

# STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

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

CSC Docket No. 2020-602

**Examination Appeal** 

**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.

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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 venders, 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

Lever L. Webster Calib

Deirdré L. Webster Cobb

Chairperson

Civil Service Commission

Inquiries Christopher S. Myers

and Director

Correspondence 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

L POSITION CLASSIFICATION OLIFSTIONNAIRE					FOR	FOR CIVIE SERVICE COMMISSION USE	
NEW JERSEY CIVIL SERVICE COMMISSION DIVISION OF STATE & LOCAL OPERATIONS					LOG NO.		
that employees and supervisors read them carefully. The form must be signed by the employee, his or her					CSS.	EMPLOYEE II) #	
INCOMPLETE REQUESTS WILL BE RETURNED.						ILST NO.	
1. NAME OF EMPLOYEE (IF ANY)  2. ANNUAL SALARY (Current)  3. POSITION NO. 4. COD						4. CODE (Hang	ge and Title)
5. OFFICIAL TITLE OF POSITION 6. WORKING TITLE (If different)						I	
	N OF POSITION location. Unit. Section, Division, Institution, o	r Deparlment)					
7A. EMPLOY	YEE WORK OR HOME MAILING ADDRESS					· · · · <u>-</u>	
the work car supervisor o	(DUTIES) PERFORMED - Describe in detail the numberstand exactly what is done. NOTE: If the fitne position and certified for accuracy by the	nis is a vacant p	osition or a new pos	sition request, the for			by the
Percent of Time		Work (Duties	s) Performed				Order of Difficulty

# ITEM 8 CONTINUED

Percent of Time	Work (Duties) Performed	Order o Difficulty
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DAY	FROM	TO	DAY	FROM	TO
Monday			Friday		
Tuesday		· · · · · · · · · · · · · · · · · · ·	Saturday		•
Wednesday			Sunday		
Thursday			Length of Lunch Period		

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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) 11. Does this position supervise other employees? E. List the names and titles of the employees supervised directly. (if the employees supervised comprise one or more complete units, include the names of the units) YES (If yes, complete Items A thru E) \_ NO A. Occasionally? Regularly? B. Responsible for the preparation of performance YES \_\_\_\_NO evaluations? C. Assign work? D. Review completed work of employees supervised? 12. CERTIFICATION I CERTIFY that I have read the instructions and the entries made above are my own and, to the best of my OF knowledge, are accurate and complete. **EMPLOYEE** SIGNATURE 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. 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 SIGNATURE DATE (Working title if different)

14. STATEMENTS OF PROGRAM MANAGER OR DIVISION DIRECTOR						
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	REPRESE	NTATIVE SIGNATUR	₹E			
In State service, the agency representative's signature certifications and the service in the se	es the information	in accordance with 4A:3-3.9(	e)1.			
OFFICIAL TITLE (Working title if different)	SIGNATURE		DATE			
15B. LOCAL APPOINTING AUTHORITY	REPRESE	NTATIVE SIGNATU	RE			
In Local service, the agency representative's signature certifies the information	ation in accordance	ce with 4A:3-3.9(d)				
I AGREE with the statements of the immediate supervisor and program manager or division director.						
DISAGREE with the statements of the immediate supervisor and program manager or division director.						
COMMENTS:			j			
×						
		Check here if continued of	on additional sheets.			
OFFICIAL TITLE (Working title if different)	SIGNATURE	<del></del>	DATE			

# INSTRUCTIONS FOR COMPLETING POSITION CLASSIFICATION QUESTIONNAIRE (DPF-44)

**NOTE:** If this is a vacant position or a new position request, this form must be completed by the supervisor of the position and certified for accuracy by the Appointing Authority Representative.

### Please read these instructions carefully before filling out the Position Classification Questionnaire.

This form is used to obtain information about a position. It will be used to determine the classification or to determine a rate of pay. Therefore, be as clear and accurate as possible and fill out the form completely. Be specific and illustrate statements with examples. If more space is needed to answer any of the items, attach an additional sheet and identify each item by its number.

