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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Brian Kasa, Buyer  
(PS3481I), State Parole Board

Examination Appeal

CSC Docket No. 2017-2192

ISSUED: JUN 08 2017 (HS)

Brian Kasa appeals the determination of the Division of Agency Services (Agency Services), which found that, per the substitution clause for education, he did not meet the experience requirement for the promotional examination for Buyer (PS3481I), State Parole Board (SPB).

The subject examination was announced with a closing date of September 21, 2016 and was open, in relevant part, to employees who possessed a Bachelor's degree and two years of experience in the large scale purchase of commodities, materials, equipment and/or supplies. Applicants who did not meet the educational requirement could substitute additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. It is noted that the appellant was the only applicant for the subject promotional examination, which was cancelled.

Since the appellant did not indicate possession of a Bachelor's degree on his application, he was required to possess six years of the indicated experience per the substitution clause. On his application, the appellant listed his experience, in relevant part, as a provisional Buyer from July 2016 to the closing date with SPB; as a provisional Assistant Buyer from October 2015 to June 2016 with the Department of Transportation; as a Purchasing Assistant from September 2012 to September 2015 with the Department of Labor; as a Storekeeper 2 from July 2004 to August 2012 with the Department of the Treasury (Treasury); as a Dispatcher/Repairer from May 2001 to June 2004 with Treasury; and as a Senior Mechanical Stores Clerk from July 1999 to April 2001 with Treasury. Agency

Services credited the appellant with one year of applicable experience based on his experience from October 2015 to the closing date. Agency Services did not credit the appellant's earlier experience, noting that this experience was out-of-title. Thus, Agency Services determined the appellant lacked five years of experience.

On appeal, the appellant argues that his duties since July 1999, regardless of his title, consisted of purchasing large scale commodities and, as such, is applicable experience and should be credited. In support, the appellant's former supervisors indicate that the appellant performed applicable duties during that timeframe due to business necessity.

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 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.

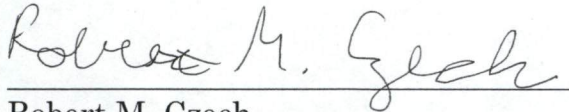
Initially, Agency Services correctly determined that the appellant was ineligible for the subject examination because he lacked the requisite amount of creditable experience as of the September 21, 2016 closing date. On appeal, the appellant states that he performed applicable duties while serving in the titles of Senior Mechanical Stores Clerk, Dispatcher/Repairer, Storekeeper 2 and Purchasing Assistant from July 1999 to September 2015. Although the appellant's performance of applicable duties during that timeframe would be considered out-of-title work, the appellant's former supervisors confirm his performance of these duties. This represents 16 years and three months of additional applicable experience. Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled given that the appellant, the only applicant, was deemed ineligible. Further, 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 him 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 for prospective employment opportunities.

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 JUNE, 2017



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