



B-9

STATE OF NEW JERSEY

In the Matters of William Barber
and Tamara Smith, Assistant Buyer
(PS2914T), Department of
Transportation

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2017-752 and
2017-753

Examination Appeals

ISSUED: FEB 24 2017 (JET)

William Barber and Tamara Smith appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Assistant Buyer (PS2914T), Department of Transportation. Since these matters concern similar issues, they have been consolidated herein.

The promotional examination was announced with specific requirements which had to be satisfied by the May 23, 2016 closing date (see attached). The examination was cancelled on September 17, 2016 as all of the applicants, including the appellants, were found ineligible for the examination. It is noted that the substitution clause indicated that applicants who did not possess the requisite Bachelor's degree could substitute additional experience on a year for year basis, with thirty semester hour credits being equal to one year of experience. Since the appellants did not indicate on their application that they possessed a Bachelor's degree, they required five years of applicable experience pursuant to the substitution clause.

WILLIAM BARBER'S APPEAL

On his application, Mr. Barber indicated that he possessed a high school diploma. He also listed that he served as a provisional Assistant Buyer from April 2016 to the May 23, 2016 closing date, as a Technical Assistant 2, Purchasing from December 2014 to April 2016, and as a Mechanic Helper from May 2009 to December 2014. Agency Services credited him with two months of applicable experience for his provisional service in the subject title, but it did not credit him

with any other applicable experience. Accordingly, Agency Services determined that Mr. Barber lacked four years and ten months of applicable experience.

On appeal, Mr. Barber maintains that he is qualified for the examination. In support, Mr. Barber submits a letter from Michele A. Shapiro, Director of the Division of Human Resources, who indicates that, as a result of a hiring freeze and budget constraints, it was necessary to assign out-of-title duties to Mr. Barber. Ms. Shapiro explains that since October 2011, Mr. Barber's duties included purchasing equipment, materials, tools, parts, and supplies for various units, identifying sources and executing plans, procuring a broad array of commodities, reviewing purchase requisitions, tracking orders, generating reports, and handling purchase order requisitions. She adds that his duties included assessing market and delivery conditions, determining availability of commodities, providing recommendations throughout the purchase cycle, soliciting quotes in accordance with policies and procedures, and generating purchase orders. He also is responsible for entering data into various systems, overseeing purchase order obligations for the fiscal year, and utilizing prior fiscal year business activity as a baseline for projecting requirements. She adds that Mr. Barber administers the Purchase Card (P-Card) program, educates user groups and EMS staff regarding P-Card requirements, completes Status of Purchasing Requisitions submissions, and completes purchase order changes.

TAMARA SMITH'S APPEAL

On her application, Ms. Smith indicated that she possessed 77 college credits. Agency Services credited her with two years and six months of applicable experience for her education. Additionally, Ms. Smith indicated that she served as a provisional Assistant Buyer from October 2015 to the May 23, 2016 closing date, as a Technical Assistant 2, Purchasing from April 2013 to September 2015, and as a Motor Vehicle Technician from September 2003 to March 2013. Agency Services credited her with eight additional months of applicable experience for her provisional service in the subject title, but it did not credit her with any other applicable experience. Accordingly, Agency Services determined that Ms. Smith lacked one year and ten months of applicable experience.

On appeal, Ms. Smith maintains that she is qualified for the examination. In support, Ms. Smith submits a letter from Debbie Williams, Senior Buyer, Motor Vehicle Commission, who indicates that she supervised the appellant from April 2013 to October 2015. She explains, among other things, that Ms. Smith's duties as a Technical Assistant 2, Purchasing, included purchasing large scale commodities, equipment, supplies, and office supply orders, researching contracts, gathering quotes, and asking vendors to complete paperwork. Further, she states that Ms. Smith's duties included confirming that purchases were in compliance with the appointing authority's policies. Additionally, Ms. Smith submits a letter from her

current supervisor, Marian Bucci, an Administrative Analyst 4, Procurement. Ms. Bucci indicates that Ms. Smith performed applicable duties of an Assistant Buyer for three years and five months.

Official personnel records indicate that Ms. Smith continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 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.

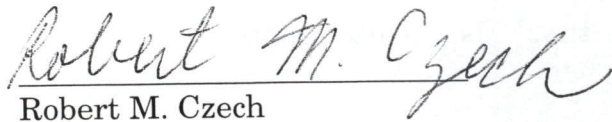
Initially, Agency Services correctly determined that the appellants were not eligible for the subject examination. Primarily performing the required duties to establish eligibility for the subject examination would be considered out-of-title work for incumbents in the Technical Assistant 2, Purchasing, Motor Vehicle Technician, and Mechanic Helper titles. However, the Director of the Division of Human Resources verifies that Mr. Barber performed applicable Assistant Buyer duties since October 2011. With respect to Ms. Smith, her current and former supervisors verify that she performed the required out-of-title duties since April 2013. Further, the appellants continue to serve provisionally in the subject title and the examination was cancelled. Under these circumstances, good cause exists to accept the appellants' out-of-title experience, for eligibility purposes only, and to admit them to the examination.

ORDER

Therefore, it is ordered that these appeals be granted, the cancellation of the examination be rescinded, and the appellants' applications 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 22nd DAY OF FEBRUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Assistant Director
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Civil Service Commission
Written Record Appeals Unit
PO Box 312
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Attachment

c: William Barber
Tamara Smith
Michele A. Shapiro
Kelly Glenn

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT**\$25.00 PROCESSING FEE REQUIRED**
Make Check/Money Order Payable to NJCSC

SYMBOL: PS2914T

TITLE: ASSISTANT BUYER

ISSUE DATE: May 01, 2016

TITLE CODE: 52662/EXRXR7

DEPARTMENT: TPA/TRANSPORTATION

UNIT SCOPE: T750 Procurement

WEIGHT CODE: *

SALARY: \$45,053.00 - \$63,538.00

CLOSING DATE: May 23, 2016

CLASS CODE: 19

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: One (1) year of experience in the large scale purchase of commodities, equipment and supplies.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09

