



STATE OF NEW JERSEY

	:	
	:	FINAL ADMINISTRATIVE ACTION
	:	OF THE CHAIR/
In the Matter of the Reallocation of	:	CHIEF EXECUTIVE OFFICER
Local Titles from the Competitive to	:	CIVIL SERVICE COMMISSION
the Noncompetitive Division of the	:	
Career Service	:	
	:	
	:	
	:	
CSC Docket No. 2026-1098	:	
	:	

ISSUED: October 31, 2025

The Division of Agency Services (Agency Services) recommends reallocation of various local government titles to the noncompetitive division of the career service in accordance with *N.J.S.A.* 4A:3-1.2. The titles recommended for reallocation are listed in the attachment.

N.J.A.C. 4A:3-1.2(c) provides that a job title may be placed in the noncompetitive division 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 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.

As set forth below, Agency Services reviewed the open competitive and promotional examination announcements for the subject titles, which are categorized into three occupational groups (OG): OG 17 – Inspections and Investigations; OG 60 – Machinery Repair; and OG 81 – Infrastructure and Structural Repair and Maintenance. Specifically, data was collected on examination announcements with a closing date of July 1, 2018 and later of titles

with or without a license requirement and an experience requirement of up to one year. The data revealed that the majority of the announcements yielded three or fewer candidates being admitted to the examination. Additionally, a qualifying examination instrument was frequently used, where the candidates were equally scored. The majority of the resulting eligible lists were also incomplete with fewer than three eligibles.

For example, over the past seven years, 238 examinations have been announced for the title of Equipment Operator. Of that number, 182 (76%) resulted in lists of three or less eligibles. Moreover, while the remaining 56 announcements yielded more than three eligibles, in most cases, the number of appointments that were made resulted in exhausted lists or incomplete lists after the list was only certified one time. By way of example, a promotional examination was announced for Equipment Operator (PC4095D) with a closing date of May 23, 2022, three employees were deemed eligible to compete in the examination and three provisionals were serving since October 2021 and April 2022 in the title under test. During the pendency of this announcement, a subsequent provisional appointment was made to the title under test of an individual who was deemed ineligible for the PC4095D examination because he did not have sufficient permanent service in a competitive division title. Since another provisional appointment had been made effective October 10, 2022, which was after the closing date, and the examination had not been conducted, a new promotional examination was announced for Equipment Operator (PC2007E) with a closing date of April 21, 2023. A total of five employees were admitted to this examination. Significantly, three of the employees who applied to the pending PC4095D announcement also applied to the PC2007E announcement, as well as the employee who was provisionally appointed after the closing date of the PC4095D, and one additional employee. After the examination was conducted, both lists were promulgated on May 30, 2024. A certification (PL240917) was issued to the appointing authority containing a list of eight names. Three eligibles who were admitted to the PC4095D examination were listed in the first three positions on the certification and, because they had applied and been admitted to the PC2007E examination, their names were also listed in positions four to six. The two additional eligibles who were admitted to the PC007E examination were listed in positions seven and eight. In disposing of the certification, the appointing authority made five regular appointments, effective June and early July 2024, including the three employees who were listed two times and exhausted the certification and the eligible lists.

Further, over the same time frame, 24 examinations have been announced for the title of Meter Worker 1. Of that number, 22 (91%) resulted in eligible lists of three or less. The two remaining eligible lists only admitted four applicants, with one eligible list not yet being certified and the other rendered incomplete as two appointments were made. Moreover, the examination for Housing Inspector was announced 35 times. Of that number, 30 (85%) resulted in eligible lists of three or

less eligibles. Additionally, appointees are required to possess a license as an Inspector Multiple Dwellings, issued by the New Jersey Department of Community Affairs, when assigned to a municipality approved to conduct cyclical inspections of multiple dwellings in conjunction with the State Local Cooperative Housing Inspection Program. To obtain this credential, applicants must have at least three years of specified experience in the construction industry, successful completion of a course for Inspector of Hotels and Multiple Dwellings, and completion of a test for inspectors and multiple dwellings sponsored by the DCA.

