



STATE OF NEW JERSEY

In the Matter of Freddie Cross,
Assistant Buyer (PS6993K), Vineland
Developmental Center

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

CSC Docket No. 2022-3041

Examination Appeal

ISSUED: September 21, 2022 (SLK)

Freddie Cross appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Assistant Buyer (PS6993K), Vineland Developmental Center.

The subject examination’s closing date was November 22, 2021. The education requirement was a Bachelor’s degree. The experience requirements were one year of experience in the large-scale purchase of commodities, equipment and supplies. 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. A total of four employees applied and one was found eligible. Certification PS220528 was issued containing the name of the one eligible, who was appointed. The list expires on May 18, 2025.

On his application, the appellant indicated that he had 60 college credits. He also indicated that he was provisionally serving in the subject title from February 2021 to the closing date, a Principal Buyer for F.B.F. Associates Inc. from October 1997 to the closing date, an Owner Operator for Raving Beauty Boutique and Salon from October 1997 to the closing date, a Supervising-Clothing Department from November 2008 to February 2021, a Training Assistant from May 2003 to January 2008, a CPVI Program Coordinator from September 1998 to May 2003, and a Senior Technical Program Assistant from September 1978 to September 1998. Personnel

records indicate that he was provisionally serving in the subject title from February 2021 to the closing date, a Senior Therapy Program Assistant from January 2007 to February 2021, a Training Assistant from October 2004 to January 2007, a Senior Therapy Program Assistant from November 1980 to October 2004, a Recreation Assistant from June 1978 to November 1980, and a Senior Building Maintenance Worker from February 1977 to June 1978. Agency Services credited him two years of experience based on his 60 college credits and 10 months of experience based on his provisional service in the subject title, but determined, per the substitution clause for education, that he lacked two years and two months of experience.

On appeal, the appellant clarifies that his private sector experience with F.B.F. Associates and Raving Beauty Boutique and Salon involved working for the same company that had two separate locations. He explains that he performed the required duties on a full-time basis while working for the appointing authority on weekdays while he also worked 40 hours per week in the private sector by working nights and weekends. The appellant presents that as the Chief Executive Officer for these private sector companies, in addition to running operations, he ordered merchandise. Additionally, the appointing authority confirms that the appellant was temporarily assigned to the clothing room in either 2008 or 2009. Further, it indicates that he began leading and supervising the clothing room in 2014, which allowed the Business Manager to perform other critical tasks. The appointing authority also submits a statement from the appellant's manager who describes in detail how the appellant performs the required duties.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) 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 title as the required duties as a Senior Therapy Program Assistant would be out-of-title. However, on appeal, the appointing authority confirms that the appellant has been performing the required duties for the required time, albeit out-of-title, due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title and there are currently no names on the eligible list examination. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's verified out-of-title experience, for eligibility purposes only, and admit him to the examination.

This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, 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 21ST DAY OF SEPTEMBER, 2022

Dolores Gorczyca

Dolores Gorczyca
Presiding Member
Civil Service Commission

Inquiries
and
Correspondence

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

c: Freddie Cross
Lois Robinson
Division of Agency Services
Records Center