

prior to that held the titles Senior Stock Clerk, Stock Clerk, Stock Handler, Garage Attendant and Building Maintenance Worker.

The appellant was credited with five months of experience in his provisional position. Thus, per the substitution clause for education, he was found to be lacking six years, three months of applicable experience.

On appeal, the appellant provides a more accurate employment history, with duties of his positions as a Senior Stock Clerk and Stock Handler. He maintains that while as a Stock Handler he obtained quotes from vendors, prepared purchase requisitions, inspected deliveries, distributed materials and supplies, and assisted the Purchasing Agent with bid specifications and purchase orders. While as a Senior Stock Clerk, he performed these same duties and assisted the department head with budget and numbering of assets.

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 good cause is shown for an exception.

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 Assistant Purchasing Agent 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. Senior Stock Clerk, Stock Clerk, Stock Handler, Garage Attendant and Building Maintenance Worker 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.

The Division of Agency Services correctly determined that the appellant was not eligible for the subject examination. 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 level of experience for the announced title cannot be obtained while in nonprofessional titles. Incumbents in the Senior Stock Clerk, Stock Clerk, and Stock Handler titles are not assigned professional level duties of writing purchase specifications. Based on the appeal, the appointing authority was contacted, and it did not certify that the appellant performed out-of-title duties. As such, a basis for accepting out-of-title experience has not been presented. As the appointing authority has not supported the appellant's claim of out-of-title work, the appellant lacks six years, three months of qualifying experience by the October 2017 closing date.

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, he should be returned to his regular prior-held title immediately upon receipt of this decision, and the duties of Senior Stock 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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