Thus, based on this review, Agency Services found that certification procedures were not meeting the needs of local appointing authorities, as clearly there has been a recruitment problem. Additionally, in addition to the highlighted titles above, other titles were found to require a Commercial Driver's License (CDL), licenses issued by other agencies, a Bachelor's degree with no experience requirements, or one year of experience as a general laborer. As such, Agency Services determined that competitive testing for these titles have not been practicable. Therefore, it recommended that the titles be reallocated to the noncompetitive division of the career service.

Moreover, in accordance with *N.J.A.C. 4A:3-1.2(e)*, public notice of this proposed reallocation was posted on the Civil Service Commission (Commission) website for public comment. Three comments were received. Two individuals from municipal and county government jurisdictions fully supported the reallocation, stating that they were having "issues" with some of the proposed titles and are "100%" behind the reallocation and appreciated the efforts to better navigate the Civil Service system. The third comment was presented by a representative from a borough council¹ who indicated that moving competitive titles to the noncompetitive division could undermine examination-based, ranked hiring and reduce transparency, public trust, and equal opportunity. The commenter also raised concerns regarding veterans preference, pathways for hiring under the State as a Model Employer (SAME) of People with Disabilities program, disparate impact on protected classes and local residents, and the effect on certain labor and workplace actions, such as promotions, grievances, and appeal rights. Additionally, the commenter requested various data and documentation, such as a full list of affected titles with titles codes, agencies, and "headcounts;" information regarding vacancy durations, certifications, and salaries; and recruitment studies and a "Veterans/SAME impact memo." The commenter also suggested alternatives and safeguards with respect to the reallocation. Regarding the alternatives, the commenter suggested that there be "targeted recruitment, salary band adjustments, and expanded eligible list reach (intergovernmental lists; regional certifications) before abandoning the competitive process." With regard to safeguards if the titles are to be reallocated to the noncompetitive division, the commenter suggested "narrow title criteria;" "sunset review in 24 months;" "public dashboards" on hiring;

¹ The representative's borough is not a Civil Service jurisdiction.

“guaranteed” veterans preference and SAME accommodations; and appeal rights “equivalent to current competitive titles.”

CONCLUSION

Initially, it must be underscored that the New Jersey Constitution, Article VII, sec. 1, p. 2, provides:

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.)

The term “competitive” has a specific meaning in the context of Civil Service law and rules and is rooted in *N.J.S.A.* 11A:4-8, Certification and appointment. Specifically, this agency:

[s]hall certify the three eligibles who have received the highest ranking on an open competitive or promotional list against the first provisional or vacancy. For each additional provisional or vacancy against whom a certification is issued at that time, the [C]ommission shall certify the next ranked eligible. If more than one eligible has the same score, the tie shall not be broken and they shall have the same rank. If three or more eligibles can be certified as the result of the ranking without resorting to all three highest scores, only those eligibles shall be so certified.

A certification that contains the names of at least three interested eligibles shall be complete and a regular appointment shall be made from among those eligibles. An eligible on an incomplete list shall be entitled to a provisional appointment if a permanent appointment is not made.

Thus, if only three applicants apply for an examination, if they all meet the announced experience requirements, even assuming an assembled examination was conducted and all three applicants passed the test, in accordance with *N.J.S.A.* 11A:4-8, if only one position needed to be filled, the appointing authority could appoint the third, second, or first ranked eligible on the list. In this type of situation, the distinction between each eligible’s level of performance as measured by their relative scores on an examination do not necessarily have a bearing on which eligible can legally be appointed to the position. While a list of three may be

considered complete, it can only be competitive when a resultant list has more than three eligibles for each provisional or vacancy to be filled. In this situation, the distinction between each eligible's level of performance as measured by their relative scores on an examination is critical because it determines who can be considered for appointment in accordance with *N.J.S.A. 11A:4-8*.

Moreover, when a qualifying unassembled examination is utilized as the test mode, the admitted candidates are each assigned the same base passing score because they meet the open competitive examination requirements. Essentially, assembled testing is not practicable for any of those titles because, for instance, possession of the required licensure demonstrates that those possessing the credential have already successfully demonstrated proficiency in the required knowledge, skills, and abilities for the position.

