



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carolyn Sylvester,
Buyer (PC2336W), Sussex County

CSC Docket No. 2019-3304

Examination Appeal

ISSUED: September 12, 2019 (RE)

Carolyn Sylvester appeals the decision of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Buyer (PC2336W), Sussex County.

The subject promotional examination had a closing date of September 21, 2018 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who were serving in the title Assistant Buyer OR who were serving in any competitive title and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and two years of experience in the large scale purchase of commodities, materials, equipment and/or supplies. Applicants who did not possess the required education could substitute experience on a year for year basis. The appellant was found to be ineligible based on a lack of experience per the substitution clause for education. Since the appellant's application was the only one submitted, the examination was canceled on May 22, 2019.

On her application, appellant indicated that she had an Associate's degree, with 60 college credits. As such, she was required to possess three years of applicable experience. For her experience, the appellant indicated that she held the following positions: 1) provisional Buyer from December 2017 to the closing date, September 2018; 2) Printing Machine Operator 1 from December 2016 to December 2017; 3) Printing Machine Operator Trainee from June 2013 to December 2016; 4):

Owner/Operator of First Star Graphics, LLC from November 2005 to June 2016 (no hours given); and 5) Manager of Mac and Lindy's Fine Wine and Spirits from January 2003 to June 2016 (overlaps with position 4, no hours given). Official records indicate a different employment history. These records indicate that the appellant was a provisional Buyer from July 2018 to the September 2018 closing date, and a Printer Machine Operator 1 from December 2016 to June 2018. As such, the appellant was credited with three months of experience in her provisional position. Her remaining time, from December 2017 to June 2018, in which she indicated she was performing the duties of a Buyer while in the Printer Machine Operator 1 title, was out-of-title work. The appointing authority was not contacted regarding this as it amounted to seven months of additional experience, and her remaining experience was not applicable. The appellant was found to be lacking two years, nine months of qualifying experience.

On appeal, the appellant states that she has over 11 years of applicable experience as Owner/Operator of First Star Graphics, LLC. She states that for this business, she acquired large scale equipment and bulk materials; purchased all supplies and materials using multiple vendors through purchase orders; maintained inventories; implemented a system for ordering and repeat purchases; supervised contractors on installations of large scale projects; reviewed and analyze the multiple quotes, requisitions and purchase orders from various vendors; made on site visits to vendors to ensure that the job specifications were correct; conducted market research; reviewed technical specifications; analyzed supply problems and needs of various departments; prepared requests for quotes and proposals for vendors; maintain a vendor list; handled all invoicing and recordkeeping; reviewed all incoming proposals and quotes and made evaluations; conducted market research; prepared charts on statistical and cost comparisons; recorded production Time Lines to ensure project completion; prepared purchase orders; and kept records.

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.

At the outset, it is noted that the application is utilized to screen the candidate pool to ensure that all applicants, including provisional appointees, meet the minimum experience requirements for each position. Those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine their relative merit and fitness. *See In the Matter of Jennifer Napoli* (MSB, decided February 25, 2004); *In the Matter of Daniel Roach*

(MSB, decided October 20, 2004). Further, titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Buyer title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as relevant experience, it is considered a professional title.

The appellant's prior held titles of Printing Machine Operator 1 and Printing Machine Operator Trainee do not require a Bachelor's degree and therefore are not professional titles. *N.J.A.C.* 4A:4-2.5(a)3 states that non-professional titles require less than 60 general college credits or less than 12 specific college credits, while *N.J.A.C.* 4A:4-2.5(a)2 states that para-professional titles require at least 60 general college credits or 12 or more specific college credits (but less than a full degree). As such, these titles are considered non-professional titles since they do not require completion of any college credits. Thus, if the appellant the duties of Buyer while in these titles, it is considered out-of-title work and cannot be accepted to satisfy eligibility requirements.

When a promotion would be between the above noted categories, *N.J.A.C.* 4A:4-2.5(c)2 permits the examination to be open to applicants who are permanent in an approved bridge title(s) and/or applicants who meet the complete open competitive requirements. The title Purchasing Assistant is a bridge title for the title Assistant Buyer, but as there is no bridge title for Buyer, the appellant is required to meet the open competitive requirements. Additionally, qualifying experience has the announced experience as the primary focus.

On appeal, the appellant maintains that she performed Buyer duties as an Owner/Operator of a sign, graphics and printing company. The experience requirement on the job announcement refers to a large scale purchasing of commodities, materials, equipment and/or supplies. The resume that the appellant submitted with her original application indicates that she performed a number of different duties as the other of First Star Graphics. As well as purchasing raw materials for projects, she indicated that she prepared quotes for customers, produced large format prints, posters, and banners, and completed signs, including design, printing, cutting and finishing. Other than its purpose, the appellant provides no information regarding her business such as a store location(s), annual revenue, number of employees, amount spent on purchasing, extent of the market for her product, number of vendors used, and cost of inventory. Also, in her appeal, the appellant describes her business solely in terms of purchasing. She does not specify in her appeal submission other duties performed as owner/operator other than those which directly match the job specification for the requested title. The Commission is not persuaded that this experience demonstrates that the appellant

was primary responsible for large-scale purchasing of commodities, materials, equipment and/or supplies.

The appellant listed her responsibilities as a liquor store manager as opening and closing the store; deposits and banking; purchasing weekly inventory; receiving deliveries; entering weekly bills and performing weekly price checks; and customer service. While this has some aspects of the required experience, managing the store was the primary focus. The appellant had 60 college credits and three months of required experience as of the closing date. As such, the appellant lacked two years, nine months of applicable experience as of the September 2018 closing date.

Lastly, *N.J.A.C.* 4A:4-1.5 (a) states that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. There is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment;
2. The appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment; and
3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

In this case, the appellant did not meet the minimum qualifications for the title at the time of the appointment and she still lacks two years of qualifying experience.

An independent review of all material presented indicates that the decision of the Division of Agency Services that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. Appellant provides no basis to disturb this decision. Thus, appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied. Further, as the appellant does not meet the requirements for the provisional position, she should be returned to her permanent title of Printing Machine Operator 1.

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 10th DAY OF SEPTEMBER, 2019



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