

**STATE OF NEW JERSEY**

In the Matter of Project Specialist,	:	FINAL ADMINISTRATIVE ACTION
Transition	:	OF THE
	:	CIVIL SERVICE COMMISSION
	:	
CSC Docket No. 2026-1418	:	
	:	Title Creation
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**ISSUED: December 17, 2025 (HS)**

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The Division of Agency Services (Agency Services) requests the establishment of the unclassified title of Project Specialist, Transition for use in the Department of the Treasury (Treasury).

In support of its request, Agency Services presents that Treasury is in the process of onboarding the Governor-elect's Transition Team. Historically, members of the incoming and outgoing teams have been hired utilizing the unclassified and exempt Project Specialist title (Title Code 60005). However, in April 2024, the bargaining unit of Project Specialist was changed from "X" to "P." Per the Gubernatorial Transition Act, *N.J.S.A. 52:15A-3a(2)*, "Notwithstanding any other law, persons receiving compensation as members of office staffs under this subsection, other than those detailed from agencies, shall not be held or considered to be employees of the State Government, except for purposes of the Public Employees' Retirement System . . ." As such, Treasury has an immediate need for an unrepresented title.

The new Project Specialist, Transition title will reside in the "M" bargaining unit and will be solely assigned to Treasury for its new hires assigned to the incoming and outgoing transition teams. There will be no job specification developed for this title. The effective date for the establishment of this title will be November 1, 2025, and the title will be inactivated on January 21, 2026.

Agency Services recommends that the Project Specialist, Transition title be assigned to the unclassified service in accordance with *N.J.S.A. 11A:3-4(l)* and *N.J.A.C. 4A:3-1.3(a)5*. Appointments made to this title have a clear window of employment from their hire date through noon on the day of the inauguration. There is no permanent status or promise of continued employment beyond the transition of power between administrations.

## CONCLUSION

In matters involving the question of whether a particular title should be allocated to the career or unclassified service, the starting point is the *New Jersey Constitution*, Article VII, sec. 1, par. 2, providing that:

Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, *as far as practicable, by examination*, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law (emphasis added).

An interpretation of Civil Service law governing the unclassified service must be made in view of this constitutional mandate and a strict interpretation is generally given in matters concerning allocation to the unclassified service. *See In the Matter of Investigator, Penal Institution, et al., Essex County* (MSB, decided September 16, 1997).

In State service, *N.J.S.A. 11A:3-4* provides that the unclassified service shall be limited to those titles it specifically designates and all other titles provided by law or as the Civil Service Commission (Commission) may determine. *N.J.A.C. 4A:3-1.1(a)* provides that all job titles shall be allocated to the career service, except for those job titles allocated by the Commission to the unclassified service pursuant to *N.J.A.C. 4A:3-1.3*. *N.J.A.C. 4A:3-1.3(a)* provides that a title shall be allocated to the unclassified service when:

- 1) In State service, the title is so designated under *N.J.S.A. 11A:3-4*;
- 2) In local service, the title is so designated under *N.J.S.A. 11A:3-5*;
- 3) The title is designated unclassified by another specific statute;
- 4) A specific statute provides that incumbents in the title serve for a fixed term or at the pleasure of the appointing authority; or

- 5) The Commission determines that it is not practicable to determine merit and fitness for appointment in or promotion to that title by examination and that it is not appropriate to make permanent appointments to the title.

Our courts have recognized the State's strong public policy, as evinced by the State Constitution, favoring the inclusion of as many titles as possible in the career service. *See Walsh v. Department of Civil Service*, 32 N.J. Super. 39, 43-44 (App. Div. 1954); *Loboda v. Clark Township*, 40 N.J. 424, 434 (1983); *State v. Clark*, 15 N.J. 334, 341 (1954); *In the Matter of Hudson County Probation Department*, 178 N.J. Super. 362, 371 (App. Div. 1981). This principle of ascertaining "merit and fitness" for appointments and promotions through an open competitive examination process is at the very heart of our merit system.

In this matter, there is no question that the title requested by Agency Services is not specifically designated by *N.J.S.A. 11A:3-4*, nor is there specific statutory authority for unclassified appointments to the position. Likewise, there is no statutory provision allowing for the appointments of incumbents in the title to serve for fixed terms or at the pleasure of an appointing authority. Therefore, it is necessary to evaluate this matter under *N.J.A.C. 4A:3-1.3(a)5*, which specifies that the Commission may allocate a title to the unclassified service if it is not practicable to determine merit and fitness for appointment in or promotion to that title by examination and that it is not appropriate to make permanent appointments to the title.

It has been the established practice of this agency to administer examinations for each competitive title. As such, for each examination, this agency issues either an open competitive or promotional announcement; reviews the resultant applications that are received to determine eligibility to compete in the examination; develops and conducts an examination; issues eligible lists ranking those candidates who passed the examination; and certifies the eligible list so that an appointing authority can consider interested eligibles for appointment. While this methodology is clearly consistent with the constitutional and statutory mandate to select and advance employees on the basis of merit and fitness, it cannot be ignored that this process can take several months to complete. Given the immediate need to make appointments in order to address the transition and the fact that the appointments will be of limited duration, the Commission finds that it would not be practicable to determine merit and fitness for appointment through an examination process or make permanent appointments to the title requested. Thus, the Commission concludes that there is good cause to permit the creation of the requested title in the unclassified service.

**ORDER**

Therefore, it is ordered that this request be granted and that the title of Project Specialist, Transition is established in the unclassified service, effective November 1, 2025, to be utilized in the Department of the Treasury.

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 17<sup>TH</sup> DAY OF DECEMBER, 2025

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
Civil Service Commission

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