



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Alan Dill,
Department of the Treasury

Request for Administrative Relief

CSC Docket No. 2016-1974

ISSUED: **NOV 15 2016** (LDH)

The Department of the Treasury requests that the provisions of *N.J.A.C.* 4A:4-1.1(c)1 be relaxed in order to allow Alan Dill to be provisionally appointed, pending promotional examination procedures, to the title of Assistant Storekeeper.

By way of background, Dill is currently permanent in the non-competitive title of Garage Attendant. As a result of a classification review of his position, the Division of Agency Services (Agency Services) determined that the duties and responsibilities of Dill's position would be appropriately classified by the title of Assistant Storekeeper, effective April 4, 2015. However, because the change in title would result in a change in category from the noncompetitive division to a unrelated entry-level title in the competitive division of the career service, the Department of the Treasury seeks approval from the Civil Service Commission (Commission) to process this movement as a provisional appointment, pending promotional examination procedures.

Agency Services supports the appointing authority's request. It adds that there are no existing promotional lists or pending announcements for the title of Assistant Storekeeper in the relevant unit scope. Further, Dill's qualifications were reviewed and it was found that he satisfies the requirements for the title of Assistant Storekeeper. Agency records indicate that there is one other permanent Garage Attendant currently serving in the subject unit scope.

CONCLUSION

N.J.A.C. 4A:4-1.1(c) provides that the Commission may authorize the promotion, through promotional examination procedures, from the noncompetitive division, of permanent employees who meet the open competitive requirements, to: 1) a related entry level title in the competitive division or 2) in appropriate situations, to a related above-entry level title in the competitive division. *N.J.A.C.* 4A:4-2.5(d) provides:

When a promotion is to be made from the noncompetitive division to a related title in the competitive division, the examination shall be open to all permanent employees who meet one of the following:

1. Serving in the next lower or next two lower in-series noncompetitive titles and possessing the complete open competitive requirements;
2. Serving in all related noncompetitive titles and possessing the complete open competitive requirements;
3. All competitive division titles at specified class code levels below the announced title, with or without all or part of the open competitive requirements and all titles as described in (d)1 or 2 above;
4. Competitive division employees who meet complete open competitive requirements and all titles as described in (d)1 or 2 above; or
5. In extraordinary circumstances, the Commission may set another appropriate title scope.

Finally, *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c)1 in order to allow Dill to be provisionally appointed, pending promotional examination procedures, to the competitive title of Assistant Storekeeper, with an effective date of April 4, 2015. The classification review determined that Dill's position would be appropriately classified to the title of Assistant Storekeeper. Moreover, the record reveals that there are no promotional lists or pending announcements within Dill's unit scope for the title of Assistant Storekeeper. Thus, based on the specific circumstances presented and equitable considerations, the Commission finds it appropriate to permit Dill's provisional appointment, pending promotional examination procedures, to the title of Assistant Storekeeper. Further, the title scope of the promotional examination should be expanded to employees in all unrelated noncompetitive titles who possess the

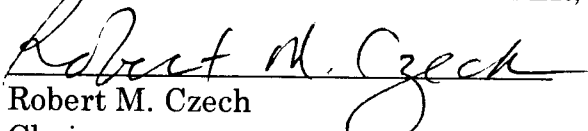
complete open competitive requirements in accordance with *N.J.A.C. 4A:4-2.5(d)2* and to any other title scope set forth in *N.J.A.C. 4A:4-2.5(d)* deemed appropriate by the Division of Agency Services.

ORDER

Therefore, it is ordered that this request be granted and Alan Dill be provisionally appointed to the title of Assistant Storekeeper, pending promotional examination procedures, effective April 4, 2015 and the promotional examination for Assistant storekeeper in his unit scope be announced in accordance with this decision. Dill is to provide a copy of this decision with his application for the resulting promotional examination announcement.

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 10TH THE DAY OF NOVEMBER, 2016



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