



STATE OF NEW JERSEY

In the Matter of Ian Fisher,
Software Development Specialist 2,
Department of Environmental
Protection

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-2494

Administrative Appeal

ISSUED: MAY 08 2015 (DASV)

The Department of Environmental Protection requests that Ian Fisher's out-of-title work experience in the title of Environmental Specialist 2 be accepted to qualify him for a prospective promotional examination for Software Development Specialist 2.

By way of background, the appointing authority requested a pre-appointment evaluation of Fisher's credentials for promotion to the competitive title of Software Development Specialist 2. On December 4, 2014, the Division of Selection Services (Selection Services) determined that Fisher did not meet the requirements for the position since he gained the required experience through out-of-title work. The requirements of the title are possession of a Bachelor's degree and two years of programming, systems analysis, or computer analysis experience. Selection Services noted that Fisher gained three years and one month of relevant experience as an Environmental Specialist 2, but such out-of-title experience could not be accepted without the approval of the Civil Service Commission (Commission).

By letter dated February 20, 2015, the appointing authority requested that, pursuant to *N.J.A.C. 4A:4-2.6(c)*, Fisher's out-of-title work experience be accepted for a promotional examination for Software Development Specialist 2. Specifically, it stated that Fisher willingly assumed the duties of that title while serving in the competitive title of Environmental Specialist 2. The appointing authority also indicated that Fisher performed the out-of-title duties as a result of attrition and the hiring freeze. It is noted that Fisher has not been appointed provisionally as a Software Development Specialist 2.

CONCLUSION

N.J.A.C. 4A:4-2.6(c) provides that 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, unless good cause is shown for an exception.

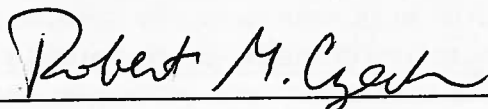
In the present matter, the appointing authority and Selection Services have verified that Fisher performed relevant out-of-title duties to meet the requirements for a Software Development Specialist 2 position. Further, Fisher performed the out-of-title duties as a result of attrition and the hiring freeze. Under these circumstances, good cause exists to accept Fisher's out-of-title work, for eligibility purposes only, in order to qualify him for a prospective promotional examination for Software Development Specialist 2. Moreover, since the Commission has approved Fisher's out-of-title work and has deemed him qualified, the appointing authority may appoint Fisher provisionally pending promotional examination procedures to the title. It is noted that there is no promotional eligible list for Software Development Specialist 2 in the Department of Environmental Protection. See *N.J.A.C.* 4A:4-1.5.

ORDER

Therefore, it is ordered that this request be granted and Ian Fisher's out-of-title work experience be accepted for a prospective promotional examination for Software Development Specialist 2. He is to submit a copy of this determination with his application for promotional examination. In addition, the Division of Agency Services shall accept applicable and documented out-of-title work experience, for eligibility purposes only, from all other promotional examination applicants.

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 6TH DAY OF MAY, 2015



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and
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c: Ian Fisher
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