



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Construction and  
Maintenance Technician Apprentice

CSC Docket No. 2020-576

Establishment of a  
Noncompetitive Title

ISSUED: FEBRUARY 27, 2020 (DASV)

The Division of Agency Services (Agency Services) requests the establishment of a two-year Construction and Maintenance Technician Apprentice title and its allocation to the noncompetitive division of the career service.

By way of background, as set forth in the attached request, Agency Services presents that the subject title series is currently assigned to the Department of Transportation (DOT). DOT has requested that the title series be restructured to meet its current needs and to remove inconsistencies between the levels. In that regard, Agency Services indicates that the title series would be renumbered with the Construction and Maintenance Technician 1 title being at the lowest level and the Construction and Maintenance Technician 4 title being at the highest level in the title series. Incumbents will be laterally moved to the new levels with no loss of existing status. Additionally, the Construction and Maintenance Technician 5 title will be made archaic and inactivated once the title is vacated.<sup>1</sup> Proposed job specifications for the levels have been drafted to reflect the changes.

Against this backdrop, DOT requests the creation of a two-year apprentice title to serve as an entry level title in the title series and to meet its rapid recruitment needs. Incumbents in the position will receive on-the-job training. Incumbents who successfully complete the apprenticeship program will be advanced to the restructured title of Construction and Maintenance Technician 1. See

<sup>1</sup> It is noted that several employees are serving provisionally pending open competitive procedures as Construction and Maintenance Technician 5s.

*N.J.A.C.* 4A:3-3.7(j). Moreover, Agency Services requests that the new title be assigned to the noncompetitive division due to the impracticability of competitive testing. It notes that there are no experience requirements that applicants must meet, and thus, there is no skillset to be tested. Applicants will only require possession of a high school diploma and high school level mathematics courses. Agency Services also specifies that the appropriate negotiations representatives have been notified, in accordance with *N.J.A.C.* 4A:3-3.3(f), and that the Office of Employee Relations has reviewed and assigned the bargaining units. Finally, Agency Services notes that the renumbering of the levels of the title series, the lateral title changes, and archaic designations will become effective the same date the Commission sets as the effective date for the establishment of the Construction and Maintenance Technician Apprentice title.

### 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 and *N.J.A.C.* 4A:3-3.3(a)3 provide that the Chairperson of the Commission or designee shall implement and administer the classification plans and, in this regard, shall establish new titles, abolish unnecessary titles, consolidate titles, and modify specifications for existing titles or series to ensure their accuracy.

*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 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 all of the foregoing, ample reasons exist to establish a Construction and Maintenance Technician Apprentice title in the noncompetitive division of the career service pursuant to *N.J.A.C.* 4A:3-1.2(c)1. The Construction and Maintenance Technician Apprentice title is an entry-level title with no experience requirements and minimal education requirements. Incumbents will gain the

necessary skillset during the apprenticeship program. Additionally, it is noted that incumbents would be required to complete a four-month working test period prior to attaining permanent status. *See N.J.A.C. 4A:4-5.1(b) and N.J.A.C. 4A:4-5.2(b)2.* Accordingly, competitive testing is impracticable for this title.<sup>2</sup>

### ORDER

Therefore, it is ordered that this request be granted and that the title of Construction and Maintenance Technician Apprentice be established and allocated to the noncompetitive division. This action shall be effective the first pay period following the 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 26<sup>TH</sup> DAY OF FEBRUARY, 2020



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
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Attachment


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<sup>2</sup> It is not necessary for the Commission to formally act on Agency Services' restructuring of the title series, *i.e.*, renumbering the levels and designating a title archaic, as these functions have been specifically delegated to the Chairperson or designee by *N.J.A.C. 4A:3-3.3*. *See In re Changes in the State Classification Plan*, 460 *N.J. Super.* 358 (App. Div. 2019). However, *N.J.A.C. 4A:3-1(c)* specifically requires the Commission to determine if a title should be placed in the noncompetitive division of the career service.

