



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Elaine Silvestri,
Administrative Analyst 2 (PS0952U),
Department of the Treasury

Examination Appeal

CSC Docket No. 2020-2723

ISSUED: JULY 20, 2020 (SLK)

Elaine Silvestri appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Administrative Analyst 2 (PS0952U), Department of the Treasury.

The education requirements for the subject examination were a Bachelor's degree. The experience requirements were two 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, which shall have included responsibility for recommendation, planning, and/or implementation of improvements in a business or government agency by the November 21, 2019 closing date. Applicants who did not possess the required education may substitute additional experience as indicated on a year for year basis with 30 semester hours being equal to one year of experience. The appellant was the only individual that applied, and she was determined ineligible. Consequently, the examination was cancelled due to a lack of qualified applicants.

The appellant did not indicate that she possessed a Bachelor's degree. The appellant only indicated her provisional service in the subject title on her application. Personnel records indicate that the appellant was provisionally serving in the subject title from January 2019 to the November 21, 2019 closing date, a Program Technician from July 2010 to January 2019, and in many other technical and clerical titles

starting in June 1988. Agency Services credited the appellant with 11 months of experience based on her provisional service in the subject title, but determined, per the substitution clause for education, that she lacked five years and one month of experience.

On appeal, the appellant states that she indicated on her application that she has been performing Administrative Analyst duties since July 2010 and that such duties became her primary duties starting in 2012. She describes in detail how she has been performing the required duties as a Program Technician. Additionally, she submits a letter from the Chief of Operations, Revenue Accounting, Division of Revenue and Enterprise Services who confirms that the appellant has been performing the required out-of-title duties since 2012. She explains that due a promotional and hiring freeze, as employees retired or left the bureau, their duties were reassigned to remaining staff.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *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.

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, Agency Services correctly determined that the appellant was not eligible for the subject examination, as contrary to the appellant's statements on appeal, she did not list any experience on her application and the resume that she attached only listed her provisional experience in the subject title. On appeal, the appellant demonstrated that she has more than the six years of the required experience. Additionally, the appellant's superior confirms that she was primarily performing the required duties out-of-title since 2012 due to business necessity. However, the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the Civil Service Commission (Commission) notes circumstances present that provide good cause to permit the appellant to amend her application in this particular matter. Specifically, the examination was cancelled due to a lack of qualified candidates and the appellant continues to serve provisionally in the subject title. Further, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). In this regard, the Commission finds that the appellant has demonstrated that she has the required experience, which, based on the circumstances presented, warrants her admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f), accept the appellant's out-of-title work under *N.J.A.C.* 4A:4-2.6(c) and admit the appellant.

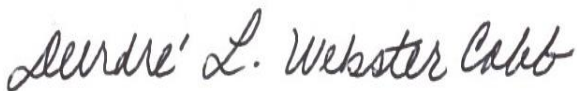
The Commission cautions the appellant that, in the future, she should ensure that any applications are fully and completely filled out as her failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded, and the appellant'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 17TH DAY OF JULY, 2020



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Elaine Silvestri
Douglas Ianni
Agency Services
Records Center