



Director of Purchasing from January 2009 to the February 2018 closing date. Official records indicated that she was a Purchasing Agent from December 2017 to February 2018; Keyboarding Clerk 2 Bilingual in Spanish and English from April 2014 to December 2017; and Keyboarding Clerk 1 Bilingual in Spanish and English from January 2006 to April. Agency Services contacted the appellant and requested and received a clarification of her duties for each of these titles. Agency Services found that some of the duties the appellant performed while in her clerical title were applicable, but the primary focus was not writing purchasing specifications and purchasing on a large scale. She was credited with three months of applicable experience in her provisional position and was found to be lacking eight years, nine months of applicable experience.

On appeal, the appellant argues that she meets the minimum requirements for the position as she has been working out-of-title for 12 years, and she provides an extensive list of the duties she performed. In support, she provides a letter from the Chief Financial Officer dated January 4, 2017. In this letter, the Chief indicates that the appellant prepared bid specifications when she was in the Department of Public Works (DPW) from 2006 to 2014, and that she continued to prepare them while in the Department of Finance afterwards. He states that DPW generates about 70% of the annual purchases, and the appellant coordinated with eleven departments to buy in bulk. Further, the appointing authority verifies the appellant's out-of-title work experience and indicates that it would appoint her.

## 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. *N.J.A.C.* 4A:4-2.6(c)1 provides that except when permitted by the Chairperson or designee 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 the requirements for admittance to the examination or for credit in the examination process.

In the present matter, primarily performing the required duties in the clerical positions she listed on her application would be considered out-of-title work. However, the appointing authority has verified that the appellant has experience in writing of purchase specifications and in the purchase of equipment, materials and supplies on a large scale. Additionally, the subject examination was cancelled, and the appellant continues to serve provisionally in the title under test. Under these circumstances, good cause exists to accept the out-of-title work experience and admit her to the subject examination. However, this decision is based on the limited facts of this situation and shall not be used as precedent in any other proceeding.

**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 31<sup>st</sup> DAY OF OCTOBER, 2018



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