



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tammi Brown,
Project Director Nutrition Program
(PC0079U), Morris County

CSC Docket No. 2017-47

Examination Appeal

ISSUED: NOV 16 2016 (RE)

Tammi Brown appeals the determination of the Division of Agency Services which found that she did not meet the experience requirements for the promotional examination for Project Director Nutrition Program (PC0079U), Morris County.

The subject examination announcement was issued with a closing date of January 21, 2016, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and three years of professional experience in either a paid or volunteer capacity in such fields as social work, public health, gerontology, education, psychology, community organization, nursing home administration, nutrition, dietetics, home economics, or social or human services. Applicants who did not meet the education requirement could substitute additional work experience as described on the basis of one year of experience being equal to 30 semester hour credits. A Master's degree in any of the above fields could be substituted for one year of experience. It was found that appellant failed to satisfy the experience requirement. As there were no admitted candidates, the examination was cancelled on July 3, 2016.

Ms. Brown indicated that she possessed a Bachelor's degree and a Master's degree in Public Administration. As her Master's degree was not in one of the announced fields, she was required to possess three years of applicable professional experience. She listed six positions on her application and resume: provisional

Project Director Nutrition Program, Sales Professional, Principal Clerk, Principal Clerk Typist, Recreation Therapy Aide, and Dietary Supervisor. Official records indicate her employment history as provisional Project Director Nutrition Program, Keyboarding Clerk 3, Physical Therapy Aide, and Food Service Worker. She was credited with four months of experience in her provisional position. On her resume, the appellant indicated that she had been an Assistant to the Director of the Nutrition Project from September 2008 to the closing date. On her application, the appellant indicated this time as a Principal Clerk. It was found that the duties which she listed for Principal Clerk were out-of-title, and her remaining experience was also not qualifying. As such, she was found to be lacking two years, eight months of applicable experience.

On appeal, the appellant argues that she meets the minimum requirements for the position, and she indicates that she had been working out-of-title as an assistant to the Project Director Nutrition Program for at least three years, and she provides some of the duties that she had performed. In addition, the former Project Director Nutrition Program indicates that Ms. Brown was working out-of-title as her assistant, since 2011, due to budgetary constraints. Further, the appointing authority requests that Ms. Brown's out-of-title work experience be accepted, and that it would like to appoint her to the subject title.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that 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, unless good cause is shown for an exception.

CONCLUSION

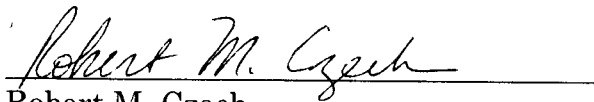
Initially, the appellant was correctly deemed to be ineligible for the subject examination since she lacked the minimum experience. However, the appointing authority has indicated that Ms. Brown performed out-of-title duties for at least an additional two years, four months while in the title of Keyboarding Clerk 3. With the acceptance of this out-of-title work, Ms. Brown possesses the required experience. The examination was not competitive with no admitted candidates, and Ms. Brown remains in her provisional position as a Project Director Nutrition Program. Thus, based on the documentation submitted and under these circumstances, good cause exists to accept Ms. Brown's out-of-title work experience to satisfy the requirements for the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, 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 10th DAY OF NOVEMBER, 2016



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