

CSC
B-52



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jenise N. Henson,
Technical Assistant 2, Treasury
(PS7603U), Department of the
Treasury

Examination Appeal

CSC Docket No. 2014-321

ISSUED: MAR 06 2015 (BS)

Jenise N. Henson appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Technical Assistant 2, Treasury (PS7603U), Department of the Treasury.

The 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 60 semester credit hours from an accredited college or university plus one year of experience reviewing, verifying, authorizing, and/or providing information and assistance of a technical or fiscal nature in a public or private organization. The examination announcement also stipulated that applicants who did not possess the required education could substitute experience on a year for year basis. Records indicate that the promotional examination was cancelled on March 20, 2013 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed 56 college credits which prorated to one year and ten months of experience. This meant that the appellant would need a total of one year and two months of the experience stipulated to satisfy the subject requirements per the substitution clause for education. The appellant indicated that she possessed experience as a provisional Technical Assistant 2, Treasury (10/12 to the closing date), part-time Cashier/Customer Service (3/09 to 4/13; 20 hours per week), Senior Clerk Typist (3/12 to 9/12), and Clerk Typist (7/05 to 2/12). The Division of Selection Services concluded that, as of the closing date, the appellant only possessed seven months of

applicable experience as a provisional Technical Assistant 2, Treasury. None of the remaining positions listed on her application 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 claims to have performed technical duties while serving as a Clerk Typist and Senior Clerk at the motor pool.

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 two years and five months of applicable experience (58 college credits and seven months of experience as a provisional Technical Assistant 2, Treasury). The appellant needed a total of three years of experience as of the closing date to satisfy the subject requirements per the substitution clause for education. Although on appeal the appellant claims to have performed appropriate duties while serving as a Clerk Typist and Senior Clerk, the duties performed by incumbents in these titles do not rise to the level and scope of those required of the subject position. Further, any responsibilities in the required areas the appellant may have assumed while serving as a Clerk Typist or Senior Clerk would be considered out-of-title work which generally cannot be accepted as qualifying experience for promotional examinations announced with open-competitive requirements. Therefore, she was correctly deemed ineligible for the subject promotional examination.


However, in the instant matter, the Commission notes that the appellant continues to successfully serve as a provisional in the subject position, giving her in excess of the seven months of experience she lacks per the substitution clause for education, the subject promotional examination has been cancelled due to a lack of qualified applicants and, therefore, this is not a competitive situation. Under these circumstances, the Civil Service Commission accepts the appellant's experience gained after the closing date as a provisional Technical Assistant 2, Treasury, for eligibility purposes only, 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.

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 MARCH, 2015**



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