



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Administrative Relief

In the Matter of Tracy Toth,
Executive Assistant 2, Department of
Environmental Protection

CSC Docket No. 2016-2963

NOV 16 2016

ISSUED: (SLK)

The Department of Environmental Protection, on behalf of Tracy Toth, requests that her out-of-title work experience be accepted to qualify her for a prospective promotional examination for Executive Assistant 2.

By way of background, Ms. Toth's permanent title is Standards and Procedures Technician 3. The Department of Environmental Protection requested the Division of Agency Services (Agency Services) to evaluate the appellant's credentials for a prospective promotional examination for Executive Assistant 2. The title requires a Bachelor's degree and four years of experience in program management with responsibility for planning, organizing, coordinating, staffing, reporting, and budgeting or in assisting an executive with program development and implementation. Agency Services credited Ms. Toth with possessing 63 college credits which is equal to 2 years and 1 month of experience, but determined, per the substitution clause for education, that she lacked 5 years and 11 months of experience. Agency Services indicated that Ms. Toth had 10 years and 3 months of relevant out-of-title experience that she acquired as a Standards and Procedures Technician 3 and Management and Operations Analyst 2 without the Civil Service Commission's (Commission) approval.

In its request to the Commission, the appointing authority presents that Ms. Toth was assigned out-of-title duties due to business necessity created by staff attrition and the State-wide hiring freeze.

A review of agency records indicates that there are no current special or promotional eligible lists for the subject title in Ms. Toth's unit scope.

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.

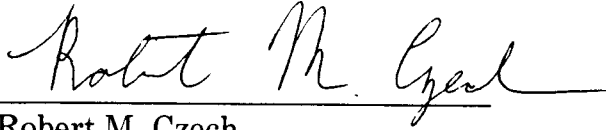
In the present matter, the appointing authority verified that the appellant performed the required out-of-title duties as a Standards and Procedures Technician 3 and Management and Operations Analyst 2 due to its business necessity created by staff attrition and the State-wide hiring freeze. Further, there are no current special or promotional eligible lists for the subject title in Ms. Toth's unit scope. Accordingly, good cause exists to accept Ms. Toth's out-of-title work experience for a prospective promotional examination to Executive Assistant 2. Further, a promotional examination announcement shall be issued pursuant to *N.J.A.C.* 4A:4-2.5. In this regard, the examination shall be announced open in Ms. Toth's unit to employees who meet the complete open competitive requirements. In order to eliminate any adverse impact on other potentially eligible employees within the unit scope, the promotional examination shall also be announced open to employees deemed appropriate by Agency Services in accordance with *N.J.A.C.* 4A:4-2.5.

ORDER

Therefore, it is ordered that this request be granted and the provisional appointment of Tracy Toth be authorized, pending promotional examination procedures, to Executive Assistant 2. Additionally, it is ordered that the promotional examination be announced in the appropriate unit scope in accordance with this decision. Finally, Ms. Toth is to provide a copy of this decision with her promotional application upon announcement of the examination.

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



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