



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Nancy Garcia and
Dustin Hibbs, Buyer (PS1177P),
Department of Law and Public Safety

CSC Docket Nos. 2016-2086 and
2016-2037

Examination Appeals

ISSUED: **IV I € 2016** (SLK)

Nancy Garcia and Dustin Hibbs appeal the determinations of the Division of Agency Services (Agency Services) which found that they were below the minimum requirements in experience for the promotional examination for Buyer (PS1177P), Department of Law and Public Safety, Division of State Police. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the August 21, 2015 closing date (see attached). A total of three employees applied for the subject examination and one was deemed eligible. Certification PS151787 was issued containing the name of the one eligible who was appointed. The list expires on December 2, 2018.

Ms. Garcia indicated on her application that she was a Purchasing Assistant from December 2004 to the August 21, 2015 closing date, a Secretarial Assistant 3 (Non-Stenographic) from July 2001 to December 2004, a Head Clerk from July 2000 to July 2001, a Principal Operator Automated Typewriter from April 1994 to July 2000, a Senior Operator Automated Typewriter from February 1993 to April 1994, an Operator Automated Typewriter from January 1989 to February 1993, and a Clerk Typist from October 1987 to January 1989. Additionally, she indicated that she possesses 175 college credits. Agency Services credited the appellant with 3 years and 6 months of experience based on her college credits, but determined that she lacked 2 years and 6 months of experience.

Mr. Hibbs indicated on his application that he was provisionally serving in the subject title from May 2013 to the August 21, 2015 closing date, a Technical Assistant 2 Purchasing from June 2009 to May 2013, a Senior Clerk Typist from June 2005 to June 2009, a Clerk Typist from September 2004 to June 2005, and a part-time Special Services from August 2003 to September 2004. He also indicated that he possesses 100¹ college credits. Agency Services credited Mr. Hibbs with 5 years and 8 months of experience based on 3 years and 4 months for his college credits and 2 years and 4 months for his provisional service in the subject title, but determined that he lacked 4 months of experience.

On appeal, Ms. Garcia believes that her college credits are the equivalent of 4 years of experience. She also represents that she has over 11 years of relevant experience as a Purchasing Assistant. Ms. Garcia lists some of the examples of work from the Buyer job specification and provides examples as to how she performs these duties.

Mr. Hibbs asserts that he has been performing the required duties since 2009. He highlights that Agency Services² already determined as part of a classification appeal that he was performing the duties of a Buyer effective May 18, 2013. Mr. Hibbs provides specific examples illustrating that he performs the required duties.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants did not meet the requirements for the subject examination. However, Ms. Garcia, as Purchasing Assistant since December 2004, and Mr. Hibbs, in addition to his provisional experience as a Buyer, as a Technical Assistant 2 Purchasing from June 2009 to May 2013, have been supporting Buyers in the large scale purchase of commodities, materials, equipment and/or supplies. Therefore, although the appellants' experience do not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of Ms. Garcia's education and experience as a Purchasing Assistant as far back as December 2004 and the totality of Mr. Hibb's education and experience as Technical Assistant 2 Purchasing from June 2009 to May 2013 as well as his provisional experience in the

¹ On appeal, Mr. Hibbs indicated that he made a mistake on his application and only possesses 69 college credits.

² At the time of the determination, it was then known as the Division of Classification and Personnel Management.

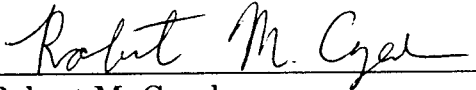
subject title warrant their admission to the subject examination. Additionally, Mr. Hibbs continues to serve provisionally in the title under test. Further, the list is incomplete as there are currently no eligibles on the list as the one eligible was appointed. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept the totality of Ms. Garcia's education and experience and Mr. Hibb's education and experience including his provisional experience after the closing date, and admit them to the subject examination.

ORDER

Therefore, it is ordered that these appeals be granted and Nancy Garcia's and Dustin Hibbs' applications 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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Nancy Garcia
Dustin Hibbs
Jessica Chianese
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS1177P	WEIGHT CODE: *
TITLE: BUYER	SALARY: \$51,530.00 - \$72,953.00
ISSUE DATE: August 01, 2015	CLOSING DATE: August 21, 2015
TITLE CODE: 52663/TXRXR7	CLASS CODE: 22
DEPARTMENT: LPP/LAW & PUBLIC SAFETY	
UNIT SCOPE: P605 State Police/Administration	

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Assistant Buyer

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Note: Applicants who do not meet the above educational requirement may substitute additional experience as indicated below on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Two (2) years of experience in the large scale purchase of commodities, materials, equipment and/or supplies.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.**
6. **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, **YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.**
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so **PLEASE FILE EARLY.**

DPF-256A * Revised 03/09