

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Dario Da Costa,
Administrative Analyst 3, Data
Processing (PS9457U), Department of
the Treasury

Eligibility Appeal

CSC Docket No. 2015-2289

ISSUED: **MAY 20 2015**

(LDH)

Dario Da Costa appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Administrative Analyst 3, Data Processing (PS9457U), Department of the Treasury.

The subject examination was announced with a closing date of November 21, 2014 and was open, in part, to applicants who possessed two years of experience in work involving the review, analysis and evaluation of organization and administrative practices to determine the need for revision or implementation of data processing systems in a large business or government agency. It is noted that that the examination was cancelled as both applicants were deemed ineligible.

On his application, the appellant indicated he served provisionally, pending promotional procedures, in the subject title from May 2011 to the closing date and as a Building Management Service Specialist 4 from April 2007 to May 2011.¹ Agency Services credited the appellant with nine months of applicable experience

¹ Agency records indicate, in part, that he was provisionally appointed, pending promotional examination procedures to the title Building Management Service Specialist 4, effective February 13, 2010 and received a regular appointment effective December 27, 2012. He was provisionally appointed, pending promotional examination procedures to the subject title, effective March 22, 2014.

based on his provisional service in the subject title. However, it determined that his other applicable experience was out-of-title and thus, was not creditable.

On appeal to the Civil Service Commission (Commission), the appellant highlights his employment history, and maintains that he possesses sufficient applicable experience. In support, he submits a letter from his supervisor, Mary Price, Manager 2, Information Processing, stating that he has been performing Administrative Analyst 3, Data Processing duties since September 1, 2012. Ms. Price states that the appellant was required to perform the out-of-title duties to meet the needs of the division.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *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.

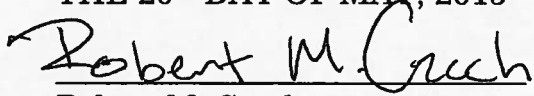
Initially, it is noted that Agency Services correctly determined that the appellant was ineligible for the subject examination as he only possessed nine months of applicable experience based on his provisional service. However, on appeal, the appellant submits a letter from Price stating that he has been performing relevant duties since September 1, 2012. Accepting the appellant's supervisor's verification that he performed applicable duties since September 1, 2012 would provide the appellant with more than the required two years of applicable experience. Moreover, the appellant continues to serve provisionally in the subject title and the examination was cancelled as there were no eligible applicants. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation 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 20th DAY OF MAY, 2015



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
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Dario Da Costa
Douglas Ianni
Kelly Glenn
Joseph Gambino