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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robert Calcagno,
Human Services Specialist 4
(PC0366S), Passaic County

CSC Docket No. 2015-1112

Examination Appeal

ISSUED: MAY 11 2015 (WR)

Robert Calcagno appeals his seniority score for the Human Services Specialist 4 (PC0366S), Passaic County examination.

The subject examination was open to individuals were currently serving in, and possessed one year of permanent service as a Human Services Specialist 2 or Human Services Specialist 3; or to employees who possessed one year of permanent service in any title and who met the open competitive requirements as of the March 21, 2014 closing date. Seniority was credited for eligibles who were serving in the aforementioned titles as of the closing date. Eligibles with permanent status in other titles were awarded the base score of 70.00 for seniority. An eligible list containing the names of 61 eligibles, including the appellant who was at rank 17, promulgated on October 16, 2014 and expires on October 15, 2016. A certification containing 18 eligibles was issued on October 21, 2014. It has not been returned for disposition.

In his appeal, the appellant requests that 10 or 15 additional points be added to his seniority score of 70.00 as he has served as an Investigator, County Welfare Agency with the appointing authority since 2001, and has worked for the appointing authority for 22 years in total. Thus, the appellant contends that the "calculation of [his] seniority score is inconsistent with [his] experience, outstanding record, years of service and high test score." The appellant notes that he was "one of very few applicants who did not receive 10 points" for seniority. Moreover, the appellant states that the appointing authority has not offered an examination for Senior Investigator since 1995 and therefore, he has had no opportunity for advancement

other than through the subject examination. The appellant argues that, despite scoring well on the subject examination, he will likely not be appointed to the subject title because his overall score is too low. In support of his appeal, the appellant submits a letter of support from Phillip Passatino, Training Supervisor, County Welfare Agency, who recommends the appellant's appointment to the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides, in part, that applicants for promotional examinations shall possess one year of continuous permanent service in the title or titles to which the examination is open. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the present matter, the appellant argues that his seniority score is inconsistent with his record of service and high test score. He further argues that it will be difficult for him to be appointed because he must compete with individuals who are awarded higher seniority scores. However, it is a longstanding policy that in promotional examinations open to specific titles, seniority is awarded for service in related in-series titles. This practice is based upon the belief that experience in the in-line eligible title(s) is more direct and pertinent to the next higher level position than overall seniority in any other lower level title. *See In the Matter of John Shaw* (CSC, decided July 30, 2014). In the subject matter, the examination was open to incumbents in the in-line titles of Human Services Specialist 2 and Human Services Specialist 3, or to incumbents in any title who met the open competitive requirements. Thus, candidates who were not in one of the listed in-line titles, such as the appellant, received a seniority score of 70.00. Candidates who were in one of the listed in-line titles received additional seniority credit for their permanent service in those titles. Accordingly, a thorough review of all material presented indicates that the appellant has failed to establish that his seniority was improperly calculated and, therefore, his appeal is denied.

ORDER

Therefore, it is ordered that this appeal be denied.

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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