



**STATE OF NEW JERSEY**

In the Matter of State School  
Counselor Liaison

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

CSC Docket No. 2026-2628

Title Creation

**ISSUED: June 10, 2026 (SLD)**

The Division of Agency Services (Agency Services) requests the establishment of the unclassified title of State School Counselor Liaison for use in the Department of Education (DOE).

As background, DOE submitted a request to Agency Services for the creation of a new title, State School Counselor Liaison, in response to legislation establishing the position. *See P.L. 2025, c. 133*. The legislation supplemented Chapter 4 of Title 18A, New Jersey Statutes, and the new position was codified at *N.J.S.A. 18A:4-35.3*, which provides:

- a. The Commissioner of Education shall appoint a State School Counselor Liaison. The State School Counselor Liaison shall hold a New Jersey standard educational services certificate with a director of school counseling services endorsement and have experience in the delivery of social and emotional learning programming as well as postsecondary and career advisement. The State School Counselor Liaison shall work with school districts, charter schools, renaissance school projects, and school counselors to facilitate best practices by advancing comprehensive school counseling services that address the mental and behavioral health and wellness of all students. The State School Counselor Liaison, in performing the duties of the

position, shall collaborate with other State agencies and associated stakeholders.

- b. It shall be the duty of the State School Counselor Liaison to:
- (1) serve as a liaison and resource expert in school counseling and comprehensive school counseling services for New Jersey certificated school counselors and the Department of Education;
  - (2) foster and promote professional development for school counselors, which may include planning, coordinating, or providing educational guidance, and networking with universities, the New Jersey School Counselor Association, and other providers of continuing education to meet identified needs;
  - (3) monitor, interpret, synthesize, and disseminate relevant information associated with changes in school counseling practices, legislation, and legal issues that impact school counselors; and
  - (4) initiate, participate in, and utilize research studies related to school counseling practices, the mental health needs of children and youth, and related issues.
- c. The State School Counselor Liaison shall report annually to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature. The report shall include a summary of the activities of the State School Counselor Liaison during the year and any specific recommendations deemed appropriate and necessary concerning school counseling services and comprehensive school mental health services.
- d. As used in this section, “school counselor” means an individual who holds and works under the authority of a New Jersey standard educational services certificate with a school counselor endorsement.

Agency Services indicates that *N.J.S.A. 18A:4-35.3(a)* the Commissioner of the DOE is provided with the authority to appoint a State School Counselor. The individual appointed to the position is to serve as a resource, promoting professional development, monitoring practices and collaborating with stakeholders. Moreover, the State School Counselor Liaison will report annually to the New Jersey Governor and Legislature, which will include specific recommendations.

Agency Services also notes that it has developed a job specification for the new title and that the Governor's Office of Employee Relations has assigned it to be in exempt or non-aligned for a bargaining unit.

## 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 as provided by law or as the Civil Service Commission (Commission) may determine. *N.J.A.C.* 4A:31.1(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 promotions and appointments through an open-competitive examination process is at the very heart of our merit system.

There is no question that the title of State School Counselor Liaison is not specifically designated as unclassified by *N.J.S.A.* 11A:3-4. No specific statute states, in such explicit terms, that the title is to be unclassified. Likewise, there is no statute providing for the appointment of an incumbent in the title to serve for a fixed term or at the pleasure of an appointing authority. In sum, none of these statutory preconditions for the allocation of a title to the unclassified service have been met. Thus, the real issue is whether the title requires possession of knowledge and skills and the exercise of duties and functions so unique that "merit and fitness" for the position cannot be ascertained through a competitive examination process and that a permanent appointment to the title is not appropriate, and, accordingly, allocation of the title to the unclassified service is warranted.

