





*N.J.A.C.* 4A:4-2.6(c) provides that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception. *N.J.A.C.* 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the noncompetitive 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) provides:

When a promotion is to be made from the noncompetitive division to a related title in the competitive division, 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 noncompetitive titles and possessing the complete open competitive requirements;
2. Serving in all related noncompetitive titles and possessing the complete open competitive requirements;
3. All competitive division titles at specified class code levels below the announced title, with or without all or part of the open competitive requirements and all titles as described in (d)1 or 2 above;
4. Competitive division employees who meet complete open competitive requirements and all titles as described in (d)1 or 2 above; or
5. In extraordinary circumstances, the Commission may set another appropriate title scope.

*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.

## CONCLUSION

In the present matter, the appointing authority wishes to promote Mr. Farro to Permit Coordination Officer 2 DEP. A review of Mr. Farro's credentials in comparison to the requirements for Permit Coordination Officer 2 DEP indicated that he lacked three years of in-title experience. However, the record confirms that he possessed over three years of out-of-title experience in his Information Technology Specialist position. With the acceptance of out-of-title experience in this



case, he satisfies the eligibility requirements. The information that DAS presents supports the relaxation of the foregoing provisions since there are no open competitive or promotional lists for the subject title. Therefore, in order to classify his position with a title that accurately reflects the duties he performs, it is appropriate to relax the provisions of *N.J.A.C. 4A:4-1.1(c)* and *N.J.A.C. 4A:4-2.5(d)* and authorize the provisional appointment of Mr. Farro pending promotional examination procedures. For the same reasons, good cause is presented to accept Mr. Farro's out-of-title work in order to qualify him for any upcoming promotional examination for Permit Coordination Officer 2 DEP and to authorize his provisional appointment to this related above entry-level competitive title. As a result, a promotional examination announcement shall be issued pursuant to *N.J.A.C. 4A:4-2.5(d)5*. In this regard, the examination shall be announced open in Mr. Farro's unit scope to employees who meet the complete open competitive requirements and are deemed appropriate by DAS in accordance with *N.J.A.C. 4A:4-2.5(d)*.

### ORDER

Therefore, it is ordered that this request be granted and the provisional appointment of Devin Farro be authorized, pending promotional examination procedures, to the competitive title of Permit Coordination Officer 2 DEP. Additionally, it is ordered that Mr. Farro's applicable out-of-title experience be accepted for a prospective promotional examination for the subject title announced in the appropriate unit scope in accordance with this decision. Devin Farro is to provide a copy of this decision with any future promotional application that he submits upon examination announcement for Permit Coordination Officer 2 DEP. In addition, DAS should also accept applicable and documented out-of-title work experience from other promotional examination applicants. Additionally, the promotional announcement for Permit Coordination Officer 2 DEP in Mr. Farro's unit scope should be open to the non-competitive title of Information Technology Specialist as well as any other title scope it deems appropriate.

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 17<sup>th</sup> DAY OF MAY, 2017

  
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