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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Mary Stahl,
Administrative Analyst 3 (PS1996G),
Department of Environmental
Protection

Examination Appeal

CSC Docket No. 2017-13

ISSUED: DEC 12 2016 (ABR)

Mary Stahl 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 (PS1996G), Department of Environmental Protection (DEP).

The subject examination was announced with a closing date of January 21, 2016, and was open, in part, to applicants 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. The eligible list of one name promulgated on June 30, 2016 and expires on June 29, 2019. No certifications have been issued.

On her application, the appellant indicated that she possessed a Bachelor's degree. The appellant also indicated, in part, that she served provisionally as an Administrative Analyst 3 from March 2015 to the closing date of the examination and as an Environmental Specialist 2 from January 2011 to March 2015. As part of her application, the appellant submitted a resume that described the duties she performed in those titles. Agency Services found that the appellant did not possess any applicable experience because the duties she listed on her resume were not of the type that would be considered applicable experience for the subject examination. Therefore, she was found to be lacking three years of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that she possesses sufficient applicable experience through her service as a provisional Administrative Analyst 3 and as an Environmental Specialist 2. The appellant notes that her provisional appointment to the Administrative Analyst 3 title resulted from a successful classification appeal, which found that the analytical duties she performed were consistent with that title. The appellant submits a copy of Agency Services' decision from that classification appeal. The appellant claims that as an Environmental Specialist 2, the applicable duties she performed included reviewing and analyzing operational methods and administrative procedures; recommending and implementing revisions to improve efficiency; and evaluating remedial cases to determine whether the appointing authority should pursue cost recovery. The appellant also submits a letter from Gary Czock, Section Chief, DEP Office of Direct Billing & Cost Recovery, and copies of her Performance Assessment Reviews (PARs) from 2012 to 2015 as further evidence that she performed applicable out-of-title duties during that period, including reviewing and analyzing operational methods and administrative procedures; and recommending and implementing revisions to improve efficiency. Additionally, the appointing authority confirms that the appellant performed applicable out-of-title duties as an Environmental Specialist 2 after she was laterally reassigned to its Office of Direct Billing & Cost Recovery in February 2012.

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.

Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked the requisite amount of creditable experience as of the January 21, 2016 closing date. On appeal, the appellant contends that she performed applicable duties while serving in the Environmental Specialist 2 and Administrative Analyst 3 titles. In support, she submits copies of her PARs and letters of support from the appointing authority and her supervisor, all of which confirm that claim. However, the appellant's performance of applicable duties while serving in the Environmental Specialist 2 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

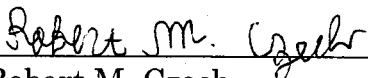
adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In the instant matter, the examination situation is not competitive, as only one individual was initially found eligible.¹ Moreover, the Commission finds that no third parties will be adversely impacted. Further, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). 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 and the appellant's application be processed for prospective employment opportunities only.

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 7TH DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

¹ In *In the Matter of Atwood Davis* (CSC, decided December 7, 2016), the Commission also accepted the out-of-title experience of Mr. Davis and admitted him to the subject examination.

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