

were considered out-of-title and could not be accepted as qualifying experience by the Division of Selection Services. Consequently, the Division of Selection Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that he satisfies the subject requirements. In support of his appeal, Scott Waters, Assistant County Road Supervisor, Ocean County, submits a letter indicating that the appellant has been performing the duties of a Buyer since May 2011, albeit out-of-title, while serving as a Management Assistant, and that he handled all purchasing, budgeting, and inventory responsibilities. Mr. Waters included a May 3, 2011 memorandum from Stephen S. Childers, County Road Department, reassigning the appellant to the purchasing function.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that the appellant possessed seven months of applicable experience as a provisional Buyer as of the closing date. Although the appellant claims to have assumed appropriate responsibilities while serving as a Management Assistant, such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements for promotional examinations announced with open-competitive requirements.

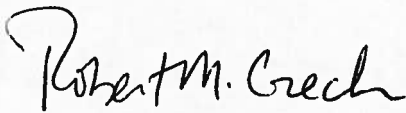
However, Scott Waters, Assistant County Road Supervisor, has endorsed the appellant's claims of performing such out-of-title work responsibilities while serving as a Management Assistant and indicated that the appellant had actually been performing the duties of a Buyer while serving in the Management Assistant title. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Buyer, the subject promotional examination has been cancelled due to a lack of qualified applicants, and that this is not a competitive situation. Accordingly, accepting the appellant's one year of out-of-title experience as a Management Assistant, for eligibility purposes only, will allow the appellant the opportunity to be considered for permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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 22ND DAY OF OCTOBER, 2014**



**Robert M. Czech
Chairperson
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