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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kelly J. McHenry,
Senior Accountant (PC1056S),
Atlantic County

CSC Docket No. 2015-1729

Examination Appeal

ISSUED: **MAY 08 2015** (BS)

Kelly J. McHenry appeals the determination of the Division of Agency Services which found that she did not meet the requirements for the examination for Senior Accountant (PC1056S), Atlantic County.

The examination at issue was announced with experience requirements which had to be met as of the announced closing date of August 21, 2014. Specifically, all applicants had to possess a Bachelor's degree which shall have included 21 semester credit hours in professional accounting subjects from an accredited college or university plus one year of professional accounting or auditing experience. The examination announcement also stipulated that applicants who had satisfactorily completed 21 semester credit hours in professional accounting courses at an accredited college or university could substitute accounting experience in work involving the installation, operation, and keeping of large scale systems of accounts for the remainder of the above educational requirement on a year-for-year basis with 30 semester credit hours being equal to one year of experience. Additionally, possession of a valid certificate as a Registered Municipal Accountant or Certified Public Accountant issued by the New Jersey State Board of Certified Public Accountants or as a Certified Municipal Finance Officer issued by the New Jersey Department of Community Affairs, Division of Local Government Services could be substituted for the above educational requirement. Records indicated that the subject promotional examination was cancelled on December 26, 2014 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed a Bachelor's degree including 21 hours in professional accounting subjects plus experience as a provisional Senior Accountant (6/14 to the closing date), Accounting Assistant (10/10 to 5/14), Coordinator of Scheduling Recreational Activities (5/00 to 9/10), Customer Service Representative (9/98 to 4/06), and Frontline Supervisor (9/96 to 9/99). The Division of Agency Services concluded that the appellant only possessed three months of applicable experience as a provisional Senior Accountant as of the closing date. The Division of Agency Services did not accept her experience as an Accounting Assistant because it was lower-level accounting work, not at the professional level. None of the appellant's remaining positions involved responsibilities in the required areas. As a result, the Division of Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that she satisfies the subject requirements. Specifically, the appellant asserts that began working in the Accounting Assistant position in 2010.

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: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 August 21, 2014 closing date, the appellant satisfied the educational requirement but only possessed three months of applicable experience as a provisional Senior Accountant. On appeal, the appellant indicated that she also possessed experience as an Accounting Assistant. However, the Division of Agency Services did not accept her experience as an Accounting Assistant because it was lower-level accounting work, not at the professional level as emphasized in the subject requirements. Any professional-level accounting or auditing the appellant may have assumed while serving as an Accounting Assistant would constitute out-of-title work which is generally not considered acceptable qualifying experience for promotional examinations announced with open-competitive requirements. That being said, in the instant matter, the Commission notes that the appellant continues to successfully serve as a provisional in the subject position, which gives her an additional nine months of the required experience. Additionally, the subject promotional examination has been cancelled due to a lack of qualified applicants and, therefore, this is not a competitive situation. If the appellant's experience

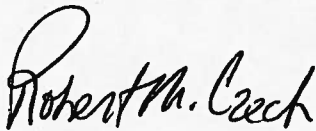
gained after the closing date as a provisional Senior Accountant were accepted, it would provide the appellant with sufficient experience to be admitted to the subject promotional examination. Under these circumstances, the Civil Service Commission accepts the appellant's experience gained after the closing date as a provisional Senior Accountant, 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, the examination cancellation be rescinded, and the appellant's application 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 6TH DAY OF MAY, 2015



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