

B-111



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ava Davenport,
Records Manager (PM0532S),
Atlantic City

CSC Docket No. 2015-708

Examination Appeal

ISSUED: FEB 09 2015 (DASV)

Ava Davenport appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Records Manager (PM0532S), Atlantic City.

The subject examination was announced with a closing date of April 21, 2014 and open to employees who possessed an aggregate of one year of continuous permanent service as of the closing date in any competitive title, a Bachelor's degree, and five years of experience in the planning and development of records management programs and procedures and/or the review, analysis, and evaluation of record maintenance systems and recommendation for improved methods of operation. Applicants who did not possess the required education could have substituted additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. It is noted that two applicants, including the appellant, filed for the examination. However, they were found ineligible. Consequently, the examination was cancelled due to a lack of qualified applicants.

On her application, the appellant reported that she works as a Records Manager and has been employed with Atlantic City since August 1979. Her duties include being the records custodian for the Atlantic City Police Department; assisting city clerks and the public with document requests; compiling all records and photographs for criminal discovery; running the daily operations of the records department; and supervising five employees. It is noted that personnel records indicate that the appellant was appointed provisionally pending promotional

examination procedures as a Records Manager, effective July 24, 2013, as a result of a February 12, 2014 reclassification determination by the Division of Classification and Personnel Management (CPM). In the decision, CPM noted that it reviewed the appellant's position classification questionnaire (which contains duties similar to the duties listed on her examination application); her statements; and the statements of her former and current supervisor and former appointing authority and found that the appropriate classification of her position was Records Manager. Prior to that position, the appellant served in the following titles: Supervisor, Criminal Information Records from September 2006 to July 2013; Office Supervisor from August 2005 to September 2006; Supervisor, Criminal Information Records from May 1994 to August 2005; and Microfilm Machine Operator from December 1982 to May 1994. As for her education, the appellant did not indicate that she possessed a Bachelor's degree or had earned college credit.

Upon its review, the Division of Selection Services found that since the appellant did not have a Bachelor's degree, she needed nine years of experience to qualify for the examination. However, it determined that none of the appellant's duties were applicable. Accordingly, the appellant was found ineligible for the subject examination.

On appeal, the appellant indicates that she has been assigned to the Records Department in the Atlantic City Police Department for 35 years and had been a Supervisor, Criminal Information Records for 20 years. She contends that, beginning in 2005, she was assigned out-of-title duties as a Supervisor, Criminal Information Records and eventually had a desk audit and a title change to Records Manager in July 2013. The appellant clarifies her duties on appeal, stating that, as the records custodian, she maintains and compiles all records and prepares cash and budget reports for the Records Department. The appellant also cites significant events under her management. For instance, in 2008, the Records Department was in need of a new microfilm machine. However, due to budget cuts, the department was unable to purchase the machine, but the appellant was able to obtain the new equipment by partnering with the county. In December 2008, the appellant also began the process of obtaining a scanning system certification with the Division of Archives and Records Management. She states that the process was lengthy, but she was able to obtain the certification in May 2010. Moreover, the appellant indicates that, in 2012, she headed a project with DocuSafe Records Management to have the Police Department's older files removed and stored in a facility. The appellant also reports that she is a Certified Public Manager. In support of her appeal, the appellant submits a statement from Atlantic City Police Chief Henry M. White, Jr., verifying the duties of her position.¹ Specifically, he states that in 2005, the City Council passed a resolution giving the appellant the responsibility of custodian of records.

¹ The appointing authority did not submit information in this appeal.

It is noted that the job specification for Records Manager indicates that the incumbent, under direction, plans, organizes, directs, and coordinates all activities involved in management of a comprehensive records storage, retrieval, maintenance, and disposal system; and does other related duties as required. The job specification for Supervisor, Criminal Information Records states that the incumbent, under direction, supervises staff and activities in a unit responsible for maintaining files of criminal records, classifying indictable offenses, and compiling pertinent statistical reports; and does related work.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. Additionally, *N.J.A.C.* 4A:4-2.1(g) states that the Civil Service Commission (Commission) may request clarifying information from an applicant. Moreover, *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy eligibility requirements or for credit in the examination process. Finally, *N.J.A.C.* 4A:4-6.3(b) indicates that the appellant has the burden of proof in examination and selection disqualification appeals.

In the instant matter, although the Division of Selection Services determined that the appellant did not list any applicable experience, the Commission finds that her experience is relevant but was mostly gained (prior to her title change in July 2013) as a result of out-of-title work. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect permanent appointments and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004).

In the present case, the appellant remains serving provisionally in the subject title, and on appeal, she provides a detailed description of her duties beginning in 2005. Although the appointing authority did not submit information, the Police Chief verifies the performance of applicable duties since 2005. *See In the Matter of Patrick Giallella* (CSC, decided April 18, 2012) (Since appellant was provisional in the title under test and the appointing authority offered no objection to his out-of-title work, the Commission accepted appellant's out-of-title work and admitted him to the examination). Furthermore, after a review of the appellant's position, CPM found that the proper title for the duties of her position was Records Manager. It is well established that experience in the duties of a title under test is

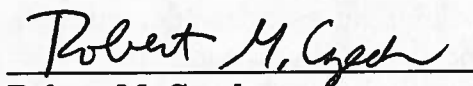
accepted as relevant experience. As such, the appellant now meets the required nine years of experience since she remains serving provisionally in the subject title.² Based on the foregoing and given that the examination was cancelled, good cause exists to accept the appellant's out-of-title work experience pursuant to *N.J.A.C. 4A:4-2.6(c)* and to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept the appellant's experience beyond the closing date, for eligibility purposes only. Accordingly, the appellant has met her burden of proof and she will be admitted to the examination.

ORDER

Therefore, it is ordered that this appeal be granted. It is further ordered that the examination cancellation be rescinded, and the application of Ava Davenport 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 4TH DAY OF FEBRUARY, 2015



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and
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² In accordance with longstanding policy, when only years are indicated on the application with respect to periods of employment, the applicant only receives the minimum credit for the year of job entry and the year of job termination. See *In the Matter of Bernard Monks* (MSB, decided May 19, 2004). In the present case, the appellant did not indicate the month in 2005 she began out-of-title duties. Nonetheless, considering a December 2005 date, she now meets the nine years of required experience.

c: **Ava Davenport**
Doreen Tucker
Kelly Glenn
Joseph Gambino

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