- c. Kelly Glenn  
Michele A. Shapiro  
Records Center

DATE: July 19, 2019

TO: Civil Service Commission

FROM: Kelly A. Glenn, Director   
Division of Agency Services

SUBJECT: Change in State Classification Plan

### **Department of Transportation – Title Series Restructuring**

The Division of Agency Services seeks to restructure the Construction and Maintenance Technician title series at the request of the Department of Transportation (DOT). The title series is currently structured as follows:

Construction and Maintenance Technician 5 (10126, I11)  
Construction and Maintenance Technician 4 (10128, I15)  
Construction and Maintenance Technician 3 (10129, I17)  
Construction and Maintenance Technician 2 (10131, R19)  
Construction and Maintenance Technician 1 (10133, S22)

The title series is solely assigned to the DOT and is being restructured to meet the current needs of the department and to remove the inconsistencies between the levels. The job specifications of all the levels are being updated to reflect these changes.

The DOT also requests to create an Apprentice title, which would serve as an entry level to the Construction and Maintenance Technician series and assist the department in meeting its rapid recruit needs. The title would receive on-the-job training and learn inspection and testing of road and bridge constructions, inspecting permit construction sites and how to review permit applications. After successful completion of the two (2) year apprenticeship program, the incumbent shall be advanced to the restructured title of Construction and Maintenance Technician 1 (10128, I15), under the Civil Service Commission procedures.

The bargaining unit of the apprentice title was assigned by the Governor's Office of Employee Relations.

As requested by the DOT, we recommend assigning the apprentice title to the noncompetitive division of the career service. The title has been identified as appropriate for the noncompetitive class of service based on the criteria defined in *N.J.A.C. 4A:3-1.2(c)*, which states

“(c) A job title may be placed in the Noncompetitive Division on an ongoing or interim basis when it is determined by the Commissioner 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.”

It is our opinion that competitive testing is not practicable due to the knowledge, skills, and abilities associated with the job. The title has no experience requirement, hence there is no skill set to be tested. The required skill set would be learned on the job, as it’s an apprentice title. The title only requires a High School diploma, and high school level math courses.

The title series be renumbered in accordance with current practice with “1” being the lowest level in the series and “4” being the highest level in the series.

The appropriate negotiations representatives have been notified in accordance with *N.J.A.C.* 4A: 3-3.3 (f).

**ESTABLISHMENT OF NEW TITLE:**

**Effective:** The effective date of this action will be the beginning of the first pay period that follows the Commission’s approval.

Construction and Maintenance Apprentice  
I13 \_\_\_\_\_ Noncompetitive      O      4012

**VERBIAGE CHANGE**

**Effective:** This action is delegated to the Division of Agency Services. Upon the Commission’s approval to create the above-referenced new title, the Division of Agency Services will establish this effective date consistent the effective date established by the Commission for the new title.

<b>From</b>	<b>To</b>
Construction and Maintenance Technician <u>4</u> (10128, I15)	Construction and Maintenance Technician <u>1</u> (10128, I15)
Construction and Maintenance Technician <u>3</u> (10129, I17)	Construction and Maintenance Technician <u>2</u> (10129, I17)
Construction and Maintenance Technician <u>2</u> (10131, R19)	Construction and Maintenance Technician <u>3</u> (10131, R19)
Construction and Maintenance Technician <u>1</u> (10133, S22)	Construction and Maintenance Technician <u>4</u> (10133, S22)

**TO BE MADE ARCHAIC/INACTIVE**

**Effective:** This action is delegated to the Division of Agency Services. Upon the Commission's approval to create the above-referenced new title, the Division of Agency Services will establish this effective date consistent the effective date established by the Commission for the new title.

No further appointments will be permitted to this title and the title will be inactivated once vacated.

Construction and Maintenance Technician 5  
111 – 10126 Competitive O 4012

KG/SF/PM/KW