

candidate pool would be broadened to allow it to effectively address staffing demands and ensure operational continuity for the Judiciary.

It is noted that agency records indicate that there are currently eight individuals serving provisionally in the title of Investigator, pending open competitive examination procedures. Agency records also indicate that there is an open competitive eligible list for Investigator (S0071F), Statewide, that contains the names of 14 eligibles including one veteran, and for Investigator, Bilingual in Spanish and English (S0072F), Statewide, that contains the names of three eligibles. Both eligible lists expire on October 23, 2026. Agency Services notes that there is also one individual on a regular reemployment list for Investigator, Bilingual in Spanish and English. Agency Services states that there are no other active eligible lists for either title, including special reemployment lists.

Moreover, Agency Services advises that notice was provided to the relevant negotiations representative, and no comments were received. Therefore, Agency Services recommends that, pursuant to *N.J.A.C.* 4A:3-1.2(c)2, these titles be reallocated to the noncompetitive division of the career service for a period of one year.

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.

N.J.A.C. 4A:3-1.2(e) provides, in pertinent part, that prior to any reallocation from the competitive to noncompetitive division, whether on an ongoing or interim basis, an administrative review shall be conducted and notice of the proposed reallocation shall be sent to affected appointing authorities and negotiations representatives. The notice shall designate the period of time, which in no event shall

be less than 20 days, during which written comment may be submitted, and may provide for a public hearing.

Based on the circumstances described above, interim noncompetitive status for the subject titles for one year is appropriate in this matter pursuant to *N.J.A.C.* 4A:3-1.2(c)2. The Judiciary noted that JCAU joined in this request, and the latter was provided notice of the proposed reallocation. No further comments were received. Moreover, the bilingual skills of candidates for the bilingual title will be assessed by use of the Bilingual Communicative Ability Test. The candidates will be required to meet the appropriate proficiency level. Further, any existing eligible lists for these titles and any current announcements for which examinations have not been administered will be cancelled during the one-year period. Nevertheless, the Judiciary is encouraged to recruit and appoint from the cancelled lists. Additionally, *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.

ORDER

Therefore, it is ordered that this request be granted and the Investigator and Investigator, Bilingual in Spanish and English titles, be reallocated to the noncompetitive division of the career service for a period of one year. The effective date of this action will be the beginning of the first pay period following the Commission's approval and will end one year later. At the end of this period, the subject titles 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 8TH DAY OF APRIL, 2026



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