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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Lucy Rodriguez,
Senior Buyer (PS7611U),
Department of the Treasury

CSC Docket No. 2014-179

Examination Appeal

JUL 31 2014

ISSUED: JUL 31 2014 (BS)

Lucy Rodriguez appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Senior Buyer (PS7611U), Department of the Treasury.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced April 22, 2013 closing date. Specifically, all applicants had to possess a completed Bachelor's degree from an accredited college or university plus three years of experience in the large scale purchase of commodities, materials, equipment, and/or supplies. Applicants who did not possess the required education could substitute experience as indicated above on a year for year basis. Records indicate that a promotional eligible list promulgated on July 5, 2013 containing the names of two qualified applicants.

The appellant filed an application on which she indicated that she did not possess any college credits. This meant that she would need a total of seven years of the experience stipulated above to satisfy the subject requirements per the substitution clause for education. The appellant also indicated that she possessed experience as a Buyer (11/08 to the closing date), Technical Assistant 1, Purchasing (7/04 to 10/08), Technical Assistant 2 (3/00 to 6/04), and Technical Assistant 3 (12/95 to 2/00). The Division of Selection Services concluded that the appellant possessed only four years and six months of experience as a Buyer as of the closing date. None of the appellant's remaining positions involved any in-title responsibilities in the required areas. As a result, the Division of Selection Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that she satisfies the subject requirements. In this regard, she claims that, in addition to her experience as a Buyer, the Civil Service Commission had previously accepted her out-of-title experience as a Technical Assistant 1, Purchasing to qualify her for a prospective promotional examination as Buyer. In support of her appeal, the appellant included a copy of the July 12, 2012 Civil Service Commission decision.

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 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.

As of the closing date, the appellant only possessed four years and six months of applicable experience as of the closing date as a Buyer. Since she lacked the required Bachelor's degree or any college credits, the appellant needed a total of seven years of the experience stipulated in the promotional announcement to satisfy the subject examination requirements per the substitution clause for education. On appeal, the appellant claimed she was performing all the relevant duties required of the position since July 2004 in the title Technical Assistant 1, Purchasing and that the Civil Service Commission had previously accepted this out-of-title work experience to qualify her for a promotional examination for Buyer.

The Commission notes that, in the previous situation, the appellant was serving as a provisional Buyer and it was the appointing authority who petitioned the Commission to accept her out-of-title work experience as a Technical Assistant 1, Purchasing in anticipation of an as then unannounced promotional examination for the title, Buyer. In the instant matter, the subject title is Senior Buyer rather than Buyer. However, the Commission further notes that, although the appellant is not serving as a provisional Senior Buyer, the promotional eligible list that promulgated is incomplete in that it only contains the names of two other qualified applicants. Under these circumstances, accepting the appellant's out-of-title work experience as a Technical Assistant 1, Purchasing as qualifying experience for the subject promotional examination will allow the appellant the opportunity to be tested and placed on the subject promotional list for prospective appointment consideration.

ORDER

Therefore, it is ordered that this appeal be granted 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 30TH DAY OF JULY, 2014



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