



STATE OF NEW JERSEY

In the Matter of John Pacuta III,
Administrative Analyst 3 (PS3897H),
Department of Health

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2024-2040

Examination Appeal

ISSUED: September 4, 2024 (HS)

John Pacuta III appeals the determination of the Division of Agency Services (Agency Services), which found that, per the substitution clause for education, he did not meet the experience requirement for the promotional examination for Administrative Analyst 3 (PS3897H), Department of Health (DOH).

The subject examination was announced with a closing date of November 21, 2023 and was open, in pertinent part, to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and 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, which shall have included responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. Applicants who did not possess the required education could substitute additional experience on a year-for-year basis with 30 semester hour credits being equal to one year of experience. The resulting eligible list of one name promulgated on March 14, 2024 with an expiration date of March 13, 2027. A certification issued from the eligible list on July 5, 2024 (PS241253).

On his application, the appellant did not indicate possession of a Bachelor's degree. Therefore, pursuant to the substitution clause for education, the appellant needed seven years of experience in total. The appellant indicated possession of 82

semester hour credits. He also listed, in pertinent part, his experience as Administrative Analyst 3 with the DOH from January 2023 to November 2023;¹ Buyer with the Department of Corrections (DOC) from February 2022 to December 2022; Head Procurement Clerk with the DOC from November 2014 to January 2022; Audit Account Clerk with the DOC from December 2013 to October 2014; and Technical Assistant 2 Purchasing with the State Parole Board from March 2005 to April 2008. Agency Services credited the appellant's possession of 82 semester hour credits, which were equivalent to two years and eight months of experience. None of the listed experience was credited. Specifically, Agency Services noted that the appellant's Administrative Analyst 3 position focused primarily on purchasing, and there was no indication of the required experience in the remaining listed positions. Therefore, Agency Services deemed the appellant ineligible since he lacked four years and four months of experience and thus, per the substitution clause for education, did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission, the appellant maintains that he is eligible, and his professional background encompasses "14 years of procurement expertise" based on the earlier-noted positions on his application.

The job description reveals that an individual in the title of Administrative Analyst 3 performs the review, analysis, and appraisal of current department administrative procedures, organization, and performance and helps to prepare recommendations for changes and/or revisions.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

A review of the appellant's application reveals that he did not possess the required experience. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). The amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties that define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). In the instant matter, none of the positions the appellant listed on his application, as described by him, had, as the primary focus, experience involving the review, analysis, and evaluation of budget, organization, administrative practices, operational methods, management

¹ Agency records indicate that the appellant received a provisional appointment to the subject title effective January 28, 2023. He continues to serve in that capacity.

operations, or data processing applications, or any combination thereof, which shall have included responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. Accordingly, the record reflects that the appellant did not meet the requirements for the title under test.

Finally, the appellant is presently serving provisionally in the title of Administrative Analyst 3. *N.J.S.A.* 11A:3-1 and *N.J.A.C.* 4A:3-3.1(a) provide that each position in the career and unclassified services shall be assigned to a job title. *N.J.A.C.* 4A:3-3.3(d) provides that positions in the career, unclassified, and senior executive services shall be subject to job audit to ensure accurate classification and compliance with Titles 11A and 4A. Moreover, *N.J.A.C.* 4A:3-3.4 provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title that the employee holds. However, the primary focus of the appellant's duties, as noted above, would not be classified as performing the review, analysis, and appraisal of current department administrative procedures, organization, and performance and helping to prepare recommendations for changes and/or revisions. Therefore, it is appropriate that this matter be referred to the Division of Agency Services for a classification review of the appellant's position.

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that the classification of the appellant's position be referred to the Division of Agency Services.

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 4TH DAY OF SEPTEMBER, 2024



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