

<sup>2</sup> These titles varied based on the duties performed by the incumbents as identified by HRIS.

individuals received improper increases under the Management Salary Program (MSP) in April 2024. Once the error was identified, the increase was removed from their records but was returned with no back pay as of October 2024. The MOA provides details as to how these employees will be moved into the appropriate titles and how their salaries will be adjusted.

In accordance with *N.J.A.C.* 4A:3-1.2(c), HRIS requests that these titles be allocated to the noncompetitive division of the career service for one pay period to allow for the appointment of the 27 employees to the appropriate identified titles. Further, HRIS requests that the effective date of this movement be February 22, 2025.

### 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 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 likely have not or 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 legislation program or major agency reorganization.

For the reasons as stated above, due to the major agency reorganization of the titles of the positions based on the MOA, the request is granted pursuant to *N.J.A.C.* 4A:3-1.2(c)3 in order to allow for the proper classification of the subject incumbents in the applicable competitive division career service titles. As such, the applicable competitive division careers service titles shall be allocated to the noncompetitive division of the career service on an interim basis, for one pay period, in order to effectuate the appointment of the affected employees into the appropriate titles. It is noted that the employees would need to serve current working test periods, since appointments cannot become permanent until successful completion of a working test period pursuant to *N.J.A.C.* 4A:4-5.1, *et seq.* Further, this decision is based on the unique facts of this case and does not set a precedent for any other matter.

## ORDER

It is ordered that the specified titles within the Department of Children and Families, the Department of Education, and the Office of the Secretary of Higher Education be reallocated to the noncompetitive division of the career service on an interim basis, for one pay period, in order to effectuate the appointment of the 27 named employees into the appropriate titles. It is further ordered that such actions be effective February 22, 2025.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED ON  
THE 28<sup>TH</sup> DAY OF FEBRUARY, 2025




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Chair/Chief Executive Officer  
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