



STATE OF NEW JERSEY

In the Matter of the Interim
 Reallocation of State Titles to the
 Noncompetitive Division of the
 Career Service

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

CSC Docket No. 2027-299

Request for Interim
 Noncompetitive Appointments

ISSUED: September 2, 2026 (KG)

The Division of Agency Services (Agency Services) requests the reallocation of State job titles listed on the attached list in order to effect the permanent appointments of certain employees to the noncompetitive division of the career service on an interim basis.

As background, *N.J.S.A. 11A:4-13b* provides that:

[p]rovisional appointments shall be made only in the competitive division of the career service and only in the absence of a complete certification, if the appointing authority certifies that in each individual case the appointee meets the minimum qualifications for the title at the time of appointment and that failure to make a provisional appointment will seriously impair the work of the appointing authority. In no case shall any provisional appointment exceed a period of 12 months.

In many cases, employees' provisional appointments have exceeded the 12-month period for a variety of reasons. For example, in some cases, examination announcements and testing procedures exceeded the 12-month period or eligible lists that were produced for the job titles were exhausted. This has resulted in a large number of long-term provisional appointees.

Agency Services posits that these long-term provisional appointments are a disservice to the employees, appointing authorities, and the general public. The lack

of permanent status prevents an employee from consideration, in many cases, from further advancement opportunities and stymies their professional growth. Appointing authorities, and, in turn, the public, have invested time and funds in the training of these employees in their job titles, and they are faced with the danger of displacing the employees due to their lack of permanency.

As such, Agency Services proposes the conversion of all provisional State employees who began serving in their current job titles on or before December 31, 2024, where no current eligible list exists, to permanent status via an interim noncompetitive appointment.

Pursuant to *N.J.A.C.* 4A:3-1.2(e), notice of the proposed reallocation was sent to the affected appointing authorities and negotiations representatives. One objection was received from the Department of Law and Public Safety (L&PS) for one¹ of their employees, who it claims had applied for the examination for their title. However, the eligible list has yet to promulgate.²

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 by the Civil Service Commission 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.

Based on the present record, interim noncompetitive status for the subject titles is appropriate in this matter. In this regard, it is evident that certification procedures based on ranked eligible lists are not meeting the needs of appointing

¹ This individual is not included in this matter.

² Additionally, L&PS included 10 other employees, who it objected to being included in the matter, for multiple reasons, including the employees' failure of the examination for their provisional title, and/or their failure to apply for examinations for their subject titles. These 10 individuals were not originally included in this matter, as eligible lists were either pending or had already issued for those positions. Appointing authorities are reminded that "[a]ny employee who is serving on a provisional basis and who fails to file for and take an examination that has been announced for his or her title shall be separated from the provisional title." *See N.J.A.C.* 4A:4-1.5.

authorities in these cases. Specifically, the affected employees³ have been serving provisionally, pending examination procedures, for approximately two years or more. However, to date, eligible lists produced through competitive examination procedures have not met the needs of the appointing authorities, employees, or the public, for a myriad of reasons.

Accordingly, sufficient cause has been presented to allocate the subject titles to the noncompetitive division on an interim basis to appoint the provisional employees, who, upon appointment, shall serve current working test periods in accordance with *N.J.A.C. 4A:4-5.1, et seq.*

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 working test periods, attain permanent status in the competitive division.

ORDER

Therefore, it is ordered that this request be granted, and an interim noncompetitive designation for the relevant titles and employees be effected for one pay period following this decision. 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 2ND DAY OF SEPTEMBER, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

³ The list of employees and titles impacted by this decision will be provided to those on the copy list.

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