

On her application and resume, the appellant listed that she possessed a Bachelor's degree. Agency Services credited her for her education. The appellant also listed and official records show that she served provisionally in the subject title from February 2018 to the November 21, 2018 closing date, as an Environmental Specialist 2 from October 2012 through February 2018, as an Environmental Specialist 1 from December 2011 to October 2012, and as an Environmental Specialist from March 2008 to December 2011. Agency Services credited the appellant with 10 months of applicable experience for her provisional work in the subject title, but it could not credit her with any other applicable experience. Accordingly, Agency Services determined that the appellant lacked two years and two months of applicable experience.

On appeal, the appellant argues, among other things, that she is qualified for the examination. In support, the appellant submits a letter from Robin Liebeskind, Director, Division of Human Resources, Department of Environmental Protection, who states that a classification determination issued on January 12, 2018 found that the proper classification of the appellant's position was Administrative Analyst 3, Information Systems. As such, the appellant was appointed provisionally to the subject title in February 2018. In addition, Ms. Liebeskind confirms that, due to the operational needs of the agency, the appellant, while serving as an Environmental Specialist 2, performed the duties of an Administrative Analyst 3, Information Systems on an out-of-title basis since August 2014. Moreover, the appellant submits letters in support from David Haymes, Director, Division of Enforcement, Technical and Financial Support and from Mark J. Pederson, Assistant Commissioner, Site Remediation and Waste Management Program, which confirm that the appellant has been performing the duties of the subject title on an out-of-title basis since August 2014.

Official personnel records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 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, Agency Services correctly determined that the appellant was not eligible for the subject examination. Primarily performing the required duties to establish eligibility for the subject examination would be considered out-of-title work for incumbents in the Environmental Specialist 2 title. However, the

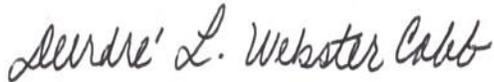
appointing authority confirms on appeal that the appellant performed the applicable duties of the subject title while serving as an Environmental Specialist 2 from August 2014 through February 2018. Additionally, records reflect that this is not a competitive situation as there is only one eligible candidate on the list. Moreover, the appellant continues to serve provisionally in the subject title. Under these circumstances, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant'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 23rd DAY OF OCTOBER, 2019



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