



STATE OF NEW JERSEY

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

In the Matter of Lorraine Azzarano,
Business Manager (PM2315V),
Winslow Township

CSC Docket No. 2018-2924

Examination Appeal

ISSUED: May 24, 2018 (RE)

Lorraine Azzarano appeals the determination of the Division of Agency Services (Agency Services) that found that she was below the experience requirements, per the substitution clause for education, for the promotional examination for Business Manager (PM2315V), Winslow Township.

The subject examination announcement was issued with a closing date of October 23, 2017, 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 met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor’s degree, and two years of management experience which must have involved all of the following management functions:

1. setting program or organizational goals and objectives;
2. establishing organizational structure or determining the need for and developing plans for organizational changes;
3. setting policy for the organization or program managed by establishing program emphasis and priorities, and developing operating and procedural guidelines; and
4. directing the work of the organization or programs through subordinate levels of supervision.

Graduation from an accredited college or university with a Master’s degree in Human Services Administration, Business Administration, Public Administration, Industrial Management, Industrial Engineering, Management Science, or in a

program related to the organization, operation, administration, and control of private or public organizations could be substituted for one year of the indicated experience. The appellant was found to be below minimum requirements in experience. There were no other applicants, and the examination was cancelled on April 13, 2018.

On her application, the appellant indicated that she possessed 57 college credits. As such, per the substitution clause for education, she was required to possess four years, two months of qualifying experience. The appellant listed three positions on her application, Administrative Clerk, Keyboarding Clerk 2, and Clerk Typist. None of her experience was accepted and she was found to be lacking four years, two months of qualifying experience. Although not indicated on her original application, agency records indicate that the appellant was a provisional Business Manager from August 2017 to the October 2017 closing date.

On appeal, the appellant lists her certifications, provides a copy of her transcript which confirms the possession of 57 college credits, and provides an email string from May 2017, wherein Agency Services reviewed the duties of the position and informally informed the appointing authority that the duties are best described by the title Business Manager.

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:4-1.5(a)2 states that the appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of appointment.

At the outset, it is noted that 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 Business Manager 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 two years of relevant experience, it is considered a professional title. Further, professional work is basically interpretive, evaluative, analytical and/or creative requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research. *See In the Matter of Lewis Gordon* (Commissioner of Personnel, decided September 27, 1997) (Youth Worker title series not considered to be at a level and scope consistent with professional experience).

Conversely, *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, with or

without a clause to substitute experience. Also, *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. Administrative Clerk, and the titles in the Keyboarding Clerk series are non-professional titles, which require no college credits.

When a promotion is 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. A bridge title is one that is recognized by the Civil Service Commission as related to a higher category title in terms of work performed and knowledge, skills, and abilities required. In the present matter, there is no bridge title to the subject title. Thus, the appellant is required to meet the open competitive requirements.

A review of the appellant's application reveals that she does not meet the announced requirements. When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. The experience description for the subject examination requires professional level experience in the review, analysis and evaluation of operating programs and this level of experience cannot be obtained while in nonprofessional titles. Experience gained as an Administrative Clerk, and Keyboarding Clerk 1 and 2, is not at the level and scope required, nor does it match the required experience.

Further, based on her application, the duties involved for her Administrative Clerk position had a focus on administrative clerical duties, and were not managerial in nature. She was not setting program or organizational goals and objectives; establishing organizational structure or determining the need for and developing plans for organizational changes, or directing the work of the organization or programs through subordinate levels of supervision, that is, she is not supervising supervisors. Thus, the duties that the appellant listed indicates that she was not performing out-of-title managerial work of a Business Manager while in her Administrative Clerk position. It is note that the appellant did not provide the same information to the Commission in her appeal as she or the appointing authority provided to Agency Services, and provided no duties of her provisional position. Even if she were to be credited for her provisional experience, she would have three months of applicable experience, and still would be lacking three years, eleven months of qualifying experience.

Although the appellant provides a May 2017 email from this agency indicating that the duties of her position may be consistent with Business Manager, the DPF-44 that was submitted at that time was to verify the job duties to determine the position's classification. However, the duties of the position are

irrelevant to a determination if an individual possesses the minimum requirements needed to establish examination eligibility for the title. *See In the Matter of Bonnie Teman* (MSB, decided June 16, 1998). The requirements of *N.J.S.A. 11A:4-13(b)* allow for an appointing authority to certify that an appointee meets the minimum qualifications for the title at the time of appointment, but the fact that the appointing authority erroneously determined that a provisional appointee satisfies the minimum qualifications for the title prior to an actual eligibility determination by this agency, does not automatically establish a presumption of eligibility when the examination is announced. *See In the Matter of Cynthia Bucchi, Maria D'Angelo, Rosalind R. James, Carla M. Lewis, and Rhonda McLaren, Management Assistant (PS5831F), Department of Education, Docket No. A-1266-04T2* (App. Div. February 27, 2006). Since the appellant does not meet the minimum qualifications for the title, contrary to *N.J.A.C. 4A:4-1.5(a)2*, she should be returned to her regular prior-held title immediately upon receipt of this decision, and the duties of Administrative Clerk be assigned.

ORDER

Therefore, it is ordered that this appeal be denied.

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 23rd DAY OF MAY, 2018



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