



STATE OF NEW JERSEY

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

Examination Appeal

In the Matter of Lucia Hunt,
Management Assistant (PS7164U),
Department of Law and Public Safety

CSC Docket No. 2019-1032

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ISSUED: October 31, 2018 (RE)

Lucia Hunt appeals the determination of the Division of Agency Services that found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Management Assistant (PS7164U), Department of the Treasury.

The subject examination announcement was issued with a closing date of March 22, 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 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 in 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 experience as indicated 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. As there were no eligible candidates, the examination was canceled on October 12, 2018.

The appellant indicated that she possessed 60 college credits, and therefore, she was required to possess three years of applicable experience. She listed three positions on her application: provisional Management Assistant; Technical Assistant 2, Treasury; and Principal Clerk Transcriber. None of her experience was accepted, and she was found to be lacking three years of qualifying experience. It is noted that on appeal the appellant provided a determination letter dated June 28,

2017 from the Division of Agency Services regarding a classification review of her position. This letter stated that a classification review of the appellant's position indicated that the position should be reclassified from Technical Assistant 2, Treasury to Management Assistant.

On appeal, the appellant explains that she has been performing the work of a Management Assistant for 13 years. She provides a list of her duties, a copy of a Agency Services' determination, and a two copies of recent performance evaluations. In support of the appeal, the appointing authority explains that the appellant has been performing the duties of a Management Assistant for at least the last six years, and while in the title Technical Assistant 2, Treasury.

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 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 could cause is shown for an exception.

Initially, the appellant was correctly deemed to be ineligible for the subject examination since she lacked the minimum requirements in experience as out-of-title work is not accepted for promotional examinations. Acceptable experience has the announced experience requirement as the primary focus. However, the appointing authority has indicated that the appellant has performed out-of-title duties for at least an additional six years while in the title Technical Assistant 2, Treasury. The examination was not competitive with no admitted candidates, and the appellant remains in her provisional position. Thus, based on the documentation submitted and under these circumstances, good cause exists to accept the appellant's out-of-title work experience to satisfy the requirements for the Management Assistant examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant be provided with a make-up examination.

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 31st DAY OF OCTOBER, 2018



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