

B-61



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Tammy Trout,  
Technical Assistant 2, Purchasing  
(PS2464I), Southern State  
Correctional Facility

Examination Appeal

CSC Docket No. 2017-238

ISSUED: **DEC 12 2016** (ABR)

Tammy Trout appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Technical Assistant 2, Purchasing (PS2464I), Southern State Correctional Facility.

The subject examination was announced with a closing date of April 21, 2016, and was open to employees with one year of continuous permanent service in a competitive title who possessed 60 semester hour credits from an accredited college and one year of para-professional or technical support experience in procurement/purchasing. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis, with 30 credit hours being equal to one year of para-professional or technical support experience in procurement/purchasing. It is noted that the appellant was one of two applicants for the subject promotional examination, which was cancelled on July 22, 2016, as both applicants were deemed ineligible.

On her application, the appellant indicated, in relevant part, that she served provisionally as a Technical Assistant 2, Purchasing from January 2016 through the closing date and as a Principal Clerk Typist from April 2002 to January 2016. The appellant indicated, in part, that her major duties as a Principal Clerk Typist included preparing contract award notices and bid proposals; receiving document quotes for vendor price quotations; reviewing vendor bid proposals; making recommendations with respect to vendor bid proposals; monitoring transactions to ensure compliance with purchasing regulations; working on complex bid proposals

from multiple vendors; collecting information related to commodities purchases; maintaining purchase data and reconciling that on a monthly basis; and processing purchase orders and payments to vendors. However, Agency Services noted that any applicable duties that the appellant may have performed while serving in the Principal Clerk Typist title would be out-of-title. Therefore, she was found to be lacking two years and eight months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that she possesses 12 semester credit hours<sup>1</sup> and has been performing applicable procurement/purchasing duties since 2002. She submits a copy of a college transcript from Cumberland County College. In support, the appellant's supervisor, Donna Justis, Business Manager, Bayside State Prison & Southern State Correctional Facility, confirms that the appellant possesses over 14 years of experience in procurement and inmate accounts. The appellant's supervisor notes that the appellant was considered for an upgrade in her job title in 2002. She also states that the appellant assumed the duties of a Supervisor of Accounts who was on leave for two months in 2003 and, since that time, has continued to perform applicable duties on a daily basis. Specifically, the appellant's supervisor indicates that the appellant obtains bids; reviews procurement requests for accuracy and completeness; completes purchase orders and forwards them to vendors; provides customer service to vendors, including answering inquiries; reviews and reconciles invoices against receiving reports; issues payments to vendors; tracks account expenses and reconciles appropriated accounts; maintains vendor required Treasury documents and State contract files; and files appropriation records. The appellant also submits copies of several Performance Assessment Reviews (PARs), including for the years from 2011 through 2014, as further evidence that she performed applicable out-of-title duties during the aforementioned time period. A review of her PARs indicates that the appellant's duties included processing purchase orders; responding to vendor inquiries concerning purchase orders and invoices; reviewing receiving reports and invoices to ensure proper payment and reporting in accordance with State law; and filing appropriation records.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants must meet all requirements specified in a 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

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<sup>1</sup> The appellant did not indicate that she possessed any college credits on her application for the subject examination. Consequently, such additional information is considered an amendment to her application for the subject examination, which, pursuant to *N.J.A.C.* 4A:4-2.1(f), cannot be considered on appeal.

promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

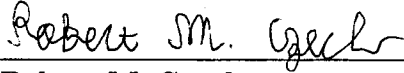
Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked the requisite amount of creditable experience as of the April 21, 2016, closing date. On appeal, the appellant claims that she performed applicable duties while serving in the Principal Clerk Typist title. In support, she submits copies of her PARs and a letter from her supervisor, both of which confirm her performance of relevant duties as a Principal Clerk Typist. However, the appellant's performance of applicable duties while serving in that title would be considered out-of-title work. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). The supervisor has indicated that the appellant possessed more than two years and eight months of experience performing applicable out-of-title duties while serving in the Principal Clerk Typist title. Furthermore, a review of the appellant's PARs indicates that she performed relevant duties as a Principal Clerk Typist. Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled, given that both applicants were deemed ineligible. Finally, the appellant continues to serve provisionally in the subject title. As such, good cause exists in this particular case to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit her to the examination.

### ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

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 7<sup>TH</sup> DAY OF DECEMBER, 2016



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