

CSC

B-102



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Theresa Bottini,  
Administrative Analyst 1 (PS6823G),  
Department of Environmental  
Protection

Examination Appeal

CSC Docket No. 2014-3205

ISSUED: FEB 05 2015 (HS)

Theresa Bottini appeals the determination of the Division of Selection Services (Selection Services), which found that she did not meet the experience requirement for the promotional examination for Administrative Analyst 1 (PS6823G), Department of Environmental Protection (DEP).

The subject examination was announced with a closing date of January 21, 2014 and was open to applicants who possessed a Bachelor's degree and four 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 the recommendation, planning and/or implementation of improvements in a business or government agency. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. A Master's degree in Public Administration, Business Administration, Economics, Finance or Accounting could be substituted for one year of the required experience. The subject examination was cancelled since both applicants were deemed ineligible.

On her application, the appellant indicated possession of a Bachelor's degree and a Master's degree in Administrative Science. She also listed her experience as a provisional Administrative Analyst 1 with DEP from July 2011 to the closing date, among other experience. Selection Services credited the appellant with one year of experience for her Master's degree given that Administrative Science is

related to Public Administration and Business Administration. Selection Services also credited the appellant with two years and seven months of experience for her provisional service in the subject title through the closing date. However, none of her other listed experience was determined to be applicable. Therefore, Selection Services deemed the appellant ineligible because she lacked five months of the indicated experience.

On appeal, the appellant argues that she possesses adequate experience and reiterates the duties she listed on her application for her provisional service as an Administrative Analyst 1. In support, she submits her PARs from January 1, 2011 through September 30, 2014.

It is noted that agency records indicate that the appellant was provisionally appointed to the title of Administrative Analyst 1 effective July 16, 2011 as a result of a classification determination dated May 9, 2012. It is also noted that the duties upon which that classification determination was based are substantially similar to the duties the appellant listed on her application for her provisional service in the subject title. Agency records further indicate that the appellant continues to serve provisionally in the title of Administrative Analyst 1.

### CONCLUSION

*N.J.A.C. 4A:4-2.6(a)2* 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 shown in a particular situation.

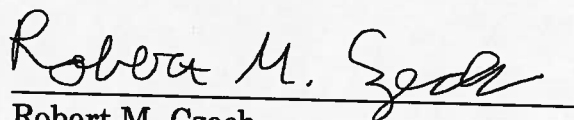
In this matter, Selection Services correctly determined that the appellant was ineligible for the subject examination because she did not meet the experience requirement as of the January 21, 2014 closing date since she lacked five months of experience. However, the appellant was provisionally appointed to the title under test effective July 16, 2011 as a result of a May 9, 2012 classification determination and continues to serve provisionally in that title. Furthermore, based on a review of the appellant's application and the PARs supplied on appeal, it appears that the appellant continues to perform substantially the same duties identified in the May 9, 2012 classification determination. The Civil Service Commission finds that, for examination eligibility purposes, she has been performing the duties of the title under test since July 16, 2011. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the examination situation is not competitive since the examination was cancelled due to a lack of qualified applicants. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit her to the examination.

**ORDER**

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed.

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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