



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Robin Fichmann,
Purchasing Agent (PM0234A),
Moorestown

Examination Appeal

CSC Docket No. 2020-602

ISSUED: November 12, 2019 (RE)

Robin Fichmann appeals the decision of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Purchasing Agent (PM0234A), Moorestown.

The subject promotional examination had a closing date of February 21, 2019 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 who were serving in the title Assistant Purchasing Agent OR who were serving in any competitive title and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, possession of a Qualified Purchasing Agent certification, and five years of experience in the writing of purchase specifications and in the purchase of equipment, materials and supplies on a large scale. Applicants who did not possess the required education could substitute experience 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. Since the appellant's application was the only one submitted, the examination was canceled on August 19, 2019.

On her application, appellant indicated that she possessed a Qualified Purchasing Agent certification, but had no college credits. As such, she was required to possess nine years of applicable experience. For her experience, the appellant indicated that she held the following positions: 1) provisional Purchasing

Agent from November 2018 to the closing date, February 2019; 2) Clerk 2 from July 2016 to November 2018; 3) Clerk 1 from June 2015 to June 2016; 4) Purchasing Agent with Medford Township from April 2009 to August 2014; 5) Bookkeeper with E & J Automotive from 1998 to 2005 (no months given, no hours given); 6) Bookkeeper with Herb's Seafood Inc. from 1988 to 1994 (no months given, no hours given); and 7) Bookkeeper/Administrative Assistant with Consolidated Natures Prime from 1981 to 1984 (no months given, no hours given). As the appellant did not indicate that she was writing purchase specifications in any of her positions, the appellant was found to be lacking nine years of qualifying experience per the substitution clause for education.

In an appeal dated August 20, 2019, the Human Resource Administrator indicates that the appellant would like to provide information to appeal this decision. The appellant argues that she has three years, eight months of experience in her provisional position, and that she had been a Purchasing Agent with Medford Township for an additional five years, four months.

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 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.

At the outset, it is noted that the application is utilized to screen the candidate pool to ensure that all applicants, including provisional appointees, meet the minimum experience requirements for each position. Those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine their relative merit and fitness. *See In the Matter of Jennifer Napoli* (MSB, decided February 25, 2004); *In the Matter of Daniel Roach* (MSB, decided October 20, 2004). Further, 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 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 relevant experience, it is considered a professional title.

The appellant's prior held titles of Clerk 1 and 2 do not require a Bachelor's degree and therefore are not professional titles. *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, while *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

(but less than a full degree). As such, these titles are considered non-professional titles since they do not require completion of any college credits. It is noted that the appellant performed out of title work in the purchasing area while in these titles, however, it was not at the level of Purchasing Agent. The specific experience requirement was to *write purchase specifications* and perform purchasing. This type of professional work is clearly not done by incumbents in clerical titles, and the appellant did not indicate that she wrote purchase specifications while in these titles.

When a promotion would be 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. The title Purchasing Assistant is a bridge title for the title Assistant Buyer, but as there is no bridge title for Purchasing Agent, the appellant is required to meet the open competitive requirements. Additionally, qualifying experience has the announced experience as the primary focus.

The appellant listed her responsibilities in her provisional position but did not include writing purchasing specifications. Additionally, the Purchasing Agent is a high level position, in class code 30, requiring planning, organizing, and directing the activities of a purchasing unit, and supervises subordinates. The description of duties supplied on the application does not meet this level of work.

As to the appellant's Purchasing Agent position with Medford Township, the appellant did not include writing purchasing specifications as a duty. Her duties in that position included establishing and developing purchasing methods, approving requisitions for purchases, and creating purchase orders and distributing copies. She also prepared purchase orders for payment, accounts/payable, submitted a bill list for an agenda, reviewed and prepared bids, communicated with vendors, located supplies, and maintained records and files. These duties are not at the level and scope of the required experience.

In this case, the appellant did not meet the minimum qualifications for the title at the time of the appointment and she still lacks nine years of qualifying experience. As the appellant did not indicate that she is primarily performing work required of a Purchasing Agent, it appears that her position may be misclassified. Therefore, the appellant and appointing authority should, within 30 days of the date of this decision, complete the attached duties questionnaire and submit it to Agency Services detailing the duties of the position, so that an appropriate provisional title can be assigned. Should the appellant be found not eligible for the new provisional appointment, she should be returned to her regular prior-held title at that time.

An independent review of all material presented indicates that the decision of Agency Services that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. Appellant provides no basis to disturb this decision. Thus, appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied and the matter of the appellant's position classification be referred to Agency Services for review.

