



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kate Wistar,
Management Specialist (PC4722C),
Salem County

CSC Docket No. 2022-1789

Examination Appeal

ISSUED: MAY 23, 2022 (RE)

Kate Wistar appeals the determination of the Division of Agency Services which found that she did not meet the experience requirements for the promotional examination for Management Specialist (PC4722C), Salem County.

The subject examination announcement was issued with a closing date of October 21, 2021. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the open competitive requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and 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 substitute additional experience as indicated on a year for year basis with thirty semester hour credits being equal to one year of experience. As there were no admitted applicants, the examination was cancelled on February 12, 2022.

The appellant indicated that she possessed a Bachelor's degree and she listed five positions on her application and resume; provisional Management Specialist, Accountant, Principal Payroll Clerk, Senior Account Clerk, and Account Clerk. She was credited with one year, four months of experience in her provisional position, and was found to be lacking eight months of experience.

On appeal, the appellant states that she performed the required duties while in her title Accountant, and she provides a crosswalk of the specific duties performed in her titles Accountant and Management Specialist which meet the eligibility requirements. In support, the appointing authority, who is her supervisor, states that she performed applicable duties while in her Accountant title. She states that this is a small agency, she has a flat organizational structure, and that the Accountant gets pulled into projects and duties because of the limited number of staff employed and the educational level of the Accountant title. She requests that the duties that the appellant performed over the years be considered because of these unusual circumstances, and because they need to work as a team. Additionally, the appellant's prior supervisor, a Fiscal Officer, provides information regarding the special projects performed by the appellant as an Accountant.

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)* 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)* states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, the appellant was correctly deemed to be ineligible for the subject examination since she lacked the minimum requirements in experience, specifically, eight months 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. The appellant was very specific in outlining her duties on the resume included with her application, and she received credit for experience in her provisional position. Additionally, she provided no applicable duties for her clerical positions which would be considered as qualifying.

An analysis of the duties provided for the position Accountant reveals that most were in title. Nevertheless, the appellant was in this position for over fifteen years. During that time, she listed seven special projects that she was involved in, and some were in-title work. Two of these projects were verified by her prior supervisor, the W-9 Project, which lasted nine months, and the Recoupment and Overpayment Project, which lasted one year, six months. The time spent on these projects totaled two years, three months. While the appellant may also have been performing Accountant duties during these periods, she was responsible for creating

procedures and tracking systems, analyzing problems, overhauling the system used at the time, and recommending and creating policies. It is reasonable that she spent at least eight months working out of title as a Management Specialist while in the title Accountant for these periods of time. The appellant remains in her provisional position, the examination was not competitive, and the appointing authority has verified out-of-title work. Based on the documentation submitted and under these circumstances, good cause exists to accept the appellant's out-of-title work experience, and to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* to accept the appellant's totality of experience, and admit her to the examination.

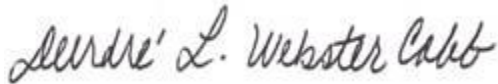
The remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, 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 18TH DAY OF MAY, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Kate Wistar
Kathleen Lockbaum
Division of Agency Services
Records Center