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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Michael Curley,  
Contract Administrator 2 (PS8544G),  
Department of Environmental  
Protection

CSC Docket No. 2015-1043

Examination Appeal

ISSUED: **JUL 16 2015** (WR)

Michael Curley appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the examination for Contract Administrator 2 (PS8544G), Department of Environmental Protection.

The examination at issue was announced, in part, with the following experience requirements, which had to be met as of the announced closing date of April 21, 2014. Specifically, applicants were required to possess a Bachelor's degree and three years of experience in work involving contract/grant work, project financing, construction management, fiscal administration, social services administration, and/or budget and management operations of a government or business entity, at least one year of which shall have involved responsibility for some aspect of contract/grant work. An eligible list promulgated on October 2, 2014 with the names of three eligibles. One certification was issued on October 6, 2014, from which all three eligibles were appointed, effective October 6, 2014.

The appellant filed an application which indicated that he possessed a Bachelor's degree and served as a Principal Environmental Engineer, a Senior Environmental Engineer, an Assistant Environmental Engineer and an Environmental Engineer Trainee. Agency Services determined that while the appellant may have performed some duties related to the general experience requirement, such work was out-of-title. It also determined that the appellant did

not perform any contract/grant work and thus concluded that the appellant lacked the required experience as of the closing date.

On appeal, the appellant argues that construction management and contract/grant work comprise 70 percent of his duties and he has performed these duties for the past 23 years. He further states that his unit, the Municipal Finance and Construction Element, administers loan/grant agreements between the State and municipalities and other entities for the funding of various construction projects. The appellant submits a letter from the appointing authority that supports his appeal. In particular, the appointing authority states he has been performing work "closely related to contract/grant administration" since October 2011. He also submits a copy of his Performance Assessment Review (PAR) from October 1, 2013 through September 30, 2014 which indicates that he performs construction management and contract/grant administration duties.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional 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 with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy eligibility requirements or for credit in the examination process.

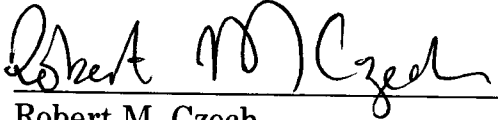
Agency Services determined that the appellant lacked the required experience for the Contract Administrator 2 (PS8544G), Department of Environmental Protection examination. However, the appellant, supported by the appointing authority, indicated on appeal that he has been performing contract/grant work and construction management since at least October 2011. Therefore, the appellant has at least four years of relevant experience. Additionally, the record indicates that the eligible list for the subject examination has been exhausted since all three eligibles have been appointed. As such, good cause exists to accept the appellant's out-of-title work. Accordingly, a thorough review of all material presented indicates that the appellant meets the announced requirements by the closing date. Thus, the appellant has met his burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be granted and the application of Michael Curley 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 15<sup>th</sup> DAY OF JULY, 2015



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