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May 11, 2022

Via Email Only

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**Re: Reallocation of Technician MVC Title to the Noncompetitive
Division of the Career Service and Inactivation of Technician
Trainee MVC Title
Administrative Appeal
CSC Docket No. 2022-2121**

Dear Mses. Ehret, Foraker and Glenn:

Enclosed is a corrected copy of the Civil Service Commission's April 27, 2022 decision regarding the above-referenced matter. Page 3 of the decision you received directed the Division of Agency Services "to review whether future promotional examinations for the title of Records Technician 3, Motor Vehicles or any other appropriate title should be open to incumbents serving in the Technician, MVC title possessing the open competitive requirements pursuant to *N.J.A.C. 4A:4-2.5*" (emphasis added). However, it should have provided as follows:

As such, the Commission directs that future promotional examinations for the title of Records Technician 3, Motor Vehicles or any other

appropriate title should be open to incumbents serving in the Technician, MVC title possessing the open competitive requirements pursuant to *N.J.A.C.* 4A:4-2.5.

Accordingly, please dispose of the decision previously sent to you and replace it with this corrected decision. If you have any questions or concerns regarding the information being sent to you, please contact me at adam.reich@csc.nj.gov with any questions.

Sincerely,

A handwritten signature in black ink that reads "Adam B. Reich". The signature is written in a cursive, slightly slanted style.

Adam B. Reich

Personnel and Labor Analyst

Attachments



STATE OF NEW JERSEY

In the Matter of Reallocation of
Technician, MVC Title to the
Noncompetitive Division of the
Career Service and Inactivation of
Technician Trainee MVC Title

CSC Docket No. 2022-2121

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

Request for Title Reallocation
(CORRECTED DECISION)

ISSUED: MAY 11, 2022 (ABR)

The Division of Agency Services (Agency Services) recommends the reallocation of the Technician MVC title to the noncompetitive division of the career service in accordance with *N.J.A.C.* 4A:3-1.2 and the inactivation of the Technician Trainee MVC title. A copy of the Civil Service Commission’s (Commission) decision, *In the Matter of Reallocation of Technician MVC* (CSC, decided May 19, 2021), is attached hereto and incorporated herein.

The facts of this matter are thoroughly discussed in the Commission’s attached decision. Prior to the Commission’s May 19, 2021, decision, the Communications Workers of America (CWA) asked the Commission to consider a permanent reallocation of the Technician MVC title to the noncompetitive division of the career service and the elimination of the Technician Trainee MVC title. In this regard, the CWA maintained that since the Motor Vehicle Commission (MVC) had been hiring Technician MVCs through a noncompetitive process for an extended period, it made sense to designate the Technician MVC title as the entry-level noncompetitive title and to eliminate the Technician Trainee MVC title. In the Commission’s previous decision, it approved an extension of the reallocation of the Technician MVC title to the noncompetitive division on an interim basis for six months, effective from April 24, 2021 to October 23, 2021. As to the CWA’s request to permanently reallocate the Technician MVC title to the noncompetitive division, because neither the MVC nor Agency Services has submitted a statement in response to the CWA, the Commission found it appropriate to refer the CWA’s request to Agency Services for review and to

have Agency Services make recommendations to the Commission regarding that proposal.

Agency Services observes that the CWA and MVC have asserted that the interim noncompetitive process has proven successful at permitting the backfilling of positions, which is important given the frequent turnover experienced in the Technician MVC title. Further, it notes that the interim noncompetitive allocation has benefited both the MVC and applicants by allowing for a constant recruitment effort, and that the use of the journeyman title has helped to permit the onboarding of experienced candidates who require minimal training, which in turn frees up throughout the MVC's agencies that would otherwise be assigned to train new employees. Further, the permanent allocation of the title of Technician MVC to the noncompetitive division will allow the MVC to continue to address the backlog resulting from the COVID-19 pandemic and its statutory mandate to run the Status Neutral Licensure program. Therefore, based upon the foregoing, Agency Services recommends the reallocation of the Technician MVC title to the noncompetitive division of the career service and the inactivation of the Technician Trainee MVC title.

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, State appointing authorities 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)*:

1. Permanent employees in those titles as of the effective date shall retain their permanent status in the noncompetitive division.
2. Probationary employees in those 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 those titles as of the effective date shall receive regular appointments and begin serving their working test periods on the effective date.

It is noted that pursuant to 4A:3-3.3(f) and *N.J.A.C. 4A:3-1.2(e)*, the Division of Appeals and Regulatory Affairs (DARA) notified the MVC and the CWA of Agency Services' recommendation to place the Technician MVC title in the noncompetitive division on an interim basis. The MVC states that it supports both the request to reallocate the Technician, MVC title to the noncompetitive division of the career service and the request to inactivate the Technician Trainee MVC title. The CWA did not submit any additional comments in response to the notice from DARA.

