



STATE OF NEW JERSEY

In the Matter of Judiciary Clerk 2
and Judiciary Clerk 3, and its
Bilingual Variants

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

CSC Docket Nos. 2025-46 and 2025-
47

Request for Title Reallocation

ISSUED: August 14, 2024 (SLK)

The Division of Agency Services (Agency Services) recommends the reallocation of the Judiciary Clerk 2 (77120) and Judiciary Clerk 2, Bilingual in Spanish and English titles (77120C) to the noncompetitive division of the career service on a permanent basis, and the reallocation of the Judiciary Clerk 3 (77130) and Judiciary Clerk 3, Bilingual in Spanish and English titles (77130C) to the noncompetitive division of the career service on an interim basis.

In its request to Agency Services, the Judiciary, via the Administrative Office of the Courts (AOC), asserted that it no longer intends to use the Judiciary Clerk 1 title, and its bilingual variants. Therefore, the Judiciary Clerk 2, and its bilingual variants, will become the entry level titles in the series, which have no requirements besides the ability to type 25 words per minute, which can be assessed during the working test period. Further, Agency Services notes that, if these requests are granted, the Judiciary Clerk 1 title (77110, Competitive) will be made archaic and recommends that the Judiciary Clerk 1 titles (77110C) and (77111, Unclassified) be inactivated since these titles are currently unencumbered.

Regarding both the Judiciary Clerk 2 and Judiciary Clerk 3 titles, the AOC explains that due to length of time between certifications, the lists become stale in some counties and exhaust more quickly in others. When lists become exhausted, the Judiciary is required to wait for another announcement and until promulgation of a new list, which has required the Judiciary to go without staff for long periods of time

or to hire provisionally. The AOC provided data demonstrating the vacancies in the subject Judiciary Clerk 2 and Judiciary Clerk 3 titles.

Pursuant to *N.J.A.C.* 4A:3-1.2(c), Agency Services recommends that the Judiciary Clerk 2 titles be permanently reallocated to the noncompetitive division since competitive testing at the entry level is not practicable since the knowledge, skills, and abilities associated with this title are essentially learned on the job. Moreover, since the AOC has an urgent need to hire to fill vacancies, Agency Services recommends that the Judiciary Clerk 3 titles be reallocated to the noncompetitive division on an interim basis for one year. It is further noted that the affected negotiations representative had ample notice as these requests were made pursuant to an agreement between the parties. In addition, the affected negotiations representative indicated that it was in support of the request. The effective date of these actions will be the beginning of the first pay period that follows the Civil Service Commission's (Commission) approval.

Titles to be reallocated:

From:	To:
Judiciary Clerk 2 77120 <u>Competitive</u>	Judiciary Clerk 2 77120 <u>Noncompetitive</u>
Judiciary Clerk 2, Bilingual in Spanish & English 77120C <u>Competitive</u>	Judiciary Clerk 2, Bilingual in Spanish & English 77120C <u>Noncompetitive</u>
Judiciary Clerk 3 77130 <u>Competitive</u>	Judiciary Clerk 3 <u>Noncompetitive</u>
Judiciary Clerk 3, Bilingual in Spanish & English 77130C <u>Competitive</u>	Judiciary Clerk 3, Bilingual in Spanish & English 77130C <u>Noncompetitive</u>

Titles to be made archaic:

Judiciary Clerk 1
77110 Competitive

Titles to be inactivated:

Judiciary Clerk 1, Bilingual in Spanish & English
77110C Competitive

Judiciary Clerk 1
77111 Unclassified

CONCLUSION

N.J.A.C. 4A:3-3.2(a) provides that the Commission shall establish and maintain classification plans for all job titles in the career, senior executive, and unclassified services. Additionally, *N.J.A.C.* 4A:3-3.3(a)2 provides that this agency shall implement and administer the classification plans and, in this regard, shall establish new titles, abolish unnecessary titles, and consolidate titles. *N.J.A.C.* 4A:3-1.2(a) provides that the Commission shall allocate and reallocate career service titles between the competitive and noncompetitive divisions.

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:3-1.2(e) provides, in pertinent part, that prior to any reallocation from the competitive to noncompetitive division, whether on an ongoing or interim basis, an administrative review shall be conducted and notice of the proposed reallocation shall be sent to affected appointing authorities and negotiations representatives. The notice shall designate the period of time, which in no event shall be less than 20 days, during which written comment may be submitted, and may provide for a public hearing.

In the instant matter, the Judiciary seeks to reallocate the Judiciary Clerk 2 title, and its variants, to the noncompetitive division of the career service on a permanent basis, and to reallocate the Judiciary Clerk 3 title, and its variants, to the noncompetitive division of the career service on an interim basis.

Based on the above circumstances, ample reason exists for the reallocation of the Judiciary Clerk 2 (77120) and Judiciary Clerk 2, Bilingual in Spanish & English (77120C) titles to the noncompetitive division of the career service. These noncompetitive appointments will allow the Judiciary to expedite permanent appointments due to staff shortages, which shall prevent any disruption of services. Further, as the Judiciary Clerk 2 titles will become the entry level titles in the series,

the titles have no experience requirements, hence there is no skill set to be tested.¹ Similarly, the reallocation of the Judiciary Clerk 3 (77130) and the Judiciary Clerk 3, Bilingual in Spanish and English (77130C) titles to the noncompetitive division of the career service on an interim basis, for one year, will allow the Judiciary to expedite permanent appointments in vacant positions in these titles, which shall prevent any disruption of services.² Therefore, the Commission grants these requests pursuant to *N.J.A.C.* 4A:3-1.2(c). It is noted that the employees appointed to these titles 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.*

Additionally, the Commission concurs with Agency Services that the Judiciary Clerk 1 (77110; Competitive) title be made archaic, and the Judiciary Clerk 1, Bilingual in Spanish and English (77110C; Competitive) and Judiciary Clerk 1 (77111; Unclassified) titles be inactivated. since they are currently unencumbered. Also, it is noted that this the affected negotiations representative had ample notice as these requests were made pursuant to an agreement between the parties. Finally, 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 Judiciary Clerk 2 (77120) and Judiciary Clerk 2, Bilingual in Spanish & English (77120C) titles be permanently reallocated to the noncompetitive division. Further, it is ordered that the Judiciary Clerk 3 (77130) and Judiciary Clerk 3, Bilingual in Spanish and English (77130C) titles be reallocated to the noncompetitive division of the career service on an interim basis, for one year, to allow the Judiciary to expedite permanent appointments in vacant positions in these titles. At the end of this period, these titles will be returned to the competitive division of the career service. Finally, it is ordered that the Judiciary Clerk 1 (77110; Competitive) title be made archaic, and the Judiciary Clerk 1, Bilingual in Spanish and English (77110C; Competitive) and Judiciary Clerk 1 (77111; Unclassified) titles be inactivated. The effective date of these actions will be the beginning of the first pay period that follows the Commission's approval.

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

¹ The ability to type 25 words per minute can be assessed during the working test period.

² This agency shall still administer the Bilingual Communication Abilities Test to ensure proficiency in Spanish for the Judiciary 2 and Judiciary 3 bilingual titles.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 14TH DAY OF AUGUST, 2024

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