



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Paul DeCarlo,
Technological Services Specialist,
Commission for the Blind and
Visually Impaired (PS1754K),
Commission for the Blind and
Visually Impaired

Examination Appeal

CSC Docket No. 2017-2498

ISSUED: APR 10 2017 (SLK)

Paul DeCarlo appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Technological Services Specialist, Commission for the Blind and Visually Impaired (CBVI) (PS1754K), CBVI.

The examination at issue was announced with specific requirements that had to be met as of the September 21, 2016 closing date (see attached). A total of two employees, including the appellant, applied for the subject examination and both were deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified applicants.

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 the requirements for admittance to the examination or for credit in the examination process.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with having met the education requirement and two years and five months of experience based on his provisional service in the subject title from July 2015 to the September 21, 2016 closing date, his service as an Aide, CBVI from January 2010 to

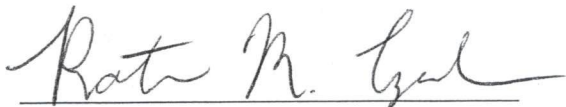
September 2010, and as a Direct Care AFSCME from October 2009 to January 2010. However, it determined that he lacked seven months of the required experience needed to establish eligibility. Any relevant experience the appellant gained in his positions as an Accountant 3 from September 2013 to July 2015 and as an Auditor Accountant Trainee from September 2010 to September 2013 would be considered out-of-title-work. However, Hugo R. Ruiz, Manager, Human Resources, CBVI, confirmed that the appellant, for at least 33% of the time while serving as an Accountant 3 and Auditor Accountant Trainee, functioned in a dual capacity due to his background and experience with adaptive technology performing both accounting duties and the duties required for the subject title due to its business needs. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Accordingly, per *N.J.A.C. 4A:4-2.6(c)*, good cause exists to accept the appellant's out-of-title work experience, for eligibility and scoring purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Paul DeCarlo'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 5th DAY OF APRIL, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
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Attachment

c: Paul DeCarlo
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Kelly Glenn
Records Center