A key consideration when determining if reallocation to the noncompetitive division is appropriate is if 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. Significant recruitment problems often stem from the inability of an appointing authority to make an offer of a regular appointment due to the non-existence of an eligible list. Thus, the time necessary to establish an eligible list by this agency can be a critical factor in the recruiting process. It cannot be ignored that in order to initially appoint a new employee or to promote an existing employee to a career service title, both the appointing authority and interested eligibles are required to go through the Civil Service open competitive or promotional process. This consists of requesting an announcement, filing an application in order to determine eligibility to compete in an examination, developing an examination, conducting the examination and issuing an eligible list, certifying the list, and making appointments of reachable eligibles on the certification. The time necessary for soliciting a pool of interested applicants to interviewing eligibles listed on a certification, *for each and every potential hiring or promotional action*, is time consuming and evidences a duplication of selection processes performed by this agency that do not necessarily enhance the ultimate determination of relative merit and fitness, especially in cases where the position is required to be held by a licensed incumbent who has already been evaluated for merit and fitness by virtue of possessing the license. The situation is further compounded when a resultant eligible list is eventually issued that, even after public solicitation, does not result in a sufficient pool of eligibles to provide the appointing authority with a competitive list. In other words, the time it takes for certification procedures based on ranked eligible lists, when it has not historically resulted in a competitive situation, cause recruitment and retention problems to appointing authorities who need to fill these crucial positions on a timely basis. In light of the above, it is evident that the often-lengthy process of producing eligible lists and certifications

for these titles tends to hamper appointing authorities' ability to effectively and efficiently recruit qualified candidates to serve in these positions.

Turning to the concerns raised in the comments, it is initially noted that one of the commenter's agency is not a Civil Service jurisdiction. These titles are to be used in local government agencies which are subject to the Civil Service Act. Nonetheless, as set forth in length above, the reallocation of the proposed titles would not undermine examination-based, ranked hiring as the majority of these titles have produced eligible lists that are not ranked and clearly not competitive. Further, as in current noncompetitive titles, the Commission supports maintaining transparency and equal opportunity so that the public trust is not undermined. As for veterans preference, pursuant to *N.J.S.A. 11A:5-8*, in conjunction with *N.J.A.C. 4A:4-1.1* and *N.J.A.C. 4A:5-2.3*, "[f]rom among those eligible for appointment in the noncompetitive division, preference shall be given to a qualified veteran. Before an appointing authority shall select a nonveteran and not appoint a qualified veteran, the appointing authority shall show cause before the [Commission] why a veteran should not be appointed. In all cases, a disabled veteran shall have preference over all others." Accordingly, veterans preference is preserved in appointments in the noncompetitive division of the career service. Moreover, although the proposed titles may be used by local government agencies within the Civil Service system, the SAME program applies only to State government. See *e.g., N.J.S.A. 11A:7-13.7* ("The purpose of the SAME program shall be to increase awareness of employment opportunities for persons with disabilities, provide appropriate avenues and remove barriers to the application and hiring process, and create mechanisms to increase advancement and retention rates for persons with disabilities employed in the State workforce.") Further, the regulatory provisions for reallocation of local titles do not require an analysis of disparate impact on protected classes or local residents as the criteria for reallocation is set forth in *N.J.A.C. 4A:3-1.2(c)*. Further, in accordance with *N.J.S.A. 11A:7-3, et seq.*, and *N.J.A.C. 4A:7-2.1, et seq.*, the Commission through its Division of Equal Employment Opportunity and Affirmative Action is charged with ensuring compliance with laws and rules relating to equal employment opportunity in State service. The Commission does not have authority to review such matters in local government, as well as matters relating to grievances. See *N.J.A.C. 4A:2-3.1(d)*. Moreover, local residency requirements are governed by local ordinance or resolution.

