

Wilson, State Commander, and Joseph M. Gugliuzza, Legislative Chariman, American Legion, Department of New Jersey, agree with the PBA's position that the proposed reallocation would adversely impact veterans preference and indicate that their organization also opposes the reallocation.

In response, CPM advised the American Legion by letter dated November 25, 2014 that *N.J.A.C. 4A:5-2.3* requires appointing authorities to give preference to qualified veterans when making non-competitive appointments. Additionally, CPM advises that it attempted to contact counsel for the PBA on several occasions between July 2014 and October 2014 in order to meet and discuss the concerns it raised in its objections to the reallocation, but have not received a response.

CPM states that the changes specified in this title reallocation will become effective beginning on the first pay period following Civil Service Commission (Commission) approval of these actions.

N.J.A.C. 4A:3-1.2 provides, in part, that the Commission may reallocate titles from the competitive to the non-competitive division when competitive testing is not practicable due to the nature of the knowledge, skills, and abilities associated with the job or when 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.

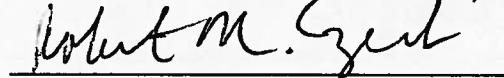
Based on all of the foregoing, ample reasons exist for the reallocation of the subject title to the non-competitive division of the career service. The subject title has no education or experience requirement and only requires a Commercial Driver's License. Previously, the Commission has reallocated other titles to the non-competitive division that have no education or experience requirements, finding that competitive testing is not practicable for these titles or they pose significant recruitment issues due to high turnover rates. *See In the Matter of Reallocation of State, Local and Common Titles from the Competitive to the Non-Competitive Division of the Career Service, Phase 3* (CSC, decided February 6, 2013). Additionally, apprentice titles are designed to provide entry level employment to public service. Given the lack of an experience requirement, competitive testing is not practicable particularly since the knowledge, skills, and abilities associated with this apprentice title are evaluated during the mandatory training period. In this regard, appointees would be required to complete both a 36 month training period as well as the required four month (or three month in local service) working test period prior to attaining permanent status. With respect to veterans preference, *N.J.S.A. 11A:5-8* and *N.J.A.C. 4A:5-2.3* require preference be given to qualified veteran eligibles when making appointments to the non-competitive division unless an appointing authority can show cause before the Commission as to why a veteran should not be appointed. Therefore, due to the nature of the knowledge, skills and abilities associated with this title, competitive testing is not practicable.

ORDER

Based on all of the above, it is ordered that the Weights and Measures Apprentice title be reallocated to the non-competitive division. It is further ordered that such action be effective December 13, 2014.

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 3RD DAY OF DECEMBER, 2014**



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment

**c: Kenneth Connolly
Bruce Leder, Esq.
Michael Wilson
Mirella Bednar
All Local Appointing Authorities**

MEMORANDUM

DATE: November 14, 2014
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
Classification and Personnel Management
SUBJECT: Change in the Classification Plan

STATE & LOCAL GOVERNMENT

The Division of Classification and Personnel Management requests a change in the assignment of the class of service of the Common title Weights and Measures Apprentice (04201) from the Competitive division of the Career Service to the Non-Competitive division of the Career Service.

N.J.A.C. 4A:3-1.2(c)1 permits for the reallocation of a job title from the competitive to the non-competitive class of service when competitive testing is not practicable due to the nature of the knowledge, skills or abilities associated with the job. The apprentice title only requires a Commercial Driver's License; there are no experience or education requirements, making competitive testing impracticable.

The changes will become effective at the beginning of the first pay period following Commission approval of these actions. The title will continue to be restricted to the Department of Law & Public Safety in State service.

CHANGE IN CLASS OF SERVICE

FROM:

Weights and Measures Apprentice
FA14-04201 Competitive

TO:

Weights and Measures Apprentice
FA14-04201 Non-Competitive

KC/JT/BP