

CSC
B-28



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Donna
Schneiderman, Technical Assistant 2,
Purchasing, Department of Law and
Public Safety

Administrative Appeal

CSC Docket No. 2015-1026

ISSUED: **NOV 21 2014** (EG)

The Department of Law and Public Safety (L&PS) appeals the attached determination of the Division of Selection Services (Selection Services) which found that Donna Schneiderman was below the minimum requirements in experience for a prospective provisional appointment to the title of Technical Assistant 2, Purchasing.

Schneiderman's experience was reviewed as part of a pre-appointment evaluation to determine if she possessed the necessary qualifications for the subject title. It is noted that the requirements for Technical Assistant 2, Purchasing, which is a competitive division title, are completion of sixty (60) semester hour credits at an accredited college., plus one year of paraprofessional or technical support experience in procurement/purchasing. Further, applicants who did not possess the required 60 semester hour credits could substitute additional experience as indicated above on a year-for-year basis.

Selection Services determined that Schneiderman was ineligible for a promotion to the subject title. While it found that Schneiderman possessed the required college credits, her work experience was gained out-of-title in her non-competitive division title of Data Processing Programmer Technician. See *N.J.A.C. 4A:4-2.6(c)*.

In the instant matter, L&PS requests the Civil Service Commission's (Commission) approval of Schneiderman's out-of-title work based on the findings of

Selection Services. It states that, due to business necessity, Schneiderman was assigned and has been performing relevant out-of-title duties.

CONCLUSION

N.J.A.C. 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

N.J.A.C. 4A:4-1.1(c) provides that the Commission may authorize the promotion, through promotional examination procedures, from the non-competitive division, of permanent employees who meet the open competitive requirements, to a related entry level title in the competitive division or, in appropriate situations, to a related above-entry level title in the competitive division. *N.J.A.C.* 4A:4-2.4(c) provides:

When a promotion is to be made from the noncompetitive division of the career service to a related entry level title in the competitive division of the career service, the examination shall be open to all applicants who meet the complete open competitive requirements and who are either serving in:

1. The next lower in-series noncompetitive title used in the local jurisdiction;
2. The next two lower in-series noncompetitive titles used in the local jurisdiction;
3. All related noncompetitive titles; or
4. Any competitive title.

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

In the present matter, Schneiderman has acquired the required applicable experience, albeit out-of-title, while serving in her current title. In this regard, the appointing authority explains that due to business necessity Schneiderman was assigned and has been performing relevant out-of-title duties. Therefore, based on the particular circumstances presented, good cause has been established pursuant to *N.J.A.C.* 4A:4-2.6(c) to accept Schneiderman's applicable out-of-title experience, for eligibility purposes only, to satisfy the requirements for a promotional examination in the subject title. However, the title of Technical Assistant 2, Purchasing is allocated to the competitive division and is not a related entry or related above-entry level title to Data Processing Programmer Technician, the non-competitive title which Schneiderman holds on a permanent basis. Nevertheless,

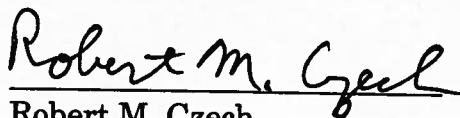
based upon the unique situation presented and for equitable considerations, the Commission finds it appropriate to relax the provisions of *N.J.A.C. 4A:4-1.1(c)* and *N.J.A.C. 4A:4-2.4(c)*. Therefore, a promotional announcement shall be issued, which will be open to employees who have an aggregate of one year of continuous permanent service in the non-competitive title of Data Processing Programmer Technician and meet the open-competitive requirements, as well as to any other title scope deemed appropriate by the Division of Selection Services. Further, since Schneiderman has now been found to meet the requirements for Technical Assistant 2, Purchasing, the Commission finds that this is an appropriate situation under the provisions of *N.J.A.C. 4A:4-1.1* to authorize Schneiderman's provisional appointment to the title of Technical Assistant 2, Purchasing pending promotional examination procedures.

ORDER

Therefore, it is ordered that this appeal be granted and the provisional appointment of Donna Schneiderman be authorized, pending promotional examination procedures, to Technical Assistant 2, Purchasing. In addition, Schneiderman's out-of-title work experience shall be accepted for a promotional examination for Technical Assistant 2, Purchasing. The Division of Selection Services shall also accept applicable and documented out-of-title work experience from other promotional examination applicants for the examination announcement. Further, the examination shall be open to employees who have an aggregate of one year of continuous permanent service in the non-competitive title of Data Processing Programmer Technician and meet the open-competitive requirements, as well as to any other title scope deemed appropriate by the Division of Selection Services. Finally, Schneiderman is to provide a copy of this decision with her promotional application upon announcement of the examination.

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 NOVEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment

**c: Donna Schneiderman
Colleen Gadsby
Dan Hill
Kenneth Connolly
Joseph Gambino**



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF SELECTION SERVICES
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

TO: Candace Cerrone
Division of Law and Public Safety
Division of State Police
River Rd
West Trenton, NJ 08625

DATE: July 15, 2014

FROM: Roxie A. Wesson
Human Resource Consultant

SUBJECT: Request for Evaluation

You have requested that a review of credentials be performed in order to determine if **Donna S. Schneiderman** meets the requirements for the position **Technical Assistant 2 Purchasing**.

The requirements for this position include:

EDUCATION: Completion of sixty (60) semester hour credits at an accredited college.

EXPERIENCE: One (1) year of paraprofessional or technical support experience in procurement/purchasing.

NOTE: Applicants who do not possess the required 60 semester hour credits may substitute additional experience as indicated above on a year-for-year basis.

In response, please be advised that the Division of Selection Services' staff have determined that the above-mentioned individual:

[X] Does not meet the requirements of this position for the reasons listed below:

Ms. Schneiderman does possess 60 college credits; however she lacks One (1) year of paraprofessional or technical support experience in procurement/processing.

Out-of-title work experience:

Ms. Schneiderman has OOT experience purchasing as a Data Processing Programmer Technician. However, this experience was acquired while she held the Data Processing Technician and is out of title. Out-of title-experience cannot be accepted without Civil Service Commission approval (which must be requested via the appropriate Classification and Personnel Management team). Therefore, Ms. Schneiderman does not meet the requirements for the position of Technical Assistant 2, Purchasing

c. HRM Team Leader: Cheryl Legg