



STATE OF NEW JERSEY

In the Matters of Administrative
Specialist 1, 2, 3 and 4, Bilingual
in Spanish and English

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

CSC Docket Nos. 2025-197, *et al.*

Title Creation/Allocation

ISSUED: September 25, 2024 **(JET)**

The Division of Agency Services (Agency Services) requests the establishment of the unclassified titles of Administrative Specialist 1, Bilingual in Spanish and English; Administrative Specialist 2, Bilingual in Spanish and English; Administrative Specialist 3, Bilingual in Spanish and English; and Administrative Specialist 4, Bilingual in Spanish and English, for use in the Judiciary.

In support of its request, Agency Services explains that establishment of unclassified, bilingual in Spanish and English, titles of Administrative Specialist 1, Administrative Specialist 2, Administrative Specialist 3 and Administrative Specialist 4, is necessary to allow for the performance of a wide range of paraprofessional and/or professional administrative and financial functions within the Judiciary's central office and vicinages. Agency Services explains that the Judiciary has an operational need for the establishment of these bilingual titles, so that it may provide such services to the Spanish speaking public. Agency Services notes that these bilingual titles will mirror their corresponding base titles, in that they are to be assigned to the unclassified service pursuant to *N.J.S.A. 2B:5-2*, which provides, in pertinent part, that employees who are responsible for overall operation and management of the court system, who are direct and confidential support employees to judges, or who perform duties of a highly technical or specialized nature shall be in the unclassified service.

Agency Services indicates that persons appointed to the title of Administrative Specialist 1, Bilingual in Spanish and English, would be in the Support Staff band and will perform a variety of clerical, administrative, and other support functions in connection with proceedings instituted before courts or programs administered by the

Judiciary. Persons appointed to this title would act as lead workers and perform both paraprofessional and mastery level clerical functions in support of the business operations of the Judiciary. They may also be assigned to a courtroom to serve as a court clerk.

Persons appointed to the of Administrative Specialist 2, 3 and 4, Bilingual in Spanish and English titles would be in the Administrative Professionals band. This band is separated into two tracks, administrative specialist and financial specialist. Pursuant to this band, persons appointed to the title of Administrative Specialist 2, Bilingual in Spanish and English, would perform entry-level professional administrative and/or financial functions. Persons appointed to the title of Administrative Specialist 3, Bilingual in Spanish and English, would perform more complex professional administrative and/or financial functions. Persons appointed to the title of Administrative Specialist 4, Bilingual in Spanish and English, would perform advanced professional administrative and/or financial functions.

Agency Services advises that it has provided notice and the opportunity to review the proposal to all collective negotiations units and all articulated issues have been reviewed and resolved. Finally, Agency Services request that the specified titles become effective beginning on the first pay period following Civil Service Commission (Commission) approval of these actions.

CONCLUSION

N.J.A.C. 4A:3-3.6(a) states, in pertinent part, that the Commission may determine that a new title or title series is necessary.

In matters involving the questions of whether a particular title should be allocated to the career or unclassified service, the starting point is the New Jersey Constitution, Article VII, sec. 1, par. 2, providing that:

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 in time of war may be provided by law (emphasis added).

Our courts have recognized the State's strong public policy, as evinced by the State Constitution, favoring the inclusion of as many titles as possible in the career service. *See Walsh v. Department of Civil Service*, 32 *N.J. Super.* 39, 43-44 (App. Div. 1954); *Loboda v. Clark Township*, 40 *N.J.* 424, 434 (1983); *State v. Clark*, 15 *N.J.* 334, 331 (1954); *In the Matter of Hudson County Probation Department*, 178 *N.J. Super.*

362,371 (App. Div. 1981). This principle of ascertaining “merit and fitness” for promotions and appointments through an open-competitive examination process is at the very heart of the Civil Service system.

An interpretation of Civil Service law governing the unclassified service must be made in view of this constitutional mandate and a strict interpretation is generally given in matters concerning allocation to the unclassified service. *See In the Matter of Investigator, Penal Institution, et al., Essex County* (MSB, decided September 16, 1997). In State service, *N.J.S.A. 11A:3-4* provides that the unclassified service shall be limited to those titles it specifically designates, and all other titles created by law or as the Commission may determine. *N.J.A.C. 4A:3-1.1(a)* provides that all job titles shall be allocated to the career service, except for those job titles allocated by the Commission to the unclassified service pursuant to *N.J.A.C. 4A:3-1.3*. *N.J.A.C. 4A:3-1.3(a)* provides that a title shall be allocated to the unclassified service when:

- 1) In state service, the title is so designated under *N.J.S.A. 11A:3-4*;
- 2) In local service, the title is so designated under *N.J.S.A. 11A:3-5*;
- 3) The title is designated unclassified by another specific statute;
- 4) A specific statute provides that incumbents in the title serve for a fixed term or at the pleasure of the appointing authority; or
- 5) The Commission determines that it is not practicable to determine merit and fitness for appointment in or promotion to that title by examination and that it is not appropriate to make permanent appointments to that title.

Against this background, it must be noted that the non-variant titles already in the Administrative Specialist series, to which the new bilingual titles would be added, are already allocated to the unclassified service, pursuant to *N.J.S.A. 2B:5-2*. Moreover, the record reflects that the Judiciary has an operating need to assist the Spanish speaking population with a wide range of paraprofessional and/or professional administrative and financial functions within its vicinages and central office. The establishment of the subject titles, will help to address the critical need in such services. Thus, the Commission concludes that the creation of the unclassified bilingual in Spanish and English titles of Administrative Specialist 1, Administrative Specialist 2, Administrative Specialist 3, and Administrative Specialist 4 is appropriate.

ORDER

Therefore, it is ordered that this request be granted. This action shall be effective October 5, 2024.

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 25TH DAY OF SEPTEMBER, 2024



Allison Chris Myers
Chairperson
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Administrative Specialist 1, Bilingual in Spanish and English (2025-197)
Administrative Specialist 2, Bilingual in Spanish and English (2025-198)
Administrative Specialist 3, Bilingual in Spanish and English (2025-199)
Administrative Specialist 4, Bilingual in Spanish and English (2025-200)