



**STATE OF NEW JERSEY**

In the Matter of Working Test Period  
Pilot Program, Atlantic County

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

CSC Docket No. 2024-974

Order Establishing Pilot Program

**ISSUED:** December 20, 2023 (SLK)

The New Jersey Association of Counties (NJAOC), on behalf of member organizations, requests the establishment of a pilot program for Atlantic County, allowing for the duration of the local government employee working test period to be extended consistent with the duration of the State government employee working test period.

By way of background, a working test period is to permit an appointing authority to determine whether an employee satisfactorily performs the duties of a title. A working test period is part of the examination process which shall be served in the title to which the certification was issued and appointment made. Under *N.J.S.A. 11A:4-15(a)*, except for entry level law enforcement, correction officer, and firefighter titles, State government employees are subject to a working test period following regular appointment of four months, which may be extended to six months, while “political subdivisions,” which include county governments, and their civilian employees currently operate under a three-month working test period with no ability to extend that period. As the responsibilities of county government and the associated positions become more technical, NJAOC asserts that the three-month working test period does not provide adequate time for an employee to successfully learn the knowledge, skills, and abilities necessary for the position. It also states that the three-month working test period is not enough time for county governments to evaluate the progress of the newly appointed employee. Therefore, the NJAOC requests a pilot program for Atlantic County employees where all career service

positions that are subject to a three-month working test period be subject to the same four-month working test period as State employees. Further, as part of the pilot program, Atlantic County will have the ability to extend the working test period for these employees to six months.

NJAOC argues that there is no practical reason why State government employees have a longer working test period than county government employees. It believes that the difference is inequitable to local government employees training and learning either as new public employees or incumbent employees appointed to a new title. Further, it states that the current time period is not long enough for county supervisors and managers to present the county with a realistic evaluation of the newly appointed employee. Accordingly, NJAOC contends that the current working test period for county employees is inadequate for both employees and appointing authorities.

NJAOC indicates that Atlantic County can provide the necessary skill and experience to manage the pilot and report on any challenges, merits, and successes of the pilot. Thereafter, with the anticipated positive outcome for both the employees and the county, NJAOC intends to seek the support of the legislature to extend to county governments the same four-month working test period and extension procedures outlined in *N.J.S.A. 11A:4-15* for State government employees.

## CONCLUSION

*N.J.S.A. 11A:2-11(i)* permits the Civil Service Commission (Commission) to establish pilot programs and other projects for a maximum of one year outside of the provisions of Title 11A of the New Jersey Statutes Annotated. *See also, N.J.A.C. 4A:1-4.3* and *CWA v. N.J. Department of Personnel*, 154 *N.J.* 121 (1998).

*N.J.A.C. 4A:1-4.3(d)* states that a proposed pilot program should be submitted to the Commission and include: 1) a description of the program; 2) the individuals affected by the program; 3) the duration of the program; 4) the anticipated benefits of the program, including an explanation of how the program furthers the purposes of Title 11A of the New Jersey Statutes Annotated; 5) a summary of appointing authority consultations with negotiations representatives; 6) evaluation criteria; 7) a statement identifying the sections, if any, of the rules or of Title 11A, New Jersey Statutes with which the program is at variance; and 8) such other information as required by the Chairperson or designee.

### 1. Program Description

Atlantic County will begin the implementation of a four-month working test period with the ability to request a two-month extension for employees who receive regular appointments after the approved implementation date. Impacted employees will be notified of the timelines provided for the working test period. In addition, reports will be made by Atlantic County and delivered to the employees as established

by rule. To extend the working test period, Atlantic County will submit that request and completed progress reports to this agency to secure such approval.

## **2. Individuals Affected by the Program**

Atlantic County career service employees who are appointed after the implementation date who, without the program, would be subject to a three-month working test period.

## **3. Duration of the Program**

The program will be effective for one year from the effective date of the Commission's approval.

## **4. Anticipated Benefits of the Program**

The program will provide the data necessary to demonstrate that an amendment to the statute for a longer working test period is essential to examine and evaluate the performance of appointed employees adequately. This evaluation period will provide for a more successful workforce who can demonstrate the skills necessary to succeed. The statute defines the working test period as an extension of the examination process to provide for a fair examination and evaluation and a system of "merit and fitness." The working test period offers the best assessment of that merit and fitness. The benefit of harmonizing the duration of State and local government working test periods will also lessen the complexity for the Commission to maintain two different sets of rules and procedures for the working test period.

## **5. Consultation with Negotiations Representative**

The affected collective negotiations representatives have been notified about the pilot program and given an opportunity to respond. No objections have been raised.

## **6. Evaluation Criteria**

Atlantic County will provide data regarding the administration of the pilot program and the utility of the change in duration of the working test period. It will also provide the outcomes for employees who are subject to the new working test period duration. In addition, this evaluation will include a comparison of outcomes to the 12 months before the pilot program.

## **7. Rules and Statutory Provisions Affected by the Program**

*N.J.S.A.* 11A:4-15(a) and *N.J.A.C.* 4A:4-5.2(b) provide that the working test period for county employees shall be three months without the opportunity to extend, whereas in this program, the working test period shall be four months, which may be

extended to six months and provides county governments and its employees the same working test period as State governments and its employees.<sup>1</sup> Further, *N.J.A.C. 4A:4-5.3(a)* provides that the appointing authority shall prepare a progress report on the employee at the end of two months and a final report at the conclusion of the working test period. However, in this program, if the working test period is extended, Atlantic County shall also prepare a progress report at the end of five months and a final report at the conclusion of the extended working test, which is the same as State government.

### ORDER

Therefore, the Civil Service Commission establishes a pilot program to extend the working test period for Atlantic County employees as detailed above for a period of one year.

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 20<sup>TH</sup> DAY OF DECEMBER, 2023




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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Gerald Delrosso  
John G. Donnadio, Esq.  
Division of Agency Services

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<sup>1</sup> The working test period for entry level law enforcement, correction officer, and firefighter titles shall be 12 months as indicated under *N.J.S.A. 11A:4-15* and is not impacted by this program.