CONCLUSION

N.J.A.C. 4A:3-1.2 provides, in part, that the Commission may reallocate titles from the competitive to the noncompetitive 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.

In the instant matter, the conditions noted by Agency Services demonstrate that the certification procedures based on ranked eligible lists have not or are not likely to meet the needs of the MVC. Indeed, the series of Commission decisions approving interim noncompetitive designations for the Technician MVC title demonstrates the necessity of a more permanent reallocation.

Further, the Commission finds good cause to inactivate the Technician Trainee MVC title. Specifically, the title is unencumbered, its function as a noncompetitive entry-level title will be filled through the noncompetitive designation of the Technician MVC title, and the necessary training and evaluation of the suitability of candidates for the Technician MVC title can be evaluated through the working test period for the primary title.

Finally, the Commission notes that the foregoing reallocation of the Technician MVC title to the noncompetitive division may impact incumbents' eligibility for advancement to certain competitive titles. *See e.g., In the Matter of Tricia Palazzone, et al.* (CSC, decided April 27, 2022). As such, the Commission directs that future promotional examinations for the title of Records Technician 3, Motor Vehicles or any other appropriate title should be open to incumbents serving in the Technician, MVC title possessing the open competitive requirements pursuant to *N.J.A.C.* 4A:4-2.5.

ORDER

Based on all of the above, it is ordered that the title of Technician MVC be reallocated to the noncompetitive division. It is further ordered that the request be granted to inactivate the title of Technician Trainee MVC. It is further ordered that such actions be effective at the beginning of the first pay period following the Civil Service Commission's approval.

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 27TH DAY OF APRIL, 2022

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
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Trenton, New Jersey 08625-0312

Attachment

c: Dana L. Foraker
Franceline Ehret
Division of Agency Services
Records Center



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Reallocation of
Technician MVC

CSC Docket No. 2021-1470

Request for Interim
Noncompetitive Appointments

ISSUED: MAY 24, 2021 (ABR)

The Motor Vehicle Commission (MVC) requests an extension of the reallocation of the title of Technician MVC to the noncompetitive division of the career service on an interim basis. A copy of the Commission's decision, *In the Matter of Reallocation of Technician MVC* (CSC, decided October 21, 2020), is attached hereto and incorporated herein.

The facts of this matter are thoroughly discussed in the Commission's attached decision. In the Commission's previous decision, it approved the reallocation of the Technician MVC title to the noncompetitive division on an interim basis for six months, effective from October 24, 2020 to April 24, 2021. In doing so, the Commission found, in accordance with *N.J.A.C. 4A:3-1.2(c)*, that the MVC's immediate need to fill vacancies in the Technician MVC title to meet anticipated surges in demand associated with the COVID-19 pandemic and the Status Neutral Licensure program provided a sufficient basis to place that title in the noncompetitive division on an interim basis.

In support of the instant request for an extension, the MVC, by letter dated March 18, 2021, states that although it reorganized its agencies in an effort to deal with the pandemic-related backlog after reopening, positive COVID-19 tests for employees at its facilities necessitated 184 separate agency closures for 14-day quarantine periods. Additionally, the MVC advised that it anticipates a surge of demand with the Status Neutral Licensure program's opening of licensing to all New Jersey residents without regard to legal status on May 1, 2021. It maintains that

upon converting over 70 current part-time employees to full-time positions, it will rapidly need to fill an additional 150 part-time positions to meet the expected increase in demand at its facilities. As such, it avers that, per *N.J.A.C. 4A:3-1.2(c)*, the instant request meets the criteria for an extension of interim non-competitive status for the title of Technician MVC.

Based upon the foregoing, the Division of Agency Services (Agency Services) recommends a six-month extension for the reallocation of the subject title to the noncompetitive division.

It is noted that pursuant to 4A:3-3.3(f) and *N.J.A.C. 4A:3-1.2(e)*, the Division of Appeals and Regulatory Affairs notified the Communications Workers of America (CWA) of its recommendation to place the Technician MVC title in the noncompetitive division on an interim basis. The CWA does not oppose the extension request. However, it asks the Commission to consider a permanent reallocation of the Technician MVC title to the noncompetitive division of the career service and the elimination of the Technician Trainee MVC title. In this regard, the CWA believes that since the MVC has been hiring Technician MVCs through a non-competitive process for approximately two years, it makes sense to make the Technician MVC title the entry-level non-competitive title and to eliminate the Technician Trainee MVC title. It further notes that the Technician MVC title's four-month working test period, with any necessary two-month extension, is equivalent to the period in which employees hired into the Technician Trainee MVC title would normally serve before being advanced to the Technician MVC title. Moreover, the CWA avers that given the difficulties the MVC has experienced with staffing in agencies, such a change could benefit both the MVC and interested applicants. Finally, the CWA advises that the MVC supports its request to permanently reallocate the Technician MVC title to the noncompetitive division of the career service and eliminate the Technician Trainee MVC title.

