

B-43

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sherri Jones,
New Jersey Board of Public Utilities

Administrative Appeal

CSC Docket No. 2015-1362

ISSUED: DEC - 5 2014 (LDH)

The Board of Public Utilities requests that the provisions of *N.J.A.C.* 4A:4-1.1(c) be relaxed in order to allow Sherri Jones to be provisionally appointed, pending promotional examination procedures, to the title of Program Specialist 3.

By way of background, Jones currently serves in the unclassified title of Government Representative 1. However, prior to her appointment to that title, she achieved permanent status in the career service non-competitive division title of Information Technology Specialist¹. As a result of a classification review of her position, the Division of Classification and Personnel Management (CPM) determined that the duties and responsibilities of her current position were appropriately classified by the career service competitive division title of Program Specialist 3, effective April 5, 2014. Subsequently, the appointing authority requested that the Division of Selection Services (Selection Services) review Jones credentials to determine if she met the open competitive requirements for Program Specialist 3.

The requirements for Program Specialist 3 are graduation from an accredited college or university with a Bachelor's degree and three years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating agency programs and services. Additional experience as indicated on a year-for-year basis with thirty semester hour credits being equal to one year of experience could be substituted for the educational requirement. A Master's degree from an accredited college or university in a discipline appropriate to the position could be substituted for one year of experience. In a September 25, 2014 determination,

¹ Jones has been on leave from her career service Information Technology Specialist position since August 17, 2008.

Selection Services determined that Jones met the requirements for the title of Program Specialist 3.

Because the change in title from Information Technology Specialist to Program Specialist 3 would result in a change in category from the noncompetitive division to a non-related entry level title in the competitive division of the career service, the appointing authority seeks approval from the Civil Service Commission (Commission) to process this movement as a provisional appointment, pending promotional examination procedures. The appointing authority asserts that CPM conducted a classification review and determined that Jones' position should be reclassified to the title of Program Specialist 3.

In support, CPM notes that the noncompetitive title of Information Technology Specialist is unrelated to the competitive title of Program Specialist 3 and Jones would otherwise be subject to open competitive examination procedures. Accordingly, given the findings of its classification study and the fact that she possesses the necessary qualifications to establish eligibility, CPM maintains that a rule relaxation would permit the provisional appointment of Jones to a title which properly classifies her responsibilities. CPM also submits that a rule relaxation would permit Jones, as well as any eligible employees within the unit scope, the ability to take a competitive promotional examination for the subject title. Currently, there are no employees within the unit scope serving in the lower titles of the Program Specialist series. In addition, there are no current/active eligible lists for the title of Program Specialist 3.

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.

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

In the present matter, the title of Program Specialist 3 is not a related entry or related above-entry level title to that of Information Technology Specialist. See *N.J.A.C.* 4A:4-1.1(c) and *N.J.A.C.* 4A:4-2.5(d). Nevertheless, Jones' position was reclassified to Program Specialist 3 and for equitable considerations, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) and *N.J.A.C.* 4A:4-2.5(d) and authorize the provisional appointment of Jones pending promotional examination procedures. The information that CPM presents supports the relaxation of the forgoing provisions. Under the particular circumstances presented, the Commission finds that good cause has been presented to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) and authorizes the provisional appointment of Jones to the title of Program Specialist 3, pending promotional examination procedures. In this regard, there is no dispute that Jones meets the open competitive requirements for the title at issue. Additionally, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-2.5(d) to announce a promotional examination for the title of Program Specialist 3 in Jones' unit scope to incumbents serving in the unrelated non-competitive title of Information Technology Specialist, who meet the open competitive requirements, as well as to any other title scope deemed appropriate.

ORDER

Therefore, it is ordered that this request be granted and the appointing authority be permitted to appoint Sherri Jones to the title of Program Specialist 3, provisionally, pending promotional examination procedures, effective April 5, 2014. It is further ordered that a promotional examination be announced in accordance with this decision. Sherri Jones 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 3RD DAY OF DECEMBER 2014

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