This form is to be completed by you in your own words. Your supervisor and department head will review your Position Classification Question-naire to determine the completeness and accuracy of the statements and to clarify or give additional information concerning your duties and responsibilities. Under no circumstances, however, should the supervisor or the department head change the answers as given and certified to by you. In the space provided, they may make whatever statements they think are necessary before signing the report. State your name in Item 1 and complete Items 6 through 12. Items 2 through 5 will be completed by your personnel office. Remember to sign your name in Item 12. Give the completed questionnaire to your supervisor.

ITEM 8 - The answer to this item requires an exact account of what you do. Describe your "whole job" or year-round duties, not just those which might be performed during rush or peak periods of activity or when you are substituting for other persons. Start with your most important duties and describe your least important duties last. Use a separate paragraph for each major duty. In the column at left indicate as best you can the percentage of time you devote to each duty. The position's supervisor will complete the information requested in the right hand column.

#### **EXAMPLES OF GOOD AND POOR DUTIES STATEMENTS Poor Statements Good Statements** Assist in handling correspondence. • • • • Receive, open, time stamp, and route incoming mail. Maintain grounds and landscaped areas. Mow lawn with power mower and hand mowers. Trim trees from ground and from ladder, using power saws. Lubricate mowers I do finish concrete work. Place forms; mix, pour and finish concrete walks and curbing. Keep claim registers. . . . . Prepare registers of all claims showing allocation of budget expenditures and total amount of expenditures for month in which claims are made. Do general kitchen work. • • • • • Clean and cut fruits and vegetables. Make salad dressings. Serve at steam table. Wash pots and dishes and store away utensils and foods. Once or twice a month, bake dookies Our unit is responsible for keeping all purchasing records. I compare invoices with purchase orders. Review requisitions submitted by the different departments for accuracy, then give them to the Purchasing Agent for his or her OK.

ITEM 10 - Before you complete Item 10, the following definitions will be helpful in making your choice of the type of supervision you receive.

- CLOSE SUPERVISION: Work is performed according to detailed instructions and supervision is available on short notice.
- LIMITED SUPERVISION: Incumbent proceeds on his/her own initiative while complying with policies, practices, and procedures prescribed by the supervisor The supervisor generally answers questions only on the more important phases of the work.
- GENERAL SUPERVISION: Work is performed independently. The incumbent seldom refers matters to supervisor except for clarification of policy.
- · Other: If your work is supervised in a manner different from all of the above, please describe briefly how your work is assigned and supervised.

# INSTRUCTIONS FOR SUPERVISORY STAFF

ITEM 13 - If you are a supervisor reviewing this form, you should remember that your certification means you accept responsibility that the statements made constitute a true description of the duties and responsibilities of the position. If the description does not meet with your idea of the position, it is your responsibility to see that statements made are qualified or elaborated upon in your comments. Under no circumstances, however, are the employee's statements to be changed. However, you are asked to determine the order of difficulty of each duty performed. Under Item 8 in the column at right, cite the order of difficulty of duties performed by assigning the number one (1) to the most difficult, the number two (2) to the next most difficult, etc. Keep in mind that the most important duty performed by this position may not be the most difficult, nor the one on which the greatest percentage of time is spent.

You should review the completed and signed form for correctness, completeness, and accuracy of statements, then add any comments which you believe are necessary, sign the form, and forward it to the program manager or division director.

ITEM 14 - The Program Manager or Division Director should indicate his or her agreement or disagreement with the statements of the immediate supervisor Additional comments may be written in the space provided. Sign the form and forward it to your Personnel Office.

# APPOINTING AUTHORITY SIGNATURE

ITEM 15A - (State Service) - the appointing authority or designated representative shall sign the form here. The agency representative's signature certifies that he/she has reviewed the appeal, provided an organization chart, and included all information set forth in 4A 3-3.9(c). The completed package should be forwarded to the Civil Service Commission.

ITEM 15B - (Local service) - the agency representative shall sign here, and may indicate his/ her agreement or disagreement with the statements of the immediate supervisor and program manager or division director, and provide comments if desired. The completed package should be forwarded to the Civil Service Commission.