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 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 record in this matter, an extension of interim noncompetitive status for the Technician MVC title for an additional six months is appropriate. Moreover, given that this agency received the MVC's request to extend the reallocation of the Technician MVC title to the noncompetitive division prior to the scheduled April 24, 2021 expiration date, the Commission finds it appropriate to give retroactive effect to the instant extension. The Commission notes that with interim noncompetitive status, *N.J.A.C. 4A:3-1.2(g)* provides 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 their working test periods, attain permanent status in the competitive division.

As to the CWA's request to permanently reallocate the Technician MVC title to the noncompetitive division and to eliminate the Technician Trainee MVC title, the Commission observes that neither the MVC nor Agency Services has submitted a statement in response to the CWA. Accordingly, it is appropriate to refer the CWA's request to Agency Services for review and to have Agency Services make recommendations to the Commission regarding this proposal.

ORDER

Therefore, it is ordered that this request be granted and the interim noncompetitive designation for the Technician MVC title be extended for six months. This designation will be effective through October 23, 2021. At the end of this period, the subject title will be returned to the competitive division of the career service. Additionally, the CWA's request to permanently reallocate of the Technician MVC title to the noncompetitive division and eliminate the Technician Trainee MVC title, is referred to the Division of Agency Services for consideration.

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 19TH DAY OF MAY, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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Attachment

c: Dana L. Foraker
Franceline Ehret
Division of Agency Services
Records Center



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Reallocation of
Technician MVC

CSC Docket No. 2021-331

Request for Interim
Noncompetitive Appointments

ISSUED: OCTOBER 23, 2020 (ABR)

The Division of Agency Services (Agency Services) recommends the reallocation of the title of Technician MVC to the noncompetitive division of the career service on an interim basis.

By way of background, the instant request originated with the Motor Vehicle Commission (MVC). The MVC states that the COVID-19 pandemic and the upcoming Status Neutral Licensure program have created an immediate hiring need for positions in the subject title. In this regard, the MVC submits that the pandemic forced the closure of its agencies between March 2020 and July 2020, which, in turn, created a significant backlog of transactions and unprecedented demand upon the reopening of its agencies in July 2020. In addition, during the height of the pandemic, the MVC was unable to continue hiring and onboarding staff to fill vacancies as its agencies. As a result, it maintains that it presently has approximately 140 vacancies that it needs to fill in order to address customer demand. The MVC further indicates that it reorganized its agencies in an effort to deal with its backlog upon reopening, designating some facilities as Licensing Centers and others as Vehicle Centers. Moreover, the MVC anticipates that it will experience a surge in demand for new driver's licenses with the beginning of the Status Neutral Licensure program in January 2021. The MVC stresses that in order to meet the demand that this program will create, as well as alleviate the problems with its existing backlog, it is imperative that it fill vacant positions in the subject title as soon as possible.

Based upon the foregoing, Agency Services recommends reallocating the Technician MVC title to the noncompetitive division on an interim basis for six

months. In this regard, it observes that *N.J.A.C.* 4A:3-1.2(c)3 provides that a job title may be placed in the noncompetitive division on an interim basis when the Civil Service Commission (Commission) determines that it is appropriate to make permanent appointments to the title and there is a need for immediate appointments arising from a new legislative program or major agency reorganization. Agency Services advises that this action would allow the MVC to more effectively alleviate the backlog resulting from the COVID-19 pandemic and comply with the statutory mandate to begin Status Neutral Licensing in January 2021.

It is noted that the subject title was previously allocated to the noncompetitive division on an interim basis between April 27, 2019 and April 25, 2020.¹ It is further noted that pursuant to *N.J.A.C.* 4A:3-3.3(f) and *N.J.A.C.* 4A:3-1.2(e), Agency Services has notified the Communications Workers of America (CWA) of its recommendation to place the Technician MVC title in the noncompetitive division on an interim basis. The CWA has no objection to the foregoing recommendation by Agency Services.

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 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 record in this matter, interim noncompetitive status for the subject title is appropriate. The Commission notes that with interim noncompetitive status, *N.J.A.C.* 4A:3-1.2(g) provides 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 their working test periods, attain permanent status in the competitive division.


¹ See *In the Matter of Reallocation of Technician MVC* (CSC, decided February 6, 2019); and *In the Matter of Reallocation of Technician MVC* (CSC, decided November 6, 2019).

ORDER

Therefore, it is ordered that this request be granted and an interim noncompetitive designation for the subject title be effected. This designation will be effective from October 24, 2020 to April 24, 2021. At the end of this period, the subject title 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 21ST DAY OF OCTOBER 2020



Deirdre L. Webster Cobb
Chairperson
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