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 6th DAY OF NOVEMBER, 2019



Deirdre L. Webster Cobb
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

Attachment

c: Robin Fichmann
Thomas Merchel
Kelly Glenn
Records Center

POSITION CLASSIFICATION QUESTIONNAIRE

NEW JERSEY CIVIL SERVICE COMMISSION DIVISION OF STATE & LOCAL OPERATIONS

FOR CIVIL SERVICE COMMISSION USE

SALO
LOG NO.

IMPORTANT: Full instructions for completing this form are located on the last page. It is most important that employees and supervisors read them carefully. The form must be signed by the employee, his or her supervisor, the Program Manager or Division Director and the Appointing Authority Representative.

EMPLOYEE ID #

CSS
REQUEST NO.

INCOMPLETE REQUESTS WILL BE RETURNED.

1. NAME OF EMPLOYEE (IF ANY)	2. ANNUAL SALARY (Current)	3. POSITION NO.	4. CODE (Range and Title)
5. OFFICIAL TITLE OF POSITION		6. WORKING TITLE (If different)	
7. LOCATION OF POSITION (Geographic location, Unit, Section, Division, Institution, or Department)			
7A. EMPLOYEE WORK OR HOME MAILING ADDRESS			

8. WORK (DUTIES) PERFORMED - Describe in detail the work required of this position. Make descriptions so clear that persons unfamiliar with the work can understand exactly what is done. **NOTE:** If this is a vacant position or a new position request, the form must be completed by the supervisor of the position and certified for accuracy by the Appointing Authority Representative.

Percent of Time	Work (Duties) Performed	Order of Difficulty

ITEM 8 CONTINUED

Percent of Time	Work (Duties) Performed	Order of Difficulty

9. REGULAR SCHEDULE OF WORK HOURS					
DAY	FROM	TO	DAY	FROM	TO
<i>Monday</i>			<i>Friday</i>		
<i>Tuesday</i>			<i>Saturday</i>		
<i>Wednesday</i>			<i>Sunday</i>		
<i>Thursday</i>			<i>Length of Lunch Period</i> - - - -		
<i>Total Hours Worked Per Week</i> - - - - -					

9b. EXPLAIN ROTATION OF SHIFTS, IF ANY

QUESTIONNAIRE CONTINUED

10. TYPE OF SUPERVISION RECEIVED (Check One — See definitions on page 4)

CLOSE LIMITED GENERAL OTHER (Explain) _____

<p>11. Does this position supervise other employees?</p> <p><input type="checkbox"/> YES (If yes, complete Items A thru E) <input type="checkbox"/> NO</p> <p>A. <input type="checkbox"/> Occasionally? [or] <input type="checkbox"/> Regularly?</p> <p>B. Responsible for the preparation of performance evaluations? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>C. Assign work? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>D. Review completed work of employees supervised? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>E. List the names and titles of the employees supervised directly. <i>(If the employees supervised comprise one or more complete units, include the names of the units)</i></p>
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<p>12. CERTIFICATION OF EMPLOYEE</p> <p></p>	<p>I CERTIFY that I have read the instructions and the entries made above are my own and, to the best of my knowledge, are accurate and complete.</p> <p>SIGNATURE DATE</p>
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13. STATEMENTS OF IMMEDIATE SUPERVISOR

A. Comments on Statements of Employee

Check here if continued on additional sheets.

B. What do you consider the most important duties of this position?

Check here if continued on additional sheets.

C. List those knowledges and abilities necessary for standard performance of the job to be done by an incumbent of this position

Check here if continued on additional sheets.

D. I AGREE DISAGREE with the employee's description of job duties, percentage of time, and order of difficulty.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE <i>(Working title if different)</i>	SIGNATURE	DATE
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14. STATEMENTS OF PROGRAM MANAGER OR DIVISION DIRECTOR

- I **AGREE** with the statements of the immediate supervisor.
- I **DISAGREE** with the statements of the immediate supervisor.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE
(Working title if different)

SIGNATURE

DATE

15A. STATE APPOINTING AUTHORITY REPRESENTATIVE SIGNATURE

In State service, the agency representative's signature certifies the information in accordance with 4A:3-3.9(c)1.

OFFICIAL TITLE
(Working title if different)

SIGNATURE

DATE

15B. LOCAL APPOINTING AUTHORITY REPRESENTATIVE SIGNATURE

In Local service, the agency representative's signature certifies the information in accordance with 4A:3-3.9(d).

- I **AGREE** with the statements of the immediate supervisor and program manager or division director.
- I **DISAGREE** with the statements of the immediate supervisor and program manager or division director.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE
(Working title if different)

SIGNATURE

DATE