In addition, as set forth below, prior competitive service credit will be given to employees during promotional opportunities, and thus, preserving attained rights. As for appeals, the Commission does not ordinarily intervene with an appointing authority's discretion to appoint an individual to a noncompetitive title so long so long as veterans preference rights are not violated and the appointee is performing the duties of the title. With regard to the latter, job misclassification claims may be presented to the appropriate representative of the Commission. See *N.J.A.C. 4A:3-3.9(d)*. Regarding the various data and documentation requested by the commenter,

N.J.A.C. 4A:3-1.2(e)1 provides that “[d]ata, reports, analyses, and other information utilized in the determination shall constitute the administrative record, and shall be available for review by affected employees, appointing authorities, and negotiations representatives.” As the commenter has not established such standing in a Civil Service jurisdiction, the commenter is not entitled to the administrative record absent a viable request through the Open Public Records Act. *See N.J.A.C.* 4A:1-2.2, Public records. However, it is emphasized that the list of the proposed titles, which the commenter has requested, is attached hereto. Regarding the alternatives, the commenter suggested that there be “targeted recruitment, salary band adjustments, and expanded eligible list reach (intergovernmental lists; regional certifications) before abandoning the competitive process.” However, such mechanisms have already been utilized, in particular, title scope and residency expansions, which have not yielded results that meet the needs of the appointing authorities. As for safeguards, while the commenter’s suggestions are appreciated, technological structures need to be in place to accomplish a “public dashboard” whether it be on the website of the Commission or on the local government agencies’ website. Regarding a “sunset review in 24 months,” while the commenter’s suggestion is appreciated, it is incumbent upon the various local government appointing authorities and Commission staff to raise concerns regarding the unworkability of a noncompetitive title. For instance, there may be a situation in the future where the job description of a title evolves in such a manner that competitive testing is practicable and certification procedures based on a ranked eligible list would meet the needs of the appointing authorities. Thus, at this time, a sunset provision is not necessary. Lastly, any other concerns or comments not raised herein will be addressed administratively as the case may be.

Therefore, based upon Agency Services’ review of the recent examination announcement history of the proposed titles and the comments received, ample reasons exist for the reallocation of the titles to the noncompetitive division of the career service. It is reiterated that, for the majority of the examination announcements issued for the titles posted, three or less people applied. This resulted in the administration of unassembled examinations where an appointing authority could appoint anyone from the resultant eligible list which clearly did not provide a competitive situation. Thus, given the recruitment issues, as well as the retention issues, shared by multiple appointing authorities during the time frame surrounding the examination announcements, eligible lists issuance, and certification procedures, certification procedures based on ranked eligible lists have not or are not likely to meet appointing authority needs. *See N.J.A.C.* 4A:3-1.2(c)2. In addition, as set forth by Agency Services, per *N.J.A.C.* 4A:3-1.2(c)1, competitive testing is not practicable due to the nature of the knowledge, skills, and abilities associated with the job. To emphasize, some titles require a CDL, licenses issued by other agencies, or a Bachelor’s degree with no experience requirements. These are essentially entry-level titles with no experience requirements. Incumbents have already been tested by way of possession of the required license or degree. In other

words, the process of obtaining the required license or degree appropriately examines the candidates to establish possession of the knowledge, skills, and abilities necessary to successfully perform in these positions. Similarly, candidates for titles with a requirement of one year of experience as a general laborer have already gained the applicable skill set during the year of service. Thus, competitive testing is impracticable for these titles. Accordingly, reallocation to the noncompetitive division of the career service is justified.

It is therefore directed that any existing eligibility lists for these titles and any current announcements for which examinations have not been administered will be cancelled upon completion of the reallocation process. Nevertheless, local government agencies wishing to do so may recruit and appoint from the cancelled lists. However, resulting appointments will be recorded as regular appointments in the noncompetitive division (RAN). Appointment types for existing employees in these titles as of the effective date will be handled in accordance with *N.J.A.C. 4A:3-1.2(f)* as follows:

1. Permanent employees in the titles as of the effective date shall have their appointment types changed to RAN and shall retain their permanent status in the noncompetitive division.
2. Probationary employees in the titles as of the effective date shall continue serving their working test periods and, upon successful completion, attain permanent status in the noncompetitive division.
3. Provisional employees who remain in that title as of the effective date shall receive RAN designations and begin serving their working test period on the effective date.

