

B-70

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Marisel Vazquez,
Administrative Analyst 3, Fiscal
Management, (PS8841G),
Department of Environmental
Protection

Examination Appeal

CSC Docket No. 2015-1544

ISSUED: APR - 6 2015

(LDH)

Marisel Vazquez appeals the determination of the Division of Selection Services¹ (Selection Services) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 3, Fiscal Management, (PS8841G), Department of Environmental Protection.

The subject examination was announced with a closing date of June 11, 2014; and was open, in part, to applicants who possessed a Bachelor's degree, including or supplemented by 21 credits in any combination of Accounting, Business Administration, Economics or Finance courses; and two years of experience in work involving fiscal analysis and evaluation, budgeting and management operations in government, business and/or a management consulting firm. Applicants who did not possess the Bachelor's degree, but who did possess the 21 credits in the indicated subject areas, could substitute the remaining education with the indicated experience on a year-for-year basis. It is noted that that the examination was cancelled as no applicants were deemed eligible.

On her application, the appellant indicated she possessed an Associate's degree in Accounting and an Associate's degree in Aviation management.² The appellant also indicated, in part, that she served provisionally, pending promotional examination procedures, in the subject title, from June 30, 2012 to the closing date; as an Assistant Buyer from July 2007 to April 2011; as a Head Procurement Clerk from September 2002 to July 2007; as a Senior Audit Account Clerk from August 2000 to September 2002; and as a Clerk Typist from August 1999 to August 2000.

¹ This function is now part of the Division of Agency Services.

² The appellant indicated that she possessed a total of 154 college credits, which included the required 21 credits in the indicated subject areas.

2000 to September 2002; and as a Clerk Typist from August 1999 to August 2000. Based on the foregoing, Selection Services credited her with three years and six months for her college credits³ and two years and one month for her provisional service in the subject title, for a total of five years and seven months.

On appeal, the appellant argues that she possesses the minimum required experience. She states that she has been performing the duties of the subject title for over three years. She reiterates her duties and responsibilities in the subject title and as an Assistant Buyer. In support, she submits *inter alia* her application, resume, and college transcripts.

Agency records indicate the appellant continues to serve provisionally in the subject 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 only possessed five years and seven months of the required experience. However, the appellant was provisionally appointed to the title, effective June 30, 2012 and continues to serve provisionally in that title. As such, 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, the examination cancellation be rescinded and the appellant's application be processed, for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

³ It is noted that when substituting experience for a required Bachelor's degree, candidates are only credited a maximum of 105 credits, or three years and six months, for the incomplete Bachelor's degree.

**DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1st DAY OF APRIL 2015**

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Chairperson
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and
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