



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Philip Ziemiak,
Section Supervisor Fiscal Resources
(PS4225I), Northern State Prison

Examination Appeal

CSC Docket No. 2017-3801

ISSUED: **SEP 22 2017** (SLK)

Philip Ziemiak 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 Section Supervisor Fiscal Resources (PS4225I), Northern State Prison.

The examination at issue was announced with specific requirements that had to be met as of the January 23, 2017 closing date (see attached). A total of two employees applied and both were deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant indicated that he was a Certified Public Accountant (CPA) and the he served provisionally in the subject title from June 2016 to the January 23, 2017 closing date, as an Accountant 1 from May 2015 to June 2016, in various Auditor positions from July 2014 to May 2015, as a Financial Specialist 1 from April 2012 to July 2014, and as an Auditor/Accountant for Beacon Hill Consulting LLC from February 2009 to April 2012. Agency Services credited him for having met the education requirement based on his status as a CPA, but determined that he lacked five years of experience. Specifically, it found that the appellant copied the job specification to describe his provisional duties in the subject titles, that he was performing the required duties out-of-title as an Accountant 1, and that he did not indicate fiscal management experience in his other positions. On appeal, the appellant describes his experience in more detail.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant met the education requirement, but that he lacked five years of experience. However, on appeal, the appellant further describes his duties, including how he is performing the required duties while serving provisionally in the subject title. Moreover, while the appellant may not have been solely focused on fiscal management in his other positions, he has been performing various accounting and auditing duties throughout his career and these duties are elements of fiscal management. Therefore, the Commission is satisfied that Mr. Ziemiak's status as a CPA and the totality of his experience in accounting and auditing since 2009 warrants his admission to the subject examination. Additionally, the examination was cancelled due to a lack of qualified candidates and the appellant continues to serve provisionally in the subject title. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellants' status as a CPA and the totality of his experience, for eligibility purposes only, and admit him to the subject examination.

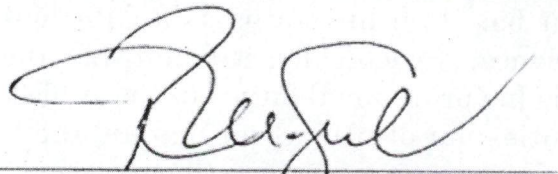
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Philip Ziemak'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 20th DAY OF SEPTEMBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Philip Ziemiak
Latonya Andrews
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT

Click here to file Online Print
\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS42251

WEIGHT CODE: *

TITLE: SECTION SUPERVISOR FISCAL RESOURCES

SALARY: \$70,642.00 - \$100,810.00

ISSUE DATE: January 01, 2017

CLOSING DATE: January 23, 2017

TITLE CODE: 60325/MXRR9

CLASS CODE: 30

DEPARTMENT: COIN/CORRECTIONS

UNIT SCOPE: I370 Northern State Prison (Newark)

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree in Economics, Finance, Business Administration, Accounting, or Public Administration, with a minimum of twenty-one (21) semester hour credits in Finance, Economics, and/or Accounting courses. You must indicate the total number of college credits completed to date on your application. You must provide proof of the specific credit requirement. You must attach a copy of your transcript to your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Experience: Five (5) years of experience in work involving fiscal management, which shall have included public finance, auditing, budgeting, or accounting.

Note: A valid New Jersey certificate as a Certified Public Accountant or a registration as a Public Accountant issued by the New Jersey State Board of Public Accountants may be substituted for the required education. If you have the required certification, you must indicate this on your application; proof of the certification must be submitted with your application. Failure to do so will result in rejection from the examination process.

Note: A Bachelor's degree supplemented by a minimum of twenty-one (21) semester hour credits in Finance, Economics, and/or Accounting courses plus two (2) years of experience involving fiscal management which shall have included public finance, auditing, budgeting, and accounting may be substituted for the required education.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

Note: This announcement may be tested via the Supervisory Test Battery, a computer-administered exam. For information regarding the Supervisory Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.
8. Application fees submitted via personal check or money order must be postmarked within five (5) business days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A * Revised 03/09