



STATE OF NEW JERSEY

:	In the Matter of Supervising Special Investigator, State Lottery	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
:	CSC Docket No. 2026-933	:	Title Creation
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ISSUED: October 15, 2025 (SLD)

The Division of Agency Services (Agency Services) requests the establishment of the unclassified title of Supervising Special Investigator, State Lottery for use in the Division of the State Lottery, Department of the Treasury (Treasury).

In support of its request, Agency Services presents that individuals in this title will directly supervise a unit responsible for investigating alleged violations of laws, rules and regulations related to State lottery operations. In its request, the Treasury maintains that the proposed title would report to a Deputy Director, State Lottery. The position will be responsible for the supervision of 11 employees in the Special Investigator, State Lottery title, which is already an unclassified title. It maintains that allocation to the unclassified service is appropriate, given the quasi-law enforcement nature of the role. Treasury notes that the unclassified title of Special Investigator, State Lottery, has been used for more than 40 years, and the instant request merely creates an unclassified supervisor position within the same series. Persons appointed to this position, would be responsible, in relevant part, for supervision of the day-to-day operations on the investigations section; supervision of investigations of possible violations of laws, rules and regulations related to lottery operations; organization of cases involving multiple investigators; coordination of investigations with other investigative bodies, including but not limited to the Federal Bureau of Investigation, Division of Criminal Justice, and county and municipal authorities; supervision of investigation of complaints against lottery agents; overseeing the background investigation process for individual applying for

lotter licenses; and assisting with the development and implementation of new investigatory programs and techniques. It argues that given the highly specialized nature of this position, and the scope and breadth of its management responsibility, it is requested that the subject title be placed in the unclassified service. Finally, Agency Services indicates that the title of Supervising Special Investigator, State Lottery is to be assigned a salary range of R27.

CONCLUSION

In matters involving the question 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 States in time of war may be provided by law (emphasis added).

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 other statutes or as the Commission may determine in accordance with criteria established by rule. *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 Civil Service 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 the title.

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, 341 (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 our merit system.

Against this background, Civil Service law and rules amply support the establishment of the proposed new title in the unclassified service. Specifically, this title is being created to supervise individuals serving in the already unclassified title of Special Investigator, State Lottery. Moreover, the duties of this title are quasi-law enforcement in nature and will be responsible for coordinating investigations with other State, federal and local investigative bodies. Thus, there is good cause to permit the creation of the unclassified Supervising Special Investigator, State Lottery title.

ORDER

Therefore, it is ordered that the request be granted. This action shall be effective at the beginning of the first pay period following the issue date of this decision.

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 OCTOBER, 2025

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