

STATE OF NEW JERSEY

ISSUED: MAY 24, 2021 (RE)

In the Matter of Nicholas Palatucci,	• : :	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
Program Development Specialist Cultural and Heritage Affairs (C0449B), Morris County	: : :	Examination Appeal
CSC Docket No. 2021-1437	:	
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Nicholas Palatucci appeals the determination of the Division of Agency Services which found that he did not meet the minimum requirements in experience for the open-competitive examination for Program Development Specialist Cultural and Heritage Affairs (C0449B), Morris County.

The subject examination had a closing date of March 23, 2020 and was open to residents of Morris County, and contiguous counties, who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in developing, planning, and providing of programs in an organization which is concerned with fine or applied arts, performing arts, history, anthropology, or related activity. A Master's degree in the humanities, history, or journalism from an accredited college or university could be substituted for the required experience. The appellant was found to be ineligible based on a lack of experience. There are two candidates on the eligible list, but no appointments have yet been made.

On his application, the appellant indicated possession of a Bachelor's degree and listed two positions on his application, as provisional in the subject title from September 2019 to the March 2020 closing date (part time, 20 hours per week), and Education Assistant from February 2019 to September 2019 (part time, 28 hours per week). The appellant was credited with these part-time positions, which prorated to four months and seven months respectively. The appellant was found to be lacking one month of required full-time experience.

On appeal, the appellant states that should be credited for his experience as a provisional in the subject title and as an Education Assistant, and he provides duties for those positions. Also, the appellant provides another position, educator with Wayne Township Board of Education from September 2017 through December 2018. While he indicates this is a substitute teacher position, he does not provide any hours worked per week.

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. N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. N.J.A.C. 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, the appellant was correctly found ineligible for the subject examination. He was credited with eleven months of experience for the two positions listed on his application. Pursuant to N.J.A.C. 4A:4-2.1(f), any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. See In the Matter of Joann Burch, et al. (MSB, decided August 21, 2003) and In the Matter of Rolanda Alphonso, et al. (MSB, decided January 26, 2005). Thus, the appellant's additional position cannot be considered. Even if it were to be, the appellant did not provide hours worked per week, so experience in this position cannot be quantified. Nonetheless, the eligible list is incomplete, the appellant continues to serve provisionally in the title under test, and he has accrued at least an additional one month of experience since the March 2020 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of N.J.A.C. 4A:4-2.1(f) and N.J.A.C. 4A:4-2.3(b) to accept the appellant's additional provisional experience beyond the closing date and admit him to the examination for prospective appointment only.

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 19TH DAY OF MAY, 2021

derrare' L. Webster Cabb

Deirdré L. Webster Cobb Chairperson Civil Service Commission

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