

B-38



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Maureen O'Rourke,  
Assistant Buyer (PS2824K),  
Department of Human Services

Examination Appeal

CSC Docket No. 2014-2622

ISSUED: DEC 05 2014 (HS)

Maureen O'Rourke appeals the determination of the Division of Selection Services (Selection Services), which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Assistant Buyer (PS2824K), Department of Human Services (DHS).

The subject examination was announced with a closing date of October 21, 2013 and was open to applicants who possessed a Bachelor's degree and one year of experience in the large scale purchase of commodities, equipment and supplies. Applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. The eligible list containing the name of one eligible promulgated on April 24, 2014 and expires on April 23, 2017. It is noted that the eligible was appointed, effective May 12, 2014. However, in *In the Matter of Ericka Campbell-Grimes* (CSC, decided September 17, 2014), the Civil Service Commission (Commission) accepted clarifying information regarding Campbell-Grimes' experience and ordered that her application be processed. Campbell-Grimes is now the only active eligible on the subject eligible list.

Since the appellant did not indicate possession of a Bachelor's degree on her application, she was required to possess five years of the indicated experience per the substitution clause. On her application, the appellant indicated possession of 150 semester hour credits. She also listed her experience as a provisional Assistant Buyer with DHS from June 2013 to the closing date. Selection Services credited

the appellant with possession of 105 semester hour credits, the maximum that may be credited where a Bachelor's degree was not actually conferred. The 105 semester hour credits were equivalent to three years and six months of experience. Selection Services also credited the appellant with five months of experience for her provisional service in the subject title through the closing date. None of her other listed experience was found to be applicable. Therefore, Selection Services deemed her ineligible because, per the substitution clause for education, she did not meet the experience requirement set forth in the announcement since she lacked one year and one month of experience.

On appeal, the appellant argues that she possesses the required experience. It is noted that agency records indicate that the appellant was provisionally appointed to the title of Assistant Buyer effective June 15, 2013 and continues to serve provisionally in that title.

### CONCLUSION

*N.J.A.C. 4A:4-2.6(a)2* provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C. 4A:1-1.2(c)* provides that a rule may be relaxed for good cause shown in a particular situation.

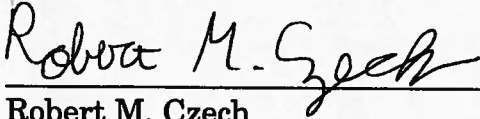
In this matter, Selection Services correctly determined that the appellant was ineligible for the subject examination because, per the substitution clause for education, she did not meet the experience requirement as of the October 21, 2013 closing date since she lacked one year and one month of experience. The appellant was provisionally appointed to the title under test effective June 15, 2013 and continues to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, she has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the examination situation is not competitive since there is only one active eligible on the eligible list. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit her to the examination.

### ORDER

Therefore, it is ordered that this appeal be granted 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 3<sup>RD</sup> DAY OF DECEMBER, 2014

  
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