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STATE OF NEW JERSEY

In the Matter of Justin Popek, Management Assistant (PM0072U), Ridgewood

CSC Docket No. 2017-686

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: **DEC** 1 3 2016

(RE)

Justin Popek appeals the determination of the Division of Agency Services (DAS) that found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Management Assistant (PM0072U), Ridgewood.

The subject examination announcement was issued with a closing date of January 21, 2016, 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 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 one year of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures. Applicants who did not possess the required education could substitute additional experience with one year of experience equivalent to 30 semester hour credits. The appellant was found to be below the minimum requirements in experience per the substitution clause for education. As there were no admitted applicants, the examination was cancelled on July 21, 2016.

On his application, Mr. Popek indicated that he possessed no college credits, and therefore, he was required to possess five years of qualifying experience. He listed four positions on his application: provisional Management Assistant; Keyboarding Clerk 2 and 1, and temporary Keyboarding Clerk. He was credited

with one year of experience in is provisional position, and he was found to be lacking four years of qualifying experience.

On appeal, Mr. Popek states that he meets the minimum requirements, and he provides a list of duties that he performed through the years in sequential order. On his behalf, the Director of Operations for Ridgewood Water states that the appellant has worked for over five years performing applicable duties. Additionally, the Business Manager provides additional applicable duties and responsibilities that the appellant was assigned from 2007 forward.

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 in pertinent part that 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, unless good cause is shown for an exception.

CONCLUSION

Initially, the appellant was correctly deemed to be ineligible for the subject examination since he lacked the minimum requirements in experience based on his application. However, a representative of the appointing authority and the Business Manager have indicated that Mr. Popek performed applicable out-of-title duties for at least five years. With the acceptance of this out-of-title work, Mr. Popek possesses the required experience per the substitution clause for education. The examination was not competitive, with no admitted candidates, and Mr. Popek remains in his provisional position as a Management Assistant. Thus, based on the documentation submitted and under these circumstances, good cause exists to accept Mr. Popek's out-of-title work experience to satisfy the eligibility requirements for the Management Assistant (PM0072U), examination.

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 7th DAY OF DECEMBER, 2016

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries and

Correspondence

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