



STATE OF NEW JERSEY

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

In the Matter of Carolyn Sylvester,
Assistant Purchasing Agent
(PC3912D), Sussex County

CSC Docket No. 2023-314

Examination Appeal

ISSUED: September 21, 2022 (RE)

Carolyn Sylvester 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 Assistant Purchasing Agent (PC3912D), Sussex County.

The subject examination announcement was issued with a closing date of April 21, 2022. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title, and who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and four years of experience in the writing of purchase specifications and in the purchase of equipment, materials, and supplies in a large government or private agency. Applicants who do not possess the required Bachelor's degree could substitute additional experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. The appellant was determined to be ineligible for below minimum requirements in experience per the substitution clause for education. As the appellant was the sole applicant, the examination was cancelled on August 13, 2022.

On her application, the appellant indicated possession of a 60 college credits. As such, she was required to possess six years of required experience. She listed six positions on her application and resume: provisional Assistant Purchasing Agent, Buyer, Printing Technician, Owner/Operator of First Star Graphic LLC, Manager of a Wine and Spirits store, and Production Manager of a design studio. She was

credited with three years, 10 months of experience in the first two positions, and was found to be lacking two years, two months of applicable experience.

On appeal, the appellant states that she accrued applicable experience in her provisional position, as a Buyer, and as an Owner/Operator of a graphics company.

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.

The appellant received credit for experience in her provisional position and as a Buyer. Her remaining positions are inapplicable. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). From December 2017 to June 2018, the appellant indicated she was performing the duties of a Buyer while in the Printer Machine Operator 1 title, which was out-of-title work. The appointing authority was not contacted regarding this as it amounted to seven months of additional experience, and her remaining experience was not applicable. In *In the Matter of Carolyn Sylvester, Buyer (PC2336W), Sussex County* (CSC, decided September 10, 2019), the appellant also stated that she was performing the work of Buyer while owning and operating her design company. The Commission found that she performed a number of different duties as the owner of First Star Graphics, and that this experience, as well as her remaining experience, was inapplicable. On reconsideration, in *In the Matter of Carolyn Sylvester, Buyer (PC2336W), Sussex County* (CSC, decided April 29, 2020), the Commission accepted the appellant's experience as the owner of First Star Graphics based on the totality of her various levels of purchasing experience.

Nonetheless, the experience requirements for the subject examination are more strenuous than those for Buyer, as they require four years of experience in the writing of purchase specifications. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). In this case, the appellant was not writing purchase specifications during her ownership of a business.

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

ORDER

Therefore, it is ordered that this appeal be denied.

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

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