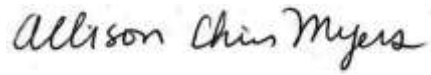
Where an employee was previously classified in a competitive title, but as a result of reallocation is cross walked into the noncompetitive division, future promotional movements will be based on the employee's previous rights in the competitive division up to the date of the reallocation. This reallocation will be effective November 10, 2025.

ORDER

Therefore, it is ordered that the titles listed in the attachment be reallocated to the noncompetitive division of the career service. It is further ordered that such action be effective November 10, 2025.

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

DECISION RENDERED BY THE
CHAIR/CHIEF EXECUTIVE OFFICER
ON THE 31ST DAY OF OCTOBER, 2025



Allison Chris Myers
Chair/Chief Executive Officer
Civil Service Commission

Inquiries	Nicholas Angiulo
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Attachment

c: Division of Agency Services
 Division of Human Resource Information Services
 All Local Appointing Authorities

CHANGE IN CLASS OF SERVICE**From:**

Equipment Operator
LG – 01746 Competitive

Mechanic
LG – 02434 Competitive

Mechanic Diesel
LG – 02440 Competitive

Senior Maintenance Repairer
Low Pressure License
LG – 03439 Competitive

Senior Mechanic
LG – 03459 Competitive

Senior Traffic Maintenance Worker
LG – 03625 Competitive

Body and Fender Mechanic
LG – 05133 Competitive

Motor Broom Driver
LG – 05565 Competitive

Sewer Repairer 1/Street Repairer
LG – 05762 Competitive

Sewer Repairer 1/Water Repairer 1
LG – 05875 Competitive

Mason's Helper/Plasterer's Helper
LG – 06389 Competitive

Senior Body and Fender Mechanic
LG – 06391 Competitive

Mechanic Diesel/Mechanic Hydraulics
LG – 06397 Competitive

To:

Equipment Operator
LG – 01746 Noncompetitive

Mechanic
LG – 02434 Noncompetitive

Mechanic Diesel
LG – 02440 Noncompetitive

Senior Maintenance Repairer
Low Pressure License
LG – 03439 Noncompetitive

Senior Mechanic
LG – 03459 Noncompetitive

Senior Traffic Maintenance Worker
LG – 03625 Noncompetitive

Body and Fender Mechanic
LG – 05133 Noncompetitive

Motor Broom Driver
LG – 05565 Noncompetitive

Sewer Repairer 1/Street Repairer
LG – 05762 Noncompetitive

Sewer Repairer 1/Water Repairer 1
LG – 05875 Noncompetitive

Mason's Helper/Plasterer's Helper
LG – 06389 Noncompetitive

Senior Body and Fender Mechanic
LG – 06391 Noncompetitive

Mechanic Diesel/Mechanic Hydraulics
LG – 06397 Noncompetitive

Equipment Operator/Laborer 3
LG – 06847 Competitive

Parking Meter Collector/
Parking Meter Repairer/
Senior Traffic Maintenance Worker
LG – 06965 Competitive

Laborer 1/Motor Broom Driver
LG – 07189 Competitive

Recycling Operator
LG – 07719 Competitive

Bridge Operator/
Public Works Repairer
LG – 08008 Competitive

Equipment Operator/
Maintenance Repairer
LG – 05813 Competitive

Equipment Operator/Mechanic
LG – 05353 Competitive

Equipment Operator/
Mechanic's Helper
LG – 05719 Competitive

Equipment Operator/Truck Driver
LG – 06975 Competitive

Equipment Operator/Water Repairer
LG – 05947 Competitive

Equipment Operator/
Sewer Maintenance Inspector
LG – 07563 Competitive

Automotive Service Writer
LG – 06388 Competitive

Building Maintenance Inspector
LG – 00928 Competitive

Equipment Operator/Laborer 3
LG – 06847 Noncompetitive

Parking Meter Collector/
Parking Meter Repairer/
Senior Maintenance Worker
LG – 06965 Noncompetitive

