



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Michael Palumbo, Forensic Analyst Information Technology (PC0049U), Bergen County Prosecutor's Office

Examination Appeal

CSC Docket No. 2016-3572

ISSUED: NOV 16 2016 (SLK)

Michael Palumbo appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Forensic Analyst Information Technology (PC0049U), Bergen County Prosecutor's Office.

The examination at issue was announced with specific requirements that had to be met as of the January 21, 2016 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On his application, Mr. Palumbo indicated that he was a Research Assistant from October 2009 to the January 21, 2016 closing date. Personnel records indicate that he was provisionally serving in the subject title from November 2015 to the January 21, 2016 closing date and a Research Assistant from October 2009 to November 2015. He also indicated that he had a Bachelor's degree in Information Technology in Criminal Justice and Law. Agency Services credited him with having met the education requirement and three months of experience based on his provisional service in the subject title, but determined that he lacked two years and nine months of experience.

On appeal, Mr. Palumbo asserts that he has been performing the required duties for over seven years and provides specific examples of the work he performs to support his claim. Further, Frank Puccio, Special Deputy Attorney General and Acting Executive Assistant Prosecutor, confirms that Mr. Palumbo has been

performing the required duties since he was hired in 2009. Mr. Puccio explains that, at the time the appellant was hired, he was appointed as a Research Assistant because this was the best title that existed at that time. However, Mr. Puccio represents that the subject title better represents the appellant's duties and he highlights that this title was not established until April 19, 2014.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

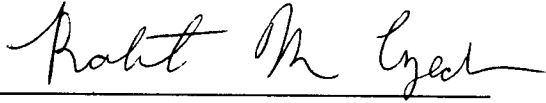
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with having met the education requirement and three months of experience based on his provisional service in the subject title, but he lacked two years and nine months of the required experience needed to establish eligibility. Any relevant experience the appellant gained as a Research Assistant would be out-of-title-work. However, Mr. Puccio confirmed that he has been performing the required out-of-title duties as a Research Assistant since he was hired in 2009 and explains that this title was used because it was the best title that existed at that time prior to the subject title being established. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Michael Palumbo's application be processed for prospective employment opportunities only.

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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
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Attachment

c: Michael Palumbo
Gurbir Grewall
Frank Puccio
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
 PROMOTIONAL ANNOUNCEMENT



[Click here to file Online](#) Print
\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PC0049U	WEIGHT CODE: *
TITLE: FORENSIC ANALYST INFORMATION TECHNOLOGY	SALARY: \$ 13.13- \$ 25.10 / Per Hour
ISSUE DATE: January 01, 2016	CLOSING DATE: January 21, 2016
TITLE CODE: 09054/ AVRBR2	JURISDICTION CODE: N02000030
JURISDICTION: BERGEN COUNTY	
DEPARTMENT: PROSECUTOR	

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Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: A Bachelor's Degree in Computer Science, Computer Forensics, or other related field of technology with a specialization in digital forensics. You must indicate the details of your degree on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Experience: Three (3) years of experience conducting computer forensic examinations, cellular phone data extractions, mobile device forensics, and/or mobile tracking technologies in a law enforcement, military, public, or other investigative agency.

Note: A Master's Degree in Computer Science, Information Technology, or related field may be substituted for one (1) year of the experience indicated above. You must indicate the details of your Master's degree on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
6. **If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09