



B-18

STATE OF NEW JERSEY

In the Matter of Denise Illes,  
Department of Banking and  
Insurance

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-1864

Request for Administrative Relief

ISSUED: FEB - 5 2015 (CSM)

The Division of Agency Services (Agency Services), on behalf of the Department of Banking and Insurance, requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Denise Illes to be provisionally appointed, pending promotional examination procedures, to the competitive title of Regulatory Officer 1.

By way of background, Ms. Illes is currently permanent in the non-competitive title of Planning Associate 1. As a result of a classification review of her position, the former Division of Classification and Personnel Management<sup>1</sup> determined that the duties and responsibilities of Ms. Illes' position would be appropriately classified by the competitive title of Regulatory Officer 1 effective October 18, 2014. Thereafter, the appointing authority requested that the Division of Selection Services (Selection Services) review Ms. Illes' credentials to determine if she met the open competitive requirements for Regulatory Officer 1. In its December 17, 2014 decision, Selection Services determined that Ms. Illes met those requirements. However, since her permanent title of Planning Associate 1 is in the non-competitive division, an appointment to Regulatory Officer 1 would have to be recorded as provisional, pending open competitive examination procedures. Additionally, the movement would constitute a promotion from the non-competitive division to an unrelated, above entry level title in the competitive division.

<sup>1</sup> Now Agency Services.

In support of its instant request, Agency Services presents that, given the findings of the classification study and the fact that it was determined that Ms. Illes possesses the necessary qualifications to establish eligibility, a rule relaxation would permit the provisional appointment of Ms. Illes to a title which properly classifies her responsibilities.

It is noted that there are no special reemployment, promotional or regular reemployment lists in Ms. Illes' unit scope for the Regulatory Officer 1 title. Additionally, there are no other permanent Planning Associate 1s currently serving in the subject unit scope.

*N.J.A.C.* 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the non-competitive 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) states that when a promotion is to be made from the non-competitive division of the career service to a related title in the competitive division of the career service, 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 non-competitive titles and possessing the complete open competitive requirements; or
2. Serving in all related non-competitive titles and possessing the complete open competitive requirements.

*N.J.A.C.* 4A:4-2.5(d)5 states that in extraordinary circumstances, another appropriate title scope may be set.

Finally, *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.

## CONCLUSION

In the present matter, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) in order to allow Ms. Illes to be provisionally appointed, pending promotional examination procedures, to the competitive title of Regulatory Officer 1, with an effective date of October 18, 2014. As a result of such an appointment, it is also appropriate to relax the provisions of *N.J.A.C.* 4A:4-2.5(d) to announce the promotional examination to incumbents serving in the unrelated non-competitive title of Planning Associate 1 who demonstrate that they meet the complete open

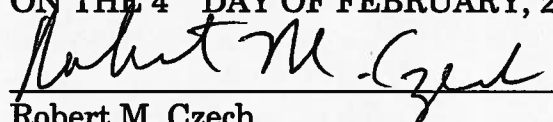
competitive requirements. It is also ordered that any promotional announcement issued for Regulatory Officer 1 in Ms. Illes' unit scope be announced open to competitive division employees who meet the complete open competitive requirements and any title scope deemed appropriate by Agency Services.

**ORDER**

Therefore, it is ordered that this request be granted.

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 4<sup>TH</sup> DAY OF FEBRUARY, 2015



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