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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Thomas Jones, Field
Representative, Construction
Contract Compliance, Department of
Transportation

Administrative Appeal

CSC Docket No. 2017-2671

ISSUED: **MAR 24 2017** (ABR)

The Department of Transportation requests that Thomas Jones' out-of-title work experience be accepted for a prospective promotional examination for Field Representative, Construction Contract Compliance.

By way of background, Jones is currently serving provisionally in the title of Field Representative, Construction Contract Compliance. The appointing authority submitted a pre-appointment evaluation request to the Division of Agency Services (Agency Services) to determine whether Jones satisfied the requirements for Field Representative, Construction Contract Compliance. Applicants for the title of Field Representative, Construction Contract Compliance are required to possess a Bachelor's degree and one year of technical experience in the review and analysis of construction contracts and/or contractors' compliance with equal employment opportunity contract provisions and in the preparation of related comprehensive evaluation and reports. Applicants who do not possess the required education may substitute additional experience as indicated on a year-for-year basis, with 30 semester hour credits being equal to one year of experience. Agency Services noted that Jones possessed 70 semester hour credits and thus, pursuant to the substitution clause for education, needed to possess two years and eight months of applicable experience. Agency Services indicated that, per the substitution clause for education, Jones had adequate applicable experience to satisfy the requirements, but that three years and eight months of his experience in the title of Construction and Maintenance Technician 5 was considered out-of-title work, and thus was not creditable for eligibility purposes.

In support of its request, the appointing authority describes Jones' duties and requests that his out-of-title experience in the title of Construction and Maintenance Technician 5 from July 2012 to November 2016 be accepted to meet the requirements for the subject position. The appointing authority explains that because of an ongoing hiring and promotional freeze, Jones was assigned higher level out-of-title duties due to business necessity.

It is noted that Agency Services supports the instant request.

CONCLUSION

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.

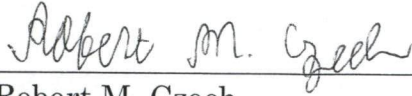
In the instant matter, the appointing authority has verified that Jones has been performing duties consistent with the title of Field Representative, Construction Contract Compliance since July 2012. Under these circumstances, good cause exists to accept Jones' out-of-title work in the title of Construction and Maintenance Technician 5 from July 2012 to November 2016, in order to qualify him for any upcoming promotional examination for Field Representative, Construction Contract Compliance.

ORDER

Therefore, it is ordered that this request be granted and Thomas Jones' out-of-title work be accepted on a year-for-year basis for a prospective promotional examination for Field Representative, Construction Contract Compliance. Jones is to provide a copy of this decision with the promotional application that he submits upon examination announcement. In addition, the Division of Agency Services shall also accept applicable and documented out-of-title work experience from all other promotional examination applicants.

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 22ND DAY OF MARCH, 2017



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