

B-8



STATE OF NEW JERSEY

In the Matter of Catherine Kenner,
Contract Administrator 2 (PS3148G),
Department of Environmental
Protection

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-1711

Examination Appeal

ISSUED: MAY 08 2017 (JET)

Catherine Kenner appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the promotional examination for Contract Administrator 2 (PS3148G), Department of Environmental Protection.

The promotional examination for Contract Administrator 2 was announced with specific requirements which had to be satisfied by the July 21, 2016 closing date (see attached). Since the appellant did not possess a Bachelor's degree at the time she applied for the examination, she required eight years of applicable experience per the substitution clause listed in the announcement. One candidate was admitted and the resultant eligible list promulgated on November 17, 2016. To date, no certifications have been issued, and no appointments have been made.

On her employment application and resume, the appellant indicated that she possessed 60 college credits. Agency Services credited her with two years of applicable experience for her education. In addition, the appellant listed that she served as a provisional Contract Administrator 2 from February 2016 to the closing dates, as an Independent Real Estate Investor from July 1981 to the closing dates, as a Realtor/Sales Associate from October 1986 to the closing dates and as an Administrative Assistant 3 from February 2005 to February 2016. She also indicated that she served in several other clerical titles from 1989 to 2005. Agency Services credited the appellant with two years and six months of applicable experience in work involving contact/grant work, project financing, construction

management, fiscal administration, social services administration, and/or budget and management operations of a government or business entity. As such, Agency Services determined that the appellant was ineligible for the examination, as she lacked four years and six months of applicable experience, including six months of contract/grant administration work.

On appeal, the appellant asserts that she possesses sufficient applicable and out-of-title work experience to meet the subject requirements listed in the announcement, including out-of-title contract/grant administration work experience, to qualify her for the examination. In support, the appellant provides a letter dated January 28, 2016 from Robin Liebeskind, Director, Division of Human Resources, Department of Environmental Protection, who states that, as a result of a hiring freeze, the appellant performed out-of-title duties as a Contract Administrator 2, including two years of and five months of out-of-title experience in contract administration. As such, the appointing authority requests that the appellant's out-of-title experience be accepted in order to qualify her for the examination.¹

Official personnel records indicate that the appellant continues to serve provisionally as a Contract Administrator 2.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 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 Contract Administrator 2 examination. Primarily performing the required duties to establish eligibility for the subject examination would be considered out-of-title work for incumbents in the Administrative Assistant 3 title. However, the April 7, 2017 prequalification determination indicated that the appellant possesses over 21 years of experience in contract work and two years and five months of out-of-title contract administration experience. Additionally, the Director, Division of Human Resources, Department of Environmental Protection,

¹ It is noted that Agency Services, in a preemployment evaluation for the Contract Administrator 2 title, dated April 7, 2017, credited the appellant with two years of applicable experience for her education, and with over 21 years of generalized experience in contract work. Agency Services also noted that the appellant possessed two years and five months of out-of-title contract administration experience. As such, it found that the appellant not qualified for the subject title. However, the prequalification determination also indicated that she would be qualified if her out-of-title experience was accepted by the Civil Service Commission.

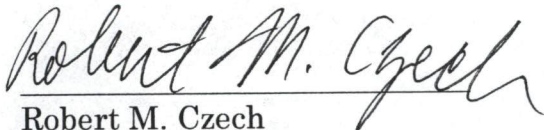
has verified that the appellant has been performing the required duties of a Contract Administrator 2, including two years and five months of contract administration. Further, the appellant continues to serve as a provisional Contract Administrator 2, and the record reflects the subject list is incomplete, as there is only one other eligible candidate for the Contract Administrator 2 examination. Under these circumstances, good cause exists 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 and the appellant's application for Contract Administrator 2 (PS3148G) 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 3rd DAY OF MAY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

c: Catherine Kenner
Robin Liebeskind
Kelly Glenn

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCS

SYMBOL: PS3148G
 TITLE: CONTRACT ADMINISTRATOR 2
 ISSUE DATE: July 01, 2016
 TITLE CODE: 51252/G8RXR2
 DEPARTMENT: EPA/ENVIRONMENTAL PROTECTION
 UNIT SCOPE: G783 Division of Water Quality

WEIGHT CODE: *
 SALARY: \$64,677.00 - \$92,012.00
 CLOSING DATE: July 21, 2016
 CLASS CODE: 26

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Contract Administrator I

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Note: Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Three (3) years of experience in work involving contract/grant work, project financing, construction management, fiscal administration, social services administration, and/or budget and management operations of a government or business entity, at least one (1) year of which shall have involved responsibility for some aspect of contract/grant administration.

Note: A Master's degree from an accredited college or university in Accounting, Finance, Business Administration, Public Health, Public Administration, Hospital Administration, or Social Work (with concentrations in Health, Administration, or Social Policy) may be substituted for one (1) year of the basic experience. (There is no substitution for the one (1) year of experience involving responsibility for some aspect of contract/grant work.) You must indicate the details of your Master's degree on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09