



STATE OF NEW JERSEY

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

In the Matter of Fernando Castillo,
Investigator Police Department
(M0468C), Millville

CSC Docket No. 2022-1909

Examination Appeal

ISSUED: MAY 23, 2022 (RE)

Fernando Castillo appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the open competitive examination for Investigator Police Department (M0468C), Millville.

The subject examination announcement was issued with a closing date of October 21, 2021, and was open to residents of Millville City and Cumberland County who possessed two years of experience in conducting field investigations. The appellant was found to be below minimum requirements in experience. Two candidates appear on the eligible list, which was certified once, and no appointments have yet been made.

The appellant listed five positions on his application, provisional Investigator Police Department (part-time, 28 hours per week) from August 2017 to May 2019, Court Clerk, Court Attendant, Forensic Investigator, and Office Assistant/Installer. Official records indicate that the appellant was a Clerk 1 during the time he indicated he was a Court Clerk. He added one more position on his resume, Auto Detailer, but provided no duties. He was credited with one year, one month of applicable experience as a Forensic Investigator, and thus was found to be lacking eleven months of qualifying experience.

On appeal, the appellant states that he has served in the title in the past and is more than qualified for the position. He states that his three years and nine months as a Police Investigator, as well as his experience as a Forensic Investigator

in Puerto Rico, he earned experience in crime scene processing, collecting and preservation of evidence, investigated numerous crime scenes from multiple homicide to suicide, acquired experience in 3D crime scene mapping and offender profiling in a crime scene. He provides some duties he performed as a Court Clerk.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

At the outset, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. See *In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). The amount of time, and the importance of the duty, determines if it is the primary focus.

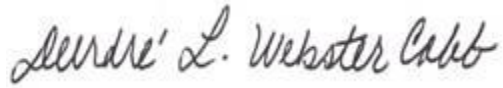
In the instant matter, based on the information available to Agency Services, it appropriately found that the appellant was not qualified for the subject title based on his failure to meet the experience requirements. He was credited only for his experience as a Forensic Investigator. Nonetheless, in *In the Matter of Fernando Castillo, Investigator Police Department (M0086W), Vineland* (CSC, decided December 5, 2018), the Commission accepted his in-title experience for an examination for the same title and accepted seven months of prorated full-time experience to admit him to the examination. While the appellant was laid off from his part-time position in May 2019, he had accrued the requisite experience by then. Agency Services rejected this experience based on the appellant's description of duties. Nonetheless, the position is the same, and the Commission has found that the experience was qualifying. Given these circumstances, the appellant's application should be processed, and he should be added to the eligible list for prospective consideration.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant'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 18TH DAY OF MAY, 2022



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