



STATE OF NEW JERSEY

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

In the Matter of Jermica Claytor,
Senior Fiscal Analyst (PS2690D),
Department of Community Affairs

Examination Appeal

CSC Docket No. 2017-548

ISSUED: JUNE 26, 2017

(ABR)

Jermica Claytor appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Senior Fiscal Analyst (PS2690D), Department of Community Affairs.

The subject examination was announced with a closing date of May 23, 2016 and was open to employees with a Bachelor's degree and two years of experience in the collection, analysis, evaluation and presentation of financial data used to provide an accurate accounting of administrative and operating costs, and the preparation of reports containing conclusions and recommendations for a private business or government agency. Applicants who did not possess the required education could substitute additional experience, with 30 semester hour credits being equal to one year of experience. The subject examination was cancelled on August 20, 2016, as the appellant was the only applicant and she was deemed ineligible.

On her application, the appellant stated that she completed 67 credit hours of college study, but did not possess a Bachelor's degree. Therefore, pursuant to the substitution clause for education, she needed to possess three years and ten months of the above-indicated experience. On her application, the appellant stated, in relevant part, that she served provisionally as a Senior Fiscal Analyst from March 2016 to the closing date of the examination (May 2016); as a Head Clerk Bookkeeper with the Department of Human Services, Division of Developmental Disabilities (DDD) from July 2011 to October 2012; and as a Principal Clerk

Bookkeeper with the DDD from February 2008 to July 2011. Agency Services credited the appellant with three months of applicable experience based upon her provisional service as a Senior Fiscal Analyst. However, it determined that her experience as a Head Clerk Bookkeeper from July 2011 to October 2012 and as a Principal Clerk Bookkeeper from February 2008 to July 2011 did not constitute applicable experience for the subject examination because there was no indication that she performed relevant duties. Consequently, she was deemed ineligible for the subject examination because she did not possess an additional three years and seven months of applicable experience for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant argues that her service as a Head Clerk Bookkeeper and as a Principal Clerk Bookkeeper with the DDD should be deemed applicable experience and describes her assigned duties in those titles in greater detail. Specifically, she indicates, in relevant part, that she reviewed, analyzed and confirmed the correctness of financial documents, including payment vouchers and invoices; compiled and tabulated financial data for inclusion in budgets and ad hoc requests; and prepared reports of program expenditures and operational costs.

In support, Brenda Baxter, the former appointing authority for the DDD, confirms that due to a Statewide hiring freeze, the appellant was assigned out-of-title duties while serving in the titles of Principal Clerk Bookkeeper and Head Clerk Bookkeeper from August 2009 to November 2012. Specifically, Ms. Baxter states that the relevant out-of-title duties assigned to the appellant during that timeframe included developing and maintaining an accounting system, using that accounting system to provide reconciliations to the Department of the Treasury, and preparing detailed reports required for the DDD's annual budget requests, quarterly spending plans and other departmental reports.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

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

Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked the requisite amount of creditable experience as of the May 23, 2016 closing date. On appeal, the appellant submits clarifying information related to her assigned duties as a Principal Clerk

Bookkeeper and Head Clerk Bookkeeper from August 2009 to November 2012. However, the appellant's performance of applicable duties while serving in those titles would be considered out-of-title work. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect permanent appointments and verifies that the appellants have performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). Here, the record evidences that the examination situation is not competitive since the examination was cancelled after the appellant, who was the only applicant, was deemed ineligible. Additionally, the appellant continues to serve provisionally in the subject title. Moreover, as noted above, the former appointing authority for the DDD confirms that the appellant possessed three years and four months of experience performing applicable duties while serving in the titles of Principal Clerk Bookkeeper and Head Clerk Bookkeeper from August 2009 to November 2012. As such, good cause exists in this particular case to accept the appellant's out-of-title work experience, for eligibility purposes only. Additionally, the appellant has completed 13 additional months of provisional service in the title of Senior Fiscal Analyst since the closing date. Where a list resulting from an examination is not competitive, and a provisional candidate gained enough additional experience after the closing date to satisfy experience requirement, the Commission has found good cause to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept an appellant's provisional experience after the closing date, for eligibility purposes only, and admit him or her to an examination. *See, e.g., In the Matter of Anthony Gowers* (MSB, decided September 6, 2006); *In the Matter of Patricia Mulford* (MSB, decided August 11, 2004). Given the non-competitive examination situation in the instant matter, good cause exists to accept the appellant's post-closing date provisional experience, for eligibility purposes only, and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination 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 21ST DAY OF JUNE, 2017



Robert M. Czedo, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. 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: Jermica Claytor
Jodi Evangelista
Kelly Glenn
Records Center