

## STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Nataliya Pasichnyk, Employment Specialist (C0786V), Cumberland County

**Examination Appeal** 

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CSC Docket No. 2018-2069

**ISSUED: APRIL 20, 2018** (HS)

Nataliya Pasichnyk appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the open competitive examination for Employment Specialist (C0786V), Cumberland County.

The subject examination was announced with a closing date of October 20, 2017 and was open to Cumberland County residents who possessed a Bachelor's degree and one year of experience in assessing education and training needs and providing referrals for work experience and training services or in providing manpower development and training, job placement, education or vocational counseling, or a combination thereof. The resulting eligible list containing the names of two eligibles promulgated on January 11, 2018 and expires on January 10, 2021. A certification containing the names of both eligibles was issued on January 30, 2018. The disposition of this certification has not yet been returned.

In her application materials, the appellant indicated that she possessed a Bachelor's degree. She also listed, in pertinent part, her experience as a provisional Employment Specialist with Cumberland County from February 2017 to the closing date. Agency Services credited the appellant with nine months of applicable experience based on this experience. None of her other listed experience was credited. Therefore, Agency Services deemed the appellant ineligible since she lacked three months of experience and thus did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission (Commission), the appellant argues that she possesses the required experience. It is noted that agency records indicate that the appellant was provisionally appointed to the title of Employment Specialist effective February 21, 2017 and continues to serve provisionally in that title.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because she did not meet the experience requirement as of the October 20, 2017 closing date since she lacked three months of experience. The appellant was provisionally appointed to the title under test effective February 21, 2017 and continues to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, she has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the examination situation is not competitive since there are only two active eligibles on the eligible list. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit her to the examination.

## **ORDER**

Therefore, it is ordered that this appeal be granted and the appellant's application be processed for prospective employment opportunities.

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 18<sup>TH</sup> DAY OF APRIL, 2018

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Chairperson

Civil Service Commission

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c. Nataliya Pasichnyk Craig E. Atkinson Kelly Glenn Records Center