



STATE OF NEW JERSEY

In the Matters of Brian Blum and Jarod Smiley, Contract Administrator 1 (PS6052K), Department of Children and Families	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
	:	
	:	
	:	
CSC Docket Nos. 2022-968 and 2022-994	:	Examination Appeals
	:	
	:	
	:	

ISSUED: FEBRUARY 7, 2022 (HS)

Brian Blum and Jarod Smiley appeal the determinations of the Division of Agency Services (Agency Services), which found that they did not meet the experience requirements for the promotional examination for Contract Administrator 1 (PS6052K), Department of Children and Families (DCF). These matters have been consolidated herein.

The subject examination was announced with a closing date of August 23, 2021 and was open to employees who possessed a Bachelor’s degree and two years of experience involving contract/grant work, project financing, construction management, fiscal administration, social service administration, and/or budget and management operations of a government or business entity, at least one year of which shall have involved responsibility for some aspect of contract/grant administration. Applicants who did not possess the required education could substitute, in addition to the required experience, applicable experience on a year-for-year basis, with 30 semester hour credits being equal to one year of experience. The resulting eligible list containing the name of one eligible promulgated on November 4, 2021 and expires on November 3, 2024. A certification issued from the list on January 5, 2022, but it has not yet been returned.

On his application, Blum indicated possession of a Bachelor’s degree. He also listed his experience as a provisional Contract Administrator 1 with DCF from October 2019 to August 2021. Agency Services credited Blum for his Bachelor’s degree and for one year and 11 months of applicable experience based on his provisional service in the subject title. Therefore, Agency Services deemed Blum

ineligible since he lacked one month of experience and thus did not meet the experience requirement set forth in the announcement.

On his application, Smiley did not indicate possession of the required education. Therefore, pursuant to the substitution clause for education, Smiley needed six years of applicable experience. Smiley did list possession of 51 semester hour credits. He also listed his experience, in pertinent part, as a Technical Assistant Contract Administration from April 2019 to August 2021 and as a Principal Audit Account Clerk from June 2013 to April 2019, both with DCF. Agency Services credited Smiley with the equivalent of one year and eight months of experience based on the 51 semester hour credits he possessed. It also credited Smiley with two years and five months of applicable experience based on his experience as a Technical Assistant Contract Administration. His experience in the Principal Audit Account Clerk position, though determined to be applicable, could not be credited as it was unverified out-of-title experience. All remaining listed positions were deemed inapplicable. Therefore, Agency Services deemed Smiley ineligible since he lacked one year and 11 months of experience and thus, per the substitution clause for education, did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission (Commission), Blum indicates his disagreement with the determination that he was ineligible. Agency records indicate that Blum was provisionally appointed to the subject title, effective October 26, 2019, and continues to serve provisionally in that title.

Smiley maintains that he possesses sufficient applicable experience and presents a letter from Everett Spann. Spann indicates that from April 2014 to December 2018, he was the Business Manager (Senior Executive Service) at the Metropolitan Business Office, DCF. Spann states that during those years, Smiley performed a number of contract work tasks due to the operational needs of the office. These tasks included conducting contract closeouts; assembling Schedules of Estimated Claims; inputting data for contract worksheets; finalizing contract processing with the Office of Contract Administration; and contract reconciliation/troubleshooting via the Contract Management System.¹

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 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. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

¹ It is noted that the appointing authority was copied on Spann's letter. No information concerning this matter was received from the appointing authority.

In this matter, Agency Services correctly determined that Blum was ineligible for the subject examination because he did not meet the experience requirement as of the August 23, 2021 closing date since he lacked one month of experience. Blum was provisionally appointed to the title under test, effective October 26, 2019, and continues to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, Blum has been performing the duties of the title under test since that date. Thus, he now possesses enough applicable experience based on this service. Additionally, the record evidences that the examination situation is not competitive since the eligible list promulgated with the name of only one eligible. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept Blum's provisional experience after the closing date, for eligibility purposes only, and admit him to the examination.

Agency Services also correctly determined that Smiley was ineligible for the subject examination because he did not meet the experience requirement as of the August 23, 2021 closing date since he lacked one year and 11 months of experience, per the substitution clause for education. On appeal, Smiley maintains that he possesses sufficient applicable experience. In support, Smiley's former manager confirms that he performed applicable duties out-of-title while serving in the title of Principal Audit Account Clerk with DCF from April 2014 to December 2018. This represents four years and nine months of applicable experience. The Commission acknowledges that Smiley's former manager is not the appointing authority, but the appointing authority, though copied on the information he supplied, offered no opinion. And Smiley's former manager, it must also be acknowledged, did hold "substantial managerial, policy influencing or policy executing responsibilities," *see N.J.S.A. 11A:3-3*, as a member of the Senior Executive Service. Thus, the Commission will, under these circumstances, accept the information supplied by Smiley's former manager as verification of his performance of applicable out-of-title duties. Moreover, the examination situation is not competitive for reasons already stated. As such, good cause exists in this particular case to accept Smiley's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that these appeals be granted, and the appellants' applications be processed for prospective employment opportunities.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF FEBRUARY 2022

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Brian Blum (2022-968)
Jarod Smiley (2022-994)
Linda Dobron
Division of Agency Services
Records Center