



STATE OF NEW JERSEY

In the Matter of Derwin Miranda,
Program Specialist 2, Social Human
Services (PS7822H), Department of
Health

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2019-3243

Examination Appeal

ISSUED: JULY 11, 2019 (JET)

Derwin Miranda appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Program Specialist 2, Social Human Services (PS7822H), Department of Health.

The subject examination was announced with specific requirements that had to be met as of the July 23, 2018 closing date. The requirements were graduation from an accredited college or university with a Bachelor’s degree, and two years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program. It was noted that a Master’s degree in a Social/Human Services specialty area, Public or Business Administration, Child Advocacy and Policy, or Child Advocacy and Policy with a concentration in Public Child Welfare could have been substituted for one year of experience. The examination was cancelled on May 16, 2019 as the five candidates, including the appellant, were found ineligible for the examination.

A review of the appellant’s application and resume reveals that he possesses a Master’s Degree in Business Administration. He also indicated that he served provisionally in the subject title from March 2018 to the July 23, 2018 closing date and as a Senior Income Maintenance Technician from June 2006 to March 2018. He also listed that he worked as a Financial Counselor from August 2007 to June 2012, and as a Manager from August 2000 to August 2005. Agency Services credited the appellant with one year of experience for his Master’s degree, and with five months of applicable experience for his provisional service in the subject title.

However, it did not find any of his other experience applicable. Accordingly, Agency Services determined that the appellant was ineligible for the subject examination as he lacked seven months of applicable experience.

On appeal, the appellant maintains that he is eligible for the examination. He also argues that he possesses over five years of experience in implementing programs, evaluating and researching data, preparing clear and accurate reports, completing administrative tasks, maintaining records, providing recommendations, and participating in departmental initiatives.

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) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular situation. Initially, it is noted that Agency Services correctly credited the appellant with one year and five months of applicable experience for his Master's degree in a specified field pursuant to the substitution clause, and his provisional service in the subject title. However, a review of the record indicates that the appellant continues to serve as a provisional Program Specialist 2, Social Human Services. The appellant now has enough applicable experience based on this service. Additionally, the situation is not competitive as the examination was cancelled and there are no other candidates for the examination. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's experience after the closing date, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded 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 9th DAY OF JULY, 2019

Deidre' L. Webster Cobb

Deidre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Derwin Miranda
Tomika Carter
Kelly Glenn