



STATE OF NEW JERSEY

In the Matter of Amy McGrath,
Management Specialist (PM4127D),
Hamilton

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

CSC Docket No. 2023-437

Examination Appeal

ISSUED: December 21, 2022 (SLK)

Amy McGrath appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Management Specialist (PM4127D), Hamilton.

The subject examination’s closing date was May 23, 2022. The education requirements were a Bachelor’s degree. The experience requirements were two years of experience in the review, analysis, and evaluation of budget, organization, and administrative practices and recommending improved methods, and/or administrative experience in varied phases of business, industrial, or government involving the organization, direction, planning, coordination, or control of programs or activities. Applicants who did not possess the required education could have substituted additional experience on a year for year basis with 30 semester hour credits being equal to one year of experience. The appellant was the only applicant and the examination was cancelled due to a lack of qualified candidates.

On her application, the appellant indicated that she possessed 75 college credits. She also indicated that she was provisionally serving in the subject title from November 2021 to the closing date, a Keyboarding Clerk 4 from September 2010 to November 2021, a Keyboarding Clerk 3 from October 2003 to September 2010, a Keyboarding Clerk 2 from October 1999 to October 2003, and a Clerk Typist from February 1998 to October 1999. Personnel records indicate that she was provisionally serving in the subject title from November 2021 to the closing date, a

Keyboarding Clerk 4 from September 2010 to November 2021, a Keyboarding Clerk 3 from February 2008 to September 2010, a Keyboarding Clerk 4 from December 2007 to February 2008, a Keyboarding Clerk 3 from October 2003 to December 2007, a Keyboarding Clerk 2 from October 1999 to October 2003, a Keyboarding Clerk 1 from February 1998 to October 1999, and a Clerk 1 from November 1996 to February 1998. Agency Services credited her with three years and one month of experience based on two years and six months of experience for her 75 college credits, and seven months of experience based on her provisional service in the subject title, but determined, via the substitution clause for education, that she lacked two years and 11 months of experience.

On appeal, the appellant states that she performed the required duties out-of-title from January 2018 to November 2021 while serving as a Keyboarding Clerk 4. Further, the appointing authority describes how the appellant performed the required duties and verifies that she performed these out-of-title duties during the time that the appellant indicates. It explains that she performed the required duties due to business necessity.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional 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 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.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject title as the required duties as a Keyboarding Clerk 4 would be out-of-title. However, on appeal, the appointing authority confirms that the appellant has been performing the required duties for the required time, albeit out-of-title, due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title and the examination was cancelled due to a lack of qualified candidates. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's verified out-of-title experience, for eligibility purposes only, and admit him to the examination.

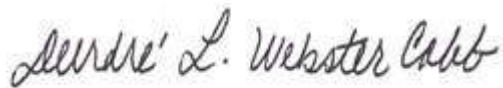
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination 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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21st DAY OF DECEMBER, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Amy McGrath
Louis Guarino
Division of Agency Services
Records Center