

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE

ACTION

OF THE

CIVIL SERVICE COMMISSION

Examination Appeals

Frank Panica and Jason Snellbaker appeal the determinations of the Division of Agency Services (Agency Services) which found that they were below the minimum requirements in education for the promotional examinations for Chief Bureau of Law Enforcement (PS4033G), Department of Environmental Protection.

On their applications, the appellants indicated that they possessed a Bachelor's degree in Environmental Studies. Upon its review, Agency Services determined that they did not possess the required degree in Biology or Natural Resource Management.

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the ability of many in the Conservation Officer title series an opportunity for advancement. In support of these appeals, the appointing authority states that the job specifications for Conservation Officer Recruit up through Conservation Officer 1 allow for a degree in twenty subject areas. The job specification for Supervising Conservation Officer allows for a degree in four subject areas, and the one for Chief, Bureau of Law Enforcement (EP) accepts only two degrees. The appointing authority explains that this stalls the career path and is unfair to employees who have worked their way up this title series and qualify for the Chief position in all other respects. Additionally, the appointing authority notes that it is currently working with Agency Services to revise the job specifications for the Supervising and Chief titles to include the same degree areas as the lower titles. However, since this may be a lengthy process, the appointing authority supports a rule relaxation to allow the appellants to be admitted to the subject examination.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the 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 purpose of Title 11A, New Jersey Statutes.

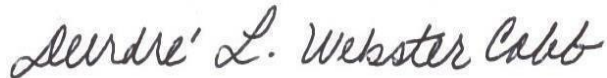
CONCLUSION

Initially, Agency Services properly determined that the appellants did not meet the announced education requirements as of the closing date since they did not possess a Bachelor's degree in either Biology or Natural Resource Management. However, as noted by the appellants and the appointing authority, the educational requirements of the Conservation Officer title series, a series which promotes to the Chief, Bureau of Law Enforcement title, permit utilization of the Environmental Studies degree. Further, the appointing authority has indicated that it is working with Agency Services to review and make possible revisions to the job specifications and requirements of the subject title. Moreover, the subject examination is not competitive as only two applicants were admitted to the examination. The Civil Service 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). As such, under these unique circumstances, good cause exists to accept the appellants Bachelor's degrees in Environmental Studies and admit them to the subject examination.

ORDER

Therefore, it is ordered that these appeals be granted, and the appellants' applications be processed for prospective employment opportunities only.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1ST DAY OF SEPTEMBER, 2021



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