



In the Matter of Egnes Ramos,
Technical Assistant, Classification,
Juvenile Justice Commission

STATE OF NEW JERSEY

CSC Docket No. 2014-2879

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: JUL 17 2014 (SLK)

The Division of Classification and Personnel Management (CPM), on behalf of the Juvenile Justice Commission, requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Egnés Ramos to be provisionally appointed, pending promotional examination procedures, to the competitive title of Technical Assistant, Classification.

By way of background, Ramos' permanent title is Youth Worker, which is in the non-competitive division of the career service. Ramos submitted a classification appeal, maintaining that the duties of her position were inconsistent with her permanent title. CPM conducted an audit of Ramos' position and found that the duties she performed were consistent with the duties of a Technical Assistant, Classification, a competitive title. CPM indicated that the effective date of reclassification would be May 18, 2013. However, since Ramos' permanent title of Youth Worker is unrelated to the competitive title of Technical Assistant, Classification, the appointment would be recorded as provisional, pending open competitive procedures.

Thereafter, the Division of Selection Services (Selection Services) evaluated Ramos' credentials for a prospective promotional examination for Technical Assistant, Classification. On April 29, 2014, Selection Services issued a determination that Ramos did not meet the requirements for the subject title. The title requires 60 semester hour credits and one year of experience performing technical support work for an inmate classification program in a penal or correctional facility. Applicants who do not possess the required education may

substitute experience as indicated above on a year-for-year basis. Selection Services credited Ramos with four months of experience based on her completed college credits, but determined that her five years and eight months of relevant experience that she acquired as a Youth Worker could not be credited since it constituted out-of-title work.

In its request to the Civil Service Commission (Commission) CPM explains that Ramos was assigned the relevant out-of-title duties based on business necessity due to staff attrition. Additionally, the results of the classification review confirmed that Ramos' position is properly classified as Technical Assistant, Classification. Further, there is no special reemployment or promotional lists for that title in Ramos' unit scope. As such, CPM states that there is a valid basis to accept her out-of-title work and to provisionally appoint her, pending promotional examination procedures.

CONCLUSION

N.J.A.C. 4A:4-1.1(c)2 provides that a promotion may be authorized through promotional examination procedures from the noncompetitive division of permanent employees who meet the open competitive requirements to 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.

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.

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

In the present matter, CPM has verified that Ramos has performed the required out-of-title duties for over five years and eight months due to business necessity and that her position would be properly classified as Technical Assistant, Classification. Further, there are no current special or promotional eligible lists for that title in her unit scope. Accordingly, good cause exists to accept Ramos' out-of-title work experience for a prospective promotional examination to Technical Assistant, Classification.

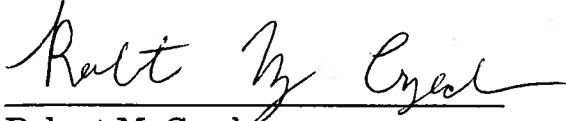
Moreover, while the title of Technical Assistant, Classification is not a related entry or related above-entry level title to that of Youth Worker, Ramos' position was reclassified to Technical Assistant, Classification. Therefore, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) and *N.J.A.C.* 4A:4-2.5(d) and authorize the provisional appointment of Ramos pending promotional examination procedures. Therefore, a promotional examination announcement shall be issued pursuant to *N.J.A.C.* 4A:4-2.5(d)5. In this regard, the examination shall be announced open in Ramos' 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 Selection Services in accordance with *N.J.A.C.* 4A:4-2.5(d).

ORDER

Therefore, it is ordered that this request be granted and the provisional appointment of Egnés Ramos be authorized, pending promotional examination procedures, to Technical Assistant, Classification, effective May 18, 2013. Additionally, it is ordered that the promotional examination be announced in the appropriate unit scope in accordance with this decision. Finally, Ramos 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 16th DAY OF JULY, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

c: Egres Ramos
Mirella Bednar
Kenneth Connolly
Dan Hill
Joseph Gambino