



STATE OF NEW JERSEY

In the Matter of Investigator 1, Office of the Chief State Medical Examiner and Investigator 2, Office of the Chief State Medical Examiner	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
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	:	Request for Title Reallocation
CSC Docket No. 2022-2416	:	
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ISSUED: JUNE 20, 2022 (SLK)

The Division of Agency Services (Agency Services), on behalf of the Department of Health (DOH), requests that the Investigator 1, Office of the Chief State Medical Examiner and Investigator 2, Office of the Chief State Medical Examiner titles be placed in the non-competitive division of the career service on an interim basis to effectuate the appointments of two employees. The DOH is also seeking retroactive appointment dates for two incumbents.

By way of background, the Office of the Chief State Medical Examiner (OCSME) was transferred from the Department of Law and Public Safety to the DOH on September 1, 2018. In a letter dated May 22, 2019, the DOH requested the creation of an Investigator title series specific to the OCSME. The DOH requested a new title series for employees currently serving in the non-competitive title of Investigator, County Medical Examiner (W98, 02183). It claimed that the creation of this new title series would facilitate filling critical vacancies and would promote succession planning in the OCSME, consistent with its Workforce Development Strategy. As a result of this request, Agency Services, in cooperation with the DOH, created a new title series along with the respective classification specifications to address its needs. This new title series includes Investigator 1, 2 and 3, OCSME.

On February 18, 2021, the DOH, in accordance with *N.J.A.C. 4A:3-1.2(c)1*, requested that these titles be allocated to the non-competitive division for one pay period to allow for the appointment of six employees to Investigator 1, OCSME; and

one employee to Investigator 3, OCSME. The DOH requested that these employees be considered because they had passed the qualifying examination and were deemed eligible for appointment to each respective title. The Civil Service Commission (Commission) approved this request in *In the Matter of Investigator 1, Office of the Chief State Medical Examiner and Investigator 3, Office of the Chief State Medical Examiner* (CSC, decided June 2, 2021). The DOH would now like to appoint Evan Bird to Investigator 1, OCSME (I20, 56805C); and Maureen Gardner to Investigator 2, OCSME (I23, 56806C). The DOH did not include Bird or Gardner in its previous request because they were not found eligible for appointment to the titles in question at that time. Similar to its previous request, the DOH contends that because these employees are currently working in the Medical Examiner's Office and meet the necessary requirements, competitive testing at this critical time in public health is not practicable. Therefore, in accordance with *N.J.A.C. 4A:3-1.2(c)1*, the DOH is requesting that these titles be allocated to the non-competitive division for one pay period to allow for the appointments of Bird and Gardner with a retroactive date of June 19, 2021, to align with the other employees in the Division that were granted a similar request. The approval of these appointments is crucial given the recent rise in the number of deaths associated with the COVID-19 pandemic.

Bird and Gardner were initially found ineligible at the time of the DOH's February 18, 2021, request because they did not meet the education and experience requirements of the title for which they were to be appointed. The job specification for each title allows for possession of a valid registry basic certification issued by the American Board of Medicolegal Death Investigators (ABMDI) to substitute for the education requirement. Bird and Gardner were provided letters of approval for the AMBDI certification on April 22, 2021, and May 21, 2021, respectively, however, due to COVID-19 related delays, the hard copies of their certifications were not received by the Eligibility Unit until August 30, 2021. Pre-appointment evaluations were conducted on August 30, 2021, and both Bird and Gardner were found to meet the open competitive requirements of the requested positions. Additionally, both employees were found to be performing the appropriate duties for their proposed titles through a classification review. As these are newly created titles, no current promotional lists, special reemployment lists, or current or pending announcement exist for these titles.

Upon a thorough review of the information obtained, Agency Services found no basis to deny this request. These appointments are similar to those that were previously granted, and the delay incurred was through no fault of the employees themselves. The employees received their AMBDI certification prior to the requested effective date of June 19, 2021, and thus, Bird and Gardner would have been found eligible for appointment as of that date had the certificates arrived timely. Accordingly, Agency Services recommends the approval of this request with respect to appointment to each title and the retroactive effective dates.

In accordance with *N.J.A.C.* 4A:3-3.3(f), the affected negotiations representatives were notified on May 19, 2022, of the request to reallocate the subject titles to the noncompetitive division on an interim basis. No comments from the union have been received.

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 Commission 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.

N.J.A.C. 4A:3-3.3(f) provides that, in State service, the agency representative shall provide notice to affected and potentially affected negotiations representatives upon submission of certain changes to the State Classification Plan to the appropriate Commission representative.

N.J.A.C. 4A:1-1.2(c) provides that the Commission may relax rules for good cause in a particular situation in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the DOH seeks approval to reallocate the Investigator 1, OCSME (I20, 56805C) and Investigator 2, OCSME (I23, 56806C) titles to the non-competitive division of the career service on an interim basis to effectuate the appointments of two employees. Based on the circumstances surrounding this matter as described above, Agency Services supports the request. These noncompetitive appointments will allow the DOH to employ experienced individuals who have the requisite knowledge, skills and service within the Medical Examiner's Office. Further, the approval of these appointments is crucial given the recent rise in the number of deaths associated with the COVID-19 pandemic. Additionally, the affected negotiations representatives were given notice of this request in accordance with *N.J.A.C.* 4A:3-3.3(f) and no comments were received. Therefore, the Commission grants the request to relax the criteria outlined in *N.J.A.C.* 4A:3-1.2(c) in order to

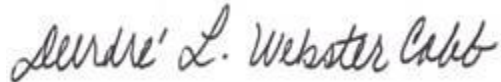
allocate the above referenced titles to the non-competitive division of the career service on an interim basis, for one pay period, in order to effectuate the appointments of Evan Bird to Investigator 1, OCSME (I20, 56805C) and Maureen Gardner to Investigator 2, OCSME (I23, 56806C) retroactive to June 19, 2021, for salary step placement and seniority based programs only. 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 case.

ORDER

It is ordered that the specified titles within the Department of Health be reallocated to the non-competitive division title of the career service on an interim basis, for one pay period, in order to effectuate the appointment of the two named employees into the appropriate titles. It is further ordered that such actions be effective retroactive to June 19, 2021, for salary step placement and seniority based programs only.

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 15TH DAY OF JUNE 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Loreta Sepulveda
Division of Agency Services
Records Center