

CS2
B-60



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Harry Neal,
Technical Assistant, Management
Information Systems (PC1719R),
Bergen County Prosecutor's Office

Examination Appeal

CSC Docket No. 2014-2249

ISSUED: **JUL 18 2014** (HS)

Harry Neal appeals the determination of the Division of Selection Services (Selection Services) which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Technical Assistant, Management Information Systems (PC1719R), Bergen County Prosecutor's Office.

The subject examination announcement was issued with a closing date of August 21, 2013. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and possessed 60 credit hours from an accredited college. Two years of experience in the gathering, retrieval, maintenance, compilation and distribution of technical information in a public or private organization could be substituted for the indicated education requirement. Moreover, twenty-four semester hour credits in data processing from an accredited college or university could be substituted for up to two years of the required education and/or experience. It is noted that the appellant was one of two applicants for the promotional examination, which was cancelled.

Selection Services' review of the appellant's application revealed that he possessed 30 credit hours. As such, the appellant was required to possess one year of the indicated experience. Selection Services credited the appellant with four months of experience for his provisional service in the Technical Assistant, Management Information Systems title, from May 28, 2013 to the closing date.

None of his other listed experience was found to be creditable. Therefore, Selection Services deemed him ineligible because, per the substitution clause for education, he did not meet the experience requirement set forth in the announcement.

On appeal, the appellant argues that he possesses the required education and experience and essentially reiterates the information he provided on his application.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C. 4A:1-1.2(c)* provides that a rule may be relaxed for good cause shown in a particular situation.

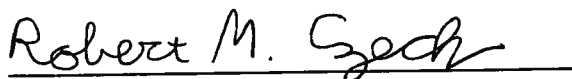
In this matter, Selection Services correctly determined that the appellant was ineligible for the subject examination because, per the substitution clause for education, he did not meet the experience requirement as of the August 21, 2013 closing date. The appellant was provisionally appointed to the title under test effective May 28, 2013 and continues to serve provisionally in that title. The Civil Service Commission finds that, for examination eligibility purposes, he has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the examination situation is not competitive since the examination was cancelled. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

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 16TH DAY OF JULY 2014



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