



**STATE OF NEW JERSEY**

In the Matter of James Anderson, Jr.,	:	<b>FINAL ADMINISTRATIVE ACTION</b>
Technical Assistant 1 (PS5505H),	:	<b>OF THE</b>
Department of Health	:	<b>CIVIL SERVICE COMMISSION</b>
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CSC Docket No. 2022-803	:	Examination Appeal
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**ISSUED: FEBRUARY 7, 2022 (SLK)**

James Anderson, Jr., appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Technical Assistant 1 (PS5505H), Department of Health.

The subject examination’s closing date was June 21, 2021. The education requirement was an Associate’s degree. The experience requirement was one year of experience in providing support to functions such as grant/contract compliance monitoring, program monitoring, or fiscal compliance and budgetary assistance and/or providing technical assistance to State and/or local communities or agencies, completing forms or application, reviewing documents for accuracy and content, resolving complaints, or interpreting rules, regulations, policies, and procedures for the public and/or others. Applicants who did not possess the required education could have substituted additional experience as indicated on a year-for-year basis with 30 semester hour credits being to one years of experience. A total of three employees applied and each was determined ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant did not indicate that he possessed any college credits. He indicated that he was provisionally serving in the subject title from August 2002 to the June 21, 2021 closing date. Personnel records indicate that the appellant was provisionally serving in the subject title from December 2019 to the June 21, 2021 closing date, a Principal Clerk Typist from December 2004 to December 2019, a Senior Clerk from September 2003 to December 2004, and a Clerk from January 2003 to September 2003. Agency Services credited him with one year and

seven months of experience, but determined that, per the substitution clause, he lacked one year and five months of experience.

On appeal, the appellant states that he has been performing the required duties for seven years prior to his submitting for a position reclassification where it was determined that he was performing the duties of the subject title. Further, he submits a memorandum from his superiors that was submitted in support of his reclassification request, which indicated that he had been performing the required duties for several years. Additionally, the appointing authority indicates that the appellant has been primarily performing the required duties since at least December 2015 due to business necessity.

### 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:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject title as he did not clearly indicate that he was performing the required duties prior to his provisional appointment in the subject title in December 2019, and if he was, for what amount of time. Additionally, performing the required duties as a Principal Clerk Typist would be out-of-title. However, on appeal, the appointing authority confirms that the appellant has been performing the required duties for the required time, albeit out-of-title, due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title and the examination was cancelled due to a lack of qualified candidates. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's verified out-of-title experience, for eligibility purposes only, and admit him to the examination.

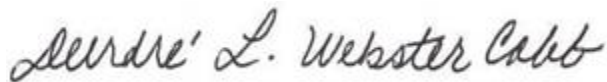
This determination is limited to the instant matter and does not provide precedent in any other matter.

**ORDER**

Therefore, it is ordered that this appeal be granted, the cancellation of the examination announcement 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 2<sup>ND</sup> DAY OF FEBRUARY 2022



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