



STATE OF NEW JERSEY

In the Matter of Antoinette Caldwell,  
Program Specialist 2, Commission on  
Higher Education

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-2208

Administrative Appeal

ISSUED: **NOV 15 2016** (BS)

The Division of Agency Services (DAS), on behalf of the Commission on Higher Education, requests that Antoinette Caldwell be promoted from her current non-competitive title, Planning Associate 1, School/Educational Programs, at the Commission on Higher Education, to Program Specialist 2, a competitive title at the Commission on Higher Education.

By way of background, Ms. Caldwell is currently serving permanently in the non-competitive Planning Associate 1, School/Educational Programs, title. The appointing authority submitted a request to DAS to promote Ms. Caldwell to the competitive title, Program Specialist 2. Program Specialist 2 required a Bachelor's degree from an accredited college or university plus two years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating agency programs and services. Applicants who did not possess the required education could substitute additional experience on a year-for-year basis. Additionally, a Master's degree from an accredited college or university in a discipline appropriate to the position could be substituted for one year of experience. After review, DAS concluded that Ms. Caldwell satisfied the subject requirements.

In its request to the Civil Service Commission, DAS indicated a review of unit scope H125-Office of the Secretary of Higher Education revealed that there are no promotional lists or pending promotional examinations within this unit scope. Based on this information, DAS recommends that a one-time rule relaxation be made to allow Ms. Caldwell to advance from the non-competitive Planning Associate 1,

School/Educational Programs title to the unrelated competitive title, Program Specialist 2 pending promotional procedures.

### CONCLUSION

*N.J.A.C.* 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the non-competitive division of permanent employees who meet the open competitive requirements to: 1) a related entry level title in the competitive division; or 2) in appropriate situations, to a related above-entry level title in the competitive division.

*N.J.A.C.* 4A:4-2.5(d) states that when a promotion is to be made from the non-competitive division of the career service to a related title in the competitive division of the career service, the examination shall be open to all permanent employees who meet one of the following:

1. Serving in the next lower or next two lower in-series non-competitive titles and possessing the complete open competitive requirements; or
2. Serving in all related non-competitive titles and possessing the complete open competitive requirements.

*N.J.A.C.* 4A:4-2.5(d)5 states that in extraordinary circumstances, another appropriate title scope may be set.

Finally, *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, the appointing authority has verified that there are no promotional lists or pending promotional examinations for Program Specialist 2 within the unit scope H125. Additionally, Antoinette Caldwell satisfies the open-competitive requirements for Program Specialist 2. Accordingly, DAS recommends that this request be granted. Under these circumstances, good cause has been presented to permit a one-time rule relaxation to allow Ms. Caldwell to undergo promotional procedures to advance from the non-competitive Planning Associate 1, School/Educational Programs title to the competitive title, Program Specialist 2.

### ORDER

Therefore, it is ordered that this request be granted and Antoinette Caldwell be permitted to undergo promotional procedures to advance from the non-competitive Planning Associate 1, School/Educational Programs title to the competitive title, Program Specialist 2. Ms. Caldwell is to provide a copy of this decision with the promotional application that she submits upon promotional examination announcement.

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 10TH DAY OF NOVEMBER , 2016



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