



STATE OF NEW JERSEY

In the Matter of Stephanie Smith,
Administrative Analyst 4 (PS6415K),
Department of Human Services

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1480

Examination Appeal

ISSUED: **AUG 02 2017** (EG)

The Department of Human Services (DHS) on behalf of Stephanie Smith, appeals the determination of the Division of Agency Services that Ms. Smith did not meet the experience requirements for the promotional examination for Administrative Analyst 4¹ (PS6415K), Department of Human Services.

The subject examination announcement was issued with a closing date of May 21, 2015, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. The requirements included graduation from an accredited college or university with a Bachelor's degree, and one year 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, which shall have included responsibility for recommendation, planning, and/or implementation of improvements in a business or government agency. Applicants who did not possess the required education could substitute additional experience on a year for year basis. Ms. Smith was found to be below the minimum requirements in experience. As there were no admitted applicants, the examination was cancelled on October 16, 2015.

A review of official records, in conjunction with Ms. Smith's application, indicate that she possessed a Bachelor's degree. Additionally, they indicate that

¹ The Administrative Analyst has since been renumbered. The title of Administrative Analyst 4 has been replaced with the title Administrative Analyst 1.

Ms. Smith has served provisionally in the subject title from June 2013 through the present, as an Analyst Trainee from June 2012 to June 2013, as a Technical Assistant 2, Treasury from September 2009 to June 2012, and as an Intermittent Technical Assistant 2, Treasury from November 2007 to September 2009. None of this experience was found to be applicable, and she was found to be lacking one year of applicable experience.

On appeal, DHS submits a copy of a Division of Agency Services Classification Review determination dated December 21, 2015, indicating that Ms. Smith was performing the duties of an Administrative Analyst 1. Additionally, it requests that if Ms. Smith is found eligible for the subject examination, that she be granted a retroactive date of appointment upon successful completion of a current working test period.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. Additionally, *N.J.A.C.* 4A:4-6.3(b) provides that appellants have the burden of proof in examination and selection disqualification appeals. Further, *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission (Commission) may relax a rule for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, it is noted that a Classification Review determination only indicates a finding of the job duties currently being performed and does not determine what job duties were being performed prior to the review. Moreover, no evidence has been presented that establishes the Division of Agency Services incorrectly determined that Ms. Smith did not demonstrate one year of relevant experience on her original application. However, the record indicates that Ms. Smith has been serving provisionally in the title under test for more than a year and a half since the Classification Review determination and the closing date of the examination. She now possesses the required experience for the examination in question. Accordingly, since the examination was cancelled and admitting Ms. Smith to the examination would enable the appointing authority to effect a permanent appointment, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a), and accept Ms. Smith's provisional experience beyond the closing date for eligibility purposes only and admit her to the subject examination.

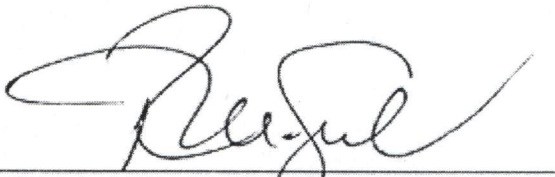
With regard to the request for a retroactive date of appointment, the Commission finds that such a request is premature at this time.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded and Stephanie Smith's application be processed.

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 26TH DAY OF JULY, 2017



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