

B-12



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Patrick Gallagher,
Management Specialist (PC0797S),
Middlesex County

Examination Appeal

CSC Docket No. 2015-2017

ISSUED: **MAY 21 2015** (SLK)

Patrick Gallagher appeals the determination of the Division of Selection Services¹ (Selection Services) that he was below the minimum requirements in experience for the promotional examination for Management Specialist (PC0797S), Middlesex County.

The examination at issue was announced with specific requirements that had to be met as of the July 21, 2014 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On his application, Mr. Gallagher indicated that he was provisionally serving in the subject title from April 2014 to the July 21, 2014 closing date, as a Principal Payroll Clerk from September 2005 to April 2014, and in various other titles prior to that time. Selection Services credited him with nine months of experience based on his college credits and his provisional service in the subject title, but determined that his experience as a Principal Payroll Clerk was out-of-title. As such, it determined that he lacked the required experience.

On appeal, Mr. Gallagher submits a letter from Joe Pruiti, Chief Financial Officer and Treasurer for the appointing authority, which confirms that the appellant has performed out-of-title duties as a Principal Payroll Clerk and supports his appeal. Further, the appellant describes in further detail how his

¹ Now known as the Division of Agency Services.

duties as a Principal Payroll Clerk relate to the examples of work for the job specification for Management Specialist.

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.

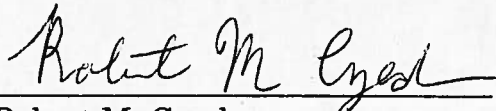
Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. Mr. Gallagher was credited with having nine months of experience based on his college credits and his provisional service in the subject title, but he lacked the required relevant experience to establish eligibility. Any relevant experience the appellant gained as a Principal Payroll Clerk would be out-of-title-work. However, Mr. Pruiti has verified that Mr. Gallagher performed the required out-of-title duties from September 2005 to April 2014 due to the appointing authority's business necessity. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. 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 the appeal be granted, the cancellation of the examination be rescinded and Patrick Gallagher's application be processed for prospective employment opportunities only.

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**

Attachment

**c: Patrick Gallagher
Dennis Cerami
Kelly Glenn
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PC0797S	WEIGHT CODE: *
TITLE: MANAGEMENT SPECIALIST	SALARY: \$50,085.00 - \$115,997.00
ISSUE DATE: July 01, 2014	CLOSING DATE: July 21, 2014
TITLE CODE: 02390/ GPRMR7	JURISDICTION CODE: T12000003
JURISDICTION: MIDDLESEX COUNTY	
DEPARTMENT: COMPROLLER	

**ONLY ON LINE APPLICATIONS
 WILL BE ACCEPTED
 FOR THIS ANNOUNCEMENT**

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Two (2) years of experience in the review, analysis, and evaluation of budget, organization, and administrative practices and recommending improved methods, and/or administrative experience in varied phases of business, industrial, or government involving the organization, direction, planning, coordination, or control of programs or activities.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE**
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff)
6. **If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A • Revised 03/09