



STATE OF NEW JERSEY

In the Matter of Melissa Mistic,
Records Manager (PC2284V),
Cape May County

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

CSC Docket No. 2018-2158

Examination Appeal

ISSUED: JULY 20, 2018

(JET)

Melissa Mistic appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the promotional examination for Records Manager (PC2284V), Cape May County.

The subject examination was announced with a closing date of September 21, 2017. The requirements were graduation from an accredited college or university with a Bachelor's degree, and five years of experience in the planning and development of records management programs and procedures and/or the review, analysis and evaluation of record maintenance systems and recommendation for improved methods of operation. It was noted that applicants who did not possess the required education could have substituted additional experience on a year for year basis with 30 semester hour credits being equal to one year of experience. Since the appellant did not possess a Bachelor's degree, she was required to possess nine years of experience pursuant to the substitution clause. The examination was cancelled as none of the applicants, including the appellant, were found eligible for the examination.

A review of the appellant's application reveals that she possesses 77 semester hour credits. Agency Services credited her with two years and six months of experience for her college credits. Additionally, the appellant listed on the application that she served as a provisional Records Manager from June 2006 to the September 21, 2017 closing date. Official personnel records indicate that the appellant served as a provisional Records Manager from July 2017 to the September 2017 closing date, as a Keyboarding Clerk 2 from July 2015 to July

2017, and as a Keyboarding Clerk 1 from June 2006 to July 2015. Agency Services did not find any of the appellant's experience applicable. Accordingly, Agency Services determined that the appellant was not eligible for the examination as she lacked six years and six months of experience.

On appeal, the appellant argues that she is qualified for the examination and she has been performing duties as a Records Manager since 2011. In support, the appellant provides a letter from Rita Marie Fulginiti, County Clerk, who confirms that the appellant performed the duties of a Records Manager and an Assistant Records Manager on an out-of-title basis since 2006.

It is noted that the appellant continues to serve as a provisional Records Manager.

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 appellant was 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 Keyboarding Clerk 2 and Keyboarding Clerk 1 titles. However, the County Clerk, Cape May County, has verified that the appellant has been performing the required duties of a Records Manager while serving as a Keyboarding Clerk 1 and Keyboarding Clerk 2 since 2006. Further, the appellant continues to serve as a provisional Records Manager and the examination was cancelled due to lack of applicants. Under these circumstances, good cause exists to accept the appellant's out-of-title work experience for eligibility purposes only, and admit her to the 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 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 18th DAY OF JULY, 2018



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c: Melissa Mistic
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