



beginning of the pay period which follows the approval of the Civil Service Commission (Commission).

## CONCLUSION

*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 subject titles to the non-competitive division of the career service. In this regard, the subject titles are entry level, require only a Bachelor's degree with specified credits, and have no experience requirements. Consequently, there is no skill set to be tested. Incumbents will gain the required skill set on the job during the trainee period. Further, as explained in *In the Matter of Reallocation of State Trainee Titles from the Competitive to the Non-Competitive Division of the Career Service* (CSC decided April 23, 2014) and *In the Matter of Reallocation of State Trainee Titles from the Competitive to the Non-Competitive Division of the Career Service, Phase 2* (CSC decided June 18, 2014), since trainee titles are designed to provide entry level employment to public service, successful completion of the required Bachelor's degree provides sufficient evidence of eligibility of a trainee title.<sup>1</sup> Therefore, competitive testing, and thus certification procedures, are not practicable since the knowledge, skills and abilities associated with a trainee title are evaluated during the mandatory training period. In that regard, appointees would be required to complete a 12-month trainee period as well as the required four month working test period prior to attaining permanent status.

As a final comment, the Commission notes that contrary to Labor's statement, appointments to the subject titles are not limited to current State employees. Positions for these titles have indeed been announced by way of open competitive examination announcement. For instance, it is noted that the Employment Counselor Trainee (S0118E) open competitive examination announcement was open to residents of New Jersey and had a closing date of January 23, 2023.<sup>2</sup> Nonetheless, since the Commission finds that competitive testing and certification procedures are not necessary, any existing eligible lists for these titles and any current announcements for which examinations have not been administered will be cancelled upon completion of the reallocation process. Agencies wishing to do so may recruit and appoint from the cancelled lists. However, resulting appointments will be

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<sup>1</sup> Although it is not clear in the record why the subject trainee titles were not reallocated in 2014, reallocation of the titles will make them consistent with the class of service for all State trainee titles.

<sup>2</sup> The eligible list has not promulgated from this announcement.

recorded as regular appointments in the non-competitive division (RAN). Appointment types for existing employees in these titles as of the effective date will be handled in accordance with *N.J.A.C. 4A:3-1.2(f)*, which provides in relevant part that:

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.

Moreover, 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, Agency 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 moved into a non-competitive title, Agency 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.

Lastly, 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**

Therefore, it is ordered that the Employment Counselor Trainee and Employment Counselor Trainee, Bilingual in Spanish and English, titles be reallocated to the non-competitive division of the career service. It is further ordered that such action be effective August 12, 2023.

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 2<sup>ND</sup> DAY OF AUGUST, 2023

*Allison Chris Myers*

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