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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Amy Telford,
Administrative Analyst 3 (PS2945G),
Department of Environmental
Protection

Examination Appeal

CSC Docket No. 2017-812

ISSUED: **DEC 22 2016** (ABR)

Amy Telford appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Administrative Analyst 3 (PS2945G), Department of Environmental Protection (DEP).

The subject examination was announced with a closing date of June 21, 2016 and was open to employees who possessed a Bachelor's degree and three 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, including responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. It is noted that the examination was cancelled on October 27, 2016, as all applicants for the subject examination were deemed ineligible.

On her application, the appellant indicated, in relevant part, that she possessed a Bachelor's degree from Indiana University of Pennsylvania and had served part-time as a Councilwoman for the Borough of Fieldsboro (Fieldsboro) from January 2012 to the closing date of the subject examination (June 2016); as a provisional Administrative Analyst 3 from December 2015 to the closing date; and as an Environmental Specialist 3 from January 2011 to December 2015. Agency Services credited the appellant with one year and eleven months of applicable experience based upon her service as a Councilwoman for Fieldsboro and her provisional service as an Administrative Analyst 3. However, it determined that the appellant's experience as an Environmental Specialist 3 was not applicable

experience because the duties she listed on her application were out-of-title. Therefore, Agency Services determined that the appellant was ineligible for the subject examination because she lacked one year and one month of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues, in relevant part, that her service as an Environmental Specialist 3 constitutes applicable experience because she was largely performing the same duties as those that are currently assigned to her as a provisional Administrative Analyst 3. Specifically, she indicates that as an Environmental Specialist 3, she was responsible for developing online training for the DEP, which entailed researching, designing and implementing training programs; reviewing course completion data to evaluate departmental compliance efforts; altering courses based on evaluations and management feedback; making recommendations to management regarding enhancements to software and databases; and recommending changes to human resource practices in order to improve efficiency and reduce costs.

In support, the appointing authority confirms that the appellant was assigned applicable out-of-title duties as an Environmental Specialist 3 in January 2011, during a promotional freeze. The appointing authority also notes that it received exemption approval to provisionally appoint the appellant to the Administrative Analyst 3 title in December 2015 because the duties and responsibilities she performed for it were more consistent with that title.

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 must meet all requirements specified in a promotional examination 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 may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. Pursuant to *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals.

In the instant matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked the requisite amount of applicable experience as of the June 21, 2016 closing date. As noted above, Agency Services credited the appellant with one year and eleven months of applicable experience based upon her prorated part-time service as a Councilwoman for Fieldsboro and her provisional experience as an Administrative Analyst 3. On appeal, the appellant claims that she possesses sufficient additional

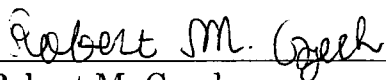
applicable experience through her service as an Environmental Specialist 3, where she was assigned the same duties as she currently performs as a provisional Administrative Analyst 3. The appointing authority confirms that the appellant performed applicable duties from January 2011 until she received a provisional appointment to the Administrative Analyst 3 title in December 2015. The appointing authority adds that the appellant was provisionally appointed to that title because the duties she was assigned as an Environmental Specialist 3 were more consistent with the Administrative Analyst 3 title. However, the appellant's performance of applicable duties while serving in the Environmental Specialist 3 title would be considered out-of-title work. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In the instant matter, the appointing authority has confirmed that the appellant possessed more than one year and one month of experience performing applicable out-of-title duties while serving in the Environmental Specialist 3 title. Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled, given that all applicants were deemed ineligible. Finally, the appellant continues to serve provisionally in the subject title. As such, good cause exists in this particular case to accept the appellant's out-of-title work experience, 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 21ST DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Amy Telford
Robin Liebeskind
Kelly Glenn
Records Center