Laborer 1/Motor Broom Driver
LG – 07189 Noncompetitive

Recycling Operator
LG – 07719 Noncompetitive

Bridge Operator/
Public Works Repairer
LG – 08008 Noncompetitive

Equipment Operator/
Maintenance Repairer
LG – 05813 Noncompetitive

Equipment Operator/Mechanic
LG – 05353 Noncompetitive

Equipment Operator/
Mechanic's Helper
LG – 05719 Noncompetitive

Equipment Operator/Truck Driver
LG – 06975 Noncompetitive

Equipment Operator/Water Repairer
LG – 05947 Noncompetitive

Equipment Operator/
Sewer Maintenance Inspector
LG – 07563 Noncompetitive

Automotive Service Writer
LG – 06388 Noncompetitive

Building Maintenance Inspector
LG – 00928 Noncompetitive

Claims Investigator
LG – 01243 Competitive

Compressor Operator
LG – 01327 Competitive

Environmental Health Aide
Pretreatment
LG – 07500 Competitive

Field Representative Disease Control
LG – 01812 Competitive

Field Representative
Housing Inspection
LG – 01817 Competitive

Field Representative
Housing Inspection Bilingual
Spanish/English
LG – 05236 Competitive

Housing Inspector
LG – 02071 Competitive

Ice Rink Maintenance Worker
LG – 02079 Competitive

Assistant Public Works Inspector
LG – 06012 Competitive

Laborer 2
LG – 06634 Competitive

Lead Poisoning Inspector/
Senior Registered Environmental
Health Specialist Public Health
LG – 05858 Competitive

License Inspector
LG – 02292 Competitive

Claims Investigator
LG – 01243 Noncompetitive

Compressor Operator
LG – 01327 Noncompetitive

Environmental Health Aide Wastewater
Pretreatment
LG – 07500 Noncompetitive

Field Representative Disease Control
LG – 01812 Noncompetitive

Field Representative
Housing Inspection
LG – 01817 Noncompetitive

Field Representative
Housing Inspection Bilingual
Spanish/English
LG – 05236 Noncompetitive

Housing Inspector
LG – 02071 Noncompetitive

Ice Rink Maintenance Worker
LG – 02079 Noncompetitive

Assistant Public Works Inspector
LG – 06012 Noncompetitive

Laborer 2
LG – 06634 Noncompetitive

Lead Poisoning Inspector/
Senior Registered Environmental
Health Specialist Public Health
LG – 05858 Noncompetitive

License Inspector
LG – 02292 Noncompetitive

License Inspector
Bilingual Spanish/English
LG – 05785 Competitive

Maintenance Repairer Welder
LG – 02380 Competitive

Meter Worker 1
LG – 02500 Competitive

Oiler
LG – 02575 Competitive

Pumping Station Repairer
LG – 02946 Competitive

Road Inspector
LG – 03088 Competitive

Sanitation Inspector
LG – 03110 Competitive

Sewer Inspector
LG – 03681 Competitive

Voting Machine Technician
LG – 02446 Competitive

Transportation Inspector
LG – 04211 Competitive

Water Repairer 1
LG – 04284 Competitive

Water Treatment Plant Repairer
LG – 04299 Competitive

License Inspector
Bilingual Spanish/English
LG – 05785 Noncompetitive

Maintenance Repairer Welder
LG – 02380 Noncompetitive

Meter Worker 1
LG – 02500 Noncompetitive

Oiler
LG – 02575 Noncompetitive

Pumping Station Repairer
LG – 02946 Noncompetitive

Road Inspector
LG – 03088 Noncompetitive

Sanitation Inspector
LG – 03110 Noncompetitive

Sewer Inspector
LG – 03681 Noncompetitive

Voting Machine Technician
LG – 02446 Noncompetitive

Transportation Inspector
LG – 04211 Noncompetitive

Water Repairer 1
LG – 04284 Noncompetitive

Water Treatment Plant Repairer
LG – 04299 Noncompetitive

NOTE: The following titles are currently common, available to both State and local government.

From:

Senior Cemetery Caretaker

Common – 03238 Competitive

Weighmaster

Common – 04304 Competitive**To:**

Senior Cemetery Caretaker

State – 03238 CompetitiveLG-TBD Noncompetitive

Weighmaster

State – 04304 CompetitiveLG-TBD Noncompetitive