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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Lucy Cannizzo,
Contract Compliance Representative
(PC1086R), Morris County

CSC Docket No. 2014-454

Examination Appeal

ISSUED: 1.8.2014 (BS)

Lucy Cannizzo appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Contract Compliance Representative (PC1086R), Morris County.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced closing date of April 22, 2013. Specifically, all applicants had to possess a Bachelor's degree from an accredited college or university plus one year of experience in ensuring compliance with terms of contracts, negotiating with vendors to resolve problems of contractual obligation, and determining the course of action needed for compliance with contract provisions. Applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis with 30 semester credits being equal to one year of experience. Records indicate that the promotional examination was cancelled on August 22, 2013 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed a Bachelor's degree plus experience as a provisional Contract Compliance Representative (12/12 to the closing date), Social Worker (6/01 to 11/12), Human Services Specialist 1 and 2 (3/94 to 5/01), and some previous, unrelated teaching experience. The Division of Selection Services concluded that the appellant satisfied the educational requirement but only possessed five months of applicable experience as a provisional Contract Compliance Representative as of the closing date. None of the appellant's remaining positions involved 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. The appellant argues that she has been employed by the Morris County ZBoard of Social Services for 19 years and that she possesses "experience in contract compliance on many levels."

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:1-1.2(c) provides that the Civil Service Commission may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *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 satisfied the educational requirement and possessed five months of applicable experience as a provisional Contract Compliance Representative. On appeal, the appellant asserts that she possesses 19 years of experience with the Morris County Board of Social Services. However, the primary focus of this experience is social work rather than ensuring compliance with terms of contracts, negotiating with vendors to resolve problems of contractual obligation, and determining the course of action needed for compliance with contract provisions as required. Although the appellant lacked the requisite amount of experience as of the closing date, the Commission notes that she continues to successfully serve as a provisional Contract Compliance Representative, she now has an additional one year and three months of applicable experience, and this is not a competitive situation (*i.e.*, the promotional examination was cancelled due to a lack of qualified applicants). Under these circumstances, the Civil Service Commission can accept the appellant's additional experience as a provisional Contract Compliance Representative gained after the closing date which will allow her the opportunity to be tested and be considered for a permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation 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 16TH DAY OF JULY, 2014**



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