



B-34 CSC

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter Bhanuprasad P.  
Ranganatharao, Software  
Development Specialist 2 (PS9488G),  
Department of Environmental  
Protection

Examination Appeal

CSC Docket No. 2015-2527

ISSUED: **AUG 03 2015** (BS)

Bhanuprasad P. Ranganatharao appeals the determination of the Division of Agency Services which found that he did not meet the requirements for the promotional examination for Software Development Specialist 2 (PS9488G), Department of Environmental Protection.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced December 22, 2014 closing date. Specifically, applicants were required to possess a Bachelor's degree from an accredited college or university plus two years of programming, systems analysis, or computer analysis experience. The announcement also stipulated that applicants who did not possess the required education could substitute additional experience as indicated above on a year-for-year basis with 30 semester hour credits being equal to one year of experience. Additionally, a Master's degree in an Information Technology field could be substituted for one year of experience. Records indicate that the subject promotional examination was cancelled on March 17, 2015 due to a lack of qualified applicants.

The appellant filed an application on which he indicated that he possessed a Bachelor of Science degree and a Master's degree in Education plus experience as a provisional Software Development Specialist 2 (7/13 to the closing date), Environmental Specialist 2 (12/11 to 6/13), Senior Environmental Specialist (2/08 to 11/11), Hazardous Site Mitigation Specialist (1/04 to 1/08), Hazardous Site

Mitigation Specialist (12/02 to 12/03), and Technical Support Representative (6/99 to 4/01). The Division of Agency Services concluded that the appellant satisfied the educational requirement and possessed one year and six months of applicable experience as a provisional Software Development Specialist 2 as of the closing date. Although the appellant possesses an additional one year and two months of experience performing these same duties as an Environmental Specialist 2 (5/12 to 6/13), such duties are considered out-of-title work for someone serving in this capacity and, therefore, cannot be used to establish eligibility for the subject promotional examination. None of the appellant's remaining positions involved responsibilities in the required areas. Additionally, the appellant's Master's degree cannot be substituted for one year of experience because it is not in one of the required areas. Consequently, the Division of Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that he satisfies the subject requirements. In support of his appeal, Robin Liebeskind, Director, Division of Human Resources, Department of Environmental Protection, submits a letter indicating that the appellant has been willingly performing work in the required areas, albeit out-of-title, since May 2012. Ms. Liebeskind indicated that he was assigned these out-of-title duties because of attrition and the hiring freeze. She respectfully requests that his out-of-title work experience be accepted as qualifying experience for the subject examination.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that, as of the December 22, 2014 closing date, the appellant satisfied the educational requirement and possessed one year and six months of applicable in-title experience. The appellant indicated on his application that he also assumed appropriate responsibilities in the required areas while serving as an Environmental Specialist 2 (5/12 to 6/13). However, such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements for promotional examinations announced with open-competitive requirements.

In support of his appeal, Robin Liebeskind, Director, Division of Human Resources, Department of Environmental Protection, endorsed the appellant's out-

of-title work responsibilities while serving as a Environmental Specialist 2. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Software Development Specialist 2, the subject promotional examination has been cancelled due to a lack of qualified applicants, and this is not a competitive situation. Accordingly, accepting the appellant's out-of-title experience as an Environmental Specialist 2 (5/12 to 6/13), for eligibility purposes only, will allow the appellant the opportunity to be considered for permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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 29TH DAY OF JULY, 2015



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