



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Jonathan Soskin,  
Administrative Analyst 3 (PS2945G),  
Department of Environmental  
Protection

Examination Appeal

CSC Docket No. 2017-1260

ISSUED: FEB 10 2017 (ABR)

Jonathan Soskin appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Administrative Analyst 3 (PS2945G), Department of Environmental Protection (DEP).

The subject examination was announced with a closing date of June 21, 2016 and was open, in part, to employees who possessed a Bachelor's degree and three years of experience involving the review, analysis, and evaluation of budget, organization, administrative practices, operational methods, management operations, or data processing applications, or any combination thereof, including responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis, with 30 credit hours being equal to one year of the aforementioned experience. It is noted that the examination was cancelled on October 27, 2016, as all applicants for the subject examination were deemed ineligible.<sup>1</sup>

On his application, the appellant indicated, in relevant part, that he possessed 15 semester credit hours from Thomas Edison State University and Burlington County College and had served provisionally as an Administrative Analyst 3 from December 2015 to the closing date of the subject examination (June

<sup>1</sup> Subsequently, in *In the Matter of Amy Telford* (CSC, decided December 21, 2016), the Commission accepted the out-of-title experience of Ms. Telford and admitted her to the subject examination.

2016) with the DEP. The appellant also indicated that he served as a Training Technician 3 from October 2013 to December 2015; as a Training Technician 2 from March 2012 to October 2013; and as a Training Technician 1 from July 2007 to March 2012 with the Motor Vehicle Commission (MVC). Pursuant to the substitution clause for education, Agency Services determined that the appellant needed to possess six years and six months of applicable experience. Agency Services credited the appellant with four years and four months of applicable experience based upon his service as a provisional Administrative Analyst 3, as a Training Technician 3 and as a Training Technician 2. However, it determined that the appellant's remaining experience, including his service as a Training Technician 1, did not constitute applicable experience for the subject examination. Therefore, Agency Services determined that the appellant was ineligible for the subject examination because he lacked an additional two years and two months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues, in relevant part, that his service as a Training Technician 1 constitutes applicable experience because his primary duties in that title included researching MVC and State policies, procedures and regulations for use in the development of training courses; analyzing data received from course evaluations to determine the effectiveness of training programs; developing training courses, curricula and lesson plans; and attending multi-departmental meetings to discuss and evaluate the effectiveness of the Learning Management System (LMS).

Robin Liebeskind, former Director of the Division of Human Resources for the MVC<sup>2</sup> when the appellant held the title of Training Technician 1 with the MVC, submits a letter of support in which she verifies that the appellant performed applicable duties while serving in that title from July 2007 to March 2012. Ms. Liebeskind states that the appellant's assigned duties in that title included work involving the review, analysis, and evaluation of MVC training programs, including planning and developing eLearning training course curricula; serving as a LMS administrator; and developing, updating and maintaining databases and statistical reports used to assess the effectiveness of training courses.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for

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<sup>2</sup> Ms. Liebeskind is currently the Director of the Division of Human Resources with the DEP.

promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

Agency Services correctly determined that the appellant was ineligible for the subject examination because he lacked the requisite amount of creditable experience as of the June 21, 2016 closing date. On appeal, the appellant claims that he performed applicable duties while serving in the title of Training Technician 1. The former Director of the Division of Human Resources for the MVC has also submitted a letter verifying that the appellant was assigned applicable duties while serving in the title of Training Technician 1 with the MVC. However, the appellant's performance of applicable duties while serving in the Training Technician 1 title would be considered out-of-title work. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect permanent appointments and verifies that the appellants have performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In the instant matter, the former Director of the Division of Human Resources for the MVC confirms that the appellant possessed more than two years and two months of experience performing applicable duties while serving in the title of Training Technician 1 with the MVC. Moreover, the record evidences that the list is incomplete and there is only one name currently on the subject eligible list. Furthermore, the appellant continues to serve provisionally in the subject title. As such, good cause exists in this particular case to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

### ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed for future 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 8<sup>TH</sup> DAY OF FEBRUARY, 2017

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