*Ogden v. Department of Civil Service*, 77 *N.J. Super.* 296 (App. Div. 1962), *cert. denied*, 39 *N.J.* 238 (1963), though not involving facts that precisely mirror those found here, is nevertheless instructive. In *Ogden*, the Appellate Division held that, given the complex nature of the duties and the uniqueness of the position of General Superintendent and Chief Engineer of the Passaic Valley Water Commission (PVWC), it was not practicable to determine merit and fitness for the position by examination or minimum qualification requirements. In that case, the position was the highest ranking full-time position in the employ of the PVWC, answerable only to the four Commissioners whose role was analogous to that of a governing body. Moreover, since the Commissioners themselves served only part-time in the role of trustees and lacked technical training, they necessarily relied on the General Superintendent and Chief Engineer for guidance. Additionally, concurring with the findings made by the Department, the court noted the many complex duties and required abilities of the General Superintendent and Chief Engineer, involving knowledge of engineering, administration, fiscal policies, expansion programs, personnel problems, and public relations. The court further underscored the importance of the confidential relationship that must exist between the Commissioners and the General Superintendent and Chief Engineer and the fact that the Commissioners leaned heavily on this individual for advice and guidance in creating and implementing policy.

In this matter, State School Counselor Liaison is a single, unique position created by *N.J.S.A.* 18A:4-35.3 to serve a high-level mission: working with school districts, charter school, renaissance school projects and school counselors throughout the State to facilitate best practices by advancing comprehensive school counseling services that address the mental and behavioral health and wellness of all students. The appointee would be expected to bring to the job the knowledge, skills and abilities required to effectively perform the varied and complex duties specifically set forth in the legislation. Specifically, pursuant to *N.J.S.A.* 18A:4-35.3, the State School Counselor Liaison is required to hold a New Jersey standard educational services certificate with a director of school counseling services endorsement and have experience in the delivery of social and emotional learning programming as well as postsecondary and career advisement. Moreover, the incumbent is required to serve as a resource *expert* in comprehensive school counseling services for New Jersey certificated school counselors and the DOE; foster and promote professional development for school counselors, which may including providing educational guidance and networking with universities, the New Jersey School Counselor Association and other providers of continuing education; monitor, interpret, synthesize and disseminate relevant information associated with changes in school counseling practices, legislation and legal issues that impact school counselors; and initiate, participate in and utilize research studies related to school counseling practices. Additionally, the State School Counselor Liaison shall report annually to the Governor and the Legislature, which shall include a summary of the activities during the year and any specific recommendations concerning school counseling services and comprehensive school mental health services. As such requirements are not easily tested for, it would be impracticable to determine merit and fitness for the position by examination. In addition, it must be noted that per *N.J.S.A.* 18A:4-35.3, the Commissioner of Education, an appointee of the Governor, *see N.J.S.A.* 18A:4-21, appoints the State School Counselor Liaison, who, in turn, exercises policy-making responsibilities. In light of the manner in which the State School Counselor Liaison is appointed and the position's role in policy-making, a permanent appointment to the title is not appropriate. Thus, good cause exists to create the title of State School Nurse Consultant in the unclassified service.

Allocating the title to the unclassified service is also appropriate as a matter of statutory structure and consistency. In this regard, it bears noting that *P.L.* 2020, *c.* 85, codified in relevant part at *N.J.S.A.* 18A:4-35.1 as already noted, *supplemented* Chapter 4 of Title 18A, New Jersey Statutes. Chapter 4 had already provided, and continues to provide, that the Commissioner of Education, subject to the State Board of Education's approval, has the authority to appoint assistant commissioners, directors, inspectors, and assistants. *See N.J.S.A.* 18A:4-32 and *N.J.S.A.* 18A:4-35. However, Chapter 4 separately provided, and continues to provide, that the Commissioner of Education may appoint "such clerks and other employees" *subject to the Civil Service Act*, except where otherwise provided by law. *See N.J.S.A.* 18A:438.

Since the appointment of “clerks and other employees” is generally made expressly subject to the Civil Service Act, the absence of a specific reference to the Civil Service Act in *N.J.S.A. 18A:4-35.1* further counsels in favor of allocating the State School Counselor Liaison title to the unclassified service.

**ORDER**

Therefore, it is ordered that this request be granted and the title of State School Counselor Liaison is established in the unclassified service, to be utilized in the DOE. This action shall be effective the pay period following the date of this decision.

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 10<sup>TH</sup> DAY OF JUNE, 2026



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