



STATE OF NEW JERSEY

In the Matter of Mathews Abraham :
and Jayapradha Gandham, :
Department of the Treasury :

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2016-2214 and :
2016-2215 :
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Request for Administrative Relief

ISSUED: **OCT 21 2016** (SLK)

The Department of the Treasury requests that the provisions of *N.J.A.C.* 4A:4-1.1(c) be relaxed in order to allow Mathews Abraham and Jayapradha Gandham to be provisionally appointed, pending promotional examination procedures, to the competitive title of Database Analyst 2. These appeals have been consolidated due to common issues presented.

By way of background, Mr. Abraham and Mr. Gandham are currently permanent in the non-competitive title of Information Technology Specialist. As a result of a classification review¹ of their positions, the Division of Agency Services (Agency Services) determined that the duties and responsibilities of Mr. Abraham's and Mr. Gandham's positions would be appropriately classified by the competitive title of Database Analyst 2.

Thereafter, the appointing authority requested a relaxation of *N.J.A.C.* 4A:4.1.1(c)1 in order to permit the provisional appointments of Mr. Abraham and Mr. Gandham with an effective date of October 17, 2015² to the title of Database Analyst 2 in order to become eligible for a prospective promotional announcement.

¹ The Classification Reviews of Mr. Abraham and Mr. Gandham were determined on October 21, 2015 by Agency Services.

² The appointing authority requests an effective date of October 17, 2015 in order to maintain equity with other promotions that resulted from Agency Services' Classification Study of employees assigned to the Taxation Data Warehouse.

A review of the unit scope U791-Taxation/Audit reveals there is no promotional list or pending announcement within this unit scope.

N.J.A.C. 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the non-competitive division of permanent employees who meet the open competitive requirements to: 1) a related entry level title in the competitive division; or 2) in appropriate situations, to a related above-entry level title in the competitive division.

N.J.A.C. 4A:4-2.5(d) states that when a promotion is to be made from the non-competitive division of the career service to a related title in the competitive division of the career service, the examination shall be open to all permanent employees who meet one of the following:

1. Serving in the next lower or next two lower in-series non-competitive titles and possessing the complete open competitive requirements; or
 2. Serving in all related non-competitive titles and possessing the complete open competitive requirements.
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N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Agency Services concurs that there is a valid basis for an associated rule relaxation to permit movement from the non-competitive title of Information Technology Specialist to Database Analyst 2.

CONCLUSION

In the present matter, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) in order to allow Mr. Abraham and Mr. Gandham to be provisionally appointed, pending promotional examination procedures, to the competitive title of Database Analyst 2, with an effective date of October 17, 2015. The classification reviews determined that Mr. Abraham's and Mr. Gandham's positions would be appropriately classified as Database Analyst 2 and there are no current special reemployment, promotional, or regular reemployment lists in their unit scope for the subject title. As a result of such an appointment, it is also appropriate to relax the provisions of *N.J.A.C.* 4A:4-2.5(d) to announce the promotional examination to incumbents serving in the unrelated non-competitive title of Information Technology Specialist who demonstrate that they meet the complete open competitive requirements. It is also ordered that any promotional announcement issued for Database Analyst 2 in Mr. Abraham's and Mr. Gandham's unit scope be announced open to competitive division employees who meet the complete open

competitive requirements and any title scope deemed appropriate by Agency Services.

ORDER

Therefore, it is ordered that this request be granted and Mr. Abraham and Mr. Gandham be provisionally appointed Database Analyst 2, pending promotional examination procedures, effective October 17, 2015.

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 19th DAY OF OCTOBER, 2016



Robert M. Czech

Chairperson

Civil Service Commission

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and
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c: Mathews Abraham
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