



STATE OF NEW JERSEY

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

In the Matter of Fernando Castillo,
Investigator Police Department
(M0086W), Vineland

Examination Appeal

CSC Docket No. 2019-554

ISSUED: DECEMBER 7, 2018 (HS)

Fernando Castillo appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the open-competitive examination for Investigator Police Department (M0086W), Vineland.

The subject examination was announced with a closing date of February 5, 2018 and was open to Vineland residents who possessed two years of experience in conducting field investigations. The resulting eligible list containing the name of one eligible promulgated on August 16, 2018 and expires on August 15, 2021. The eligible was certified from the list and received a regular appointment.

On his application, the appellant listed, in pertinent part, his experience as a provisional Investigator Police Department with Vineland for 28 hours per week from August 2017 to the closing date; as a Forensic Investigator with the Instituto de Cincias Forense de Puerto Rico from August 2009 to June 2010; and as an Intern Forensic Investigator with the Instituto de Cincias Forense de Puerto Rico in 2010. Agency Services credited the appellant with five months of pro-rated experience based on his experience as a provisional Investigator Police Department,¹ 11 months of experience based on his experience as a Forensic Investigator, and one month of

¹ Since this position was part-time as it was for less than 35 hours per week, Agency Services pro-rated the hours the appellant indicated he worked in this position to determine the equivalent amount of full-time experience.

experience based on his experience as an Intern Forensic Investigator² for a total of one year and five months of experience. None of his other listed experience was credited. Therefore, Agency Services deemed the appellant ineligible since he lacked seven months of experience and thus did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he possesses the required experience. It is noted that agency records indicate that the appellant was provisionally appointed to the title of Investigator Police Department effective August 28, 2017 and continues to serve provisionally in that title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open-competitive examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because he did not meet the experience requirement as of the February 5, 2018 closing date since he lacked seven months of full-time experience. The appellant was provisionally appointed to the title under test effective August 28, 2017 and continues to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, he has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable, pro-rated experience based on this service. Additionally, the record evidences that the eligible list has been exhausted. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed for prospective employment opportunities.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

² Since the appellant only provided the year in which he served in this position but did not provide the specific months of employment, the maximum possible credit the appellant could receive for this experience was one month. See *In the Matter of Bernard Monks* (MSB, decided May 19, 2004).

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5TH DAY OF DECEMBER, 2018



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