and circumstances presented and shall not be used as precedent in any future matter,

ORDER

Therefore, it is ordered that this request be granted, and the interim noncompetitive designation for Research Economist 3 be effected. This designation will be effective from July 29, 2023 to August 12, 2023, to allow for the appointment of William Irving to that title. At the end of this period, the subject title will be returned to the competitive division of the career service.

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 19TH DAY OF JULY, 2023

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