



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Daniel Shustack,
Purchasing Agent (PM1796U), Cape
May

Examination Appeal

CSC Docket No. 2017-2185

ISSUED: **AUG 01 2017** (SLK)

Daniel Shustack appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Purchasing Agent (PM1796U), Cape May.

The examination at issue was announced with specific requirements that had to be met as of the September 21, 2016 closing date (see attached). The appellant was the only employee who applied for the subject examination and was deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced 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. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant met the education requirement and possessed a Qualified Purchasing Agent Certification, but lacked five years of the required experience as he did not clearly explain that the required purchasing duties were a primary responsibility of his duties with the appointing authority and he did not include his experience in the private sector on his application. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. On appeal, the appellant submits a resume showing that as a Financial/Purchasing & Operations Manager for South Jersey Marina from 2009 to 2012, performing purchasing duties was one of his primary duties. Although *N.J.A.C. 4A:4-2.1(f)* proscribes the amendment of an application after the closing date set in the announcement, the Commission notes several circumstances present that provide good cause to permit the appellant to amend his application in this particular matter. In this regard, the Commission is satisfied that the totality of his experience from 2009 through the present warrants his admission to the subject examination. Specifically, Neil Young, City Manager, confirms that the appellant, since January 2013, primarily performed or assisted in the performance of purchasing duties as an Account Clerk and a Senior Account Clerk and while serving provisionally in the subject title. Further, the examination has been cancelled due to a lack of qualified applicants. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* and accept his amended information, as well as his out-of-title work, for eligibility purposes only, and admit him to the subject examination.

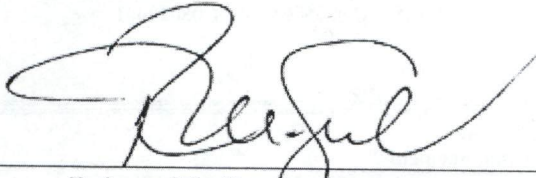
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Daniel Shustack's application 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 26th DAY OF JULY, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Daniel Shustack
Neil Young
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PM1796U	WEIGHT CODE: *
TITLE: PURCHASING AGENT	SALARY: \$42,644.00 - \$73,000.00
ISSUE DATE: September 01, 2016	CLOSING DATE: September 21, 2016
TITLE CODE: 02948/ IXRER7	JURISDICTION CODE: C05020001
JURISDICTION: CAPE MAY	
DEPARTMENT: GENERAL GOVERNMENT	

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 have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s):

Assistant Purchasing Agent 00673

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.

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: Five (5) years of experience in the writing of purchase specifications and in the purchase of equipment, materials and supplies on a large scale.

Note: In accordance with N.J.S.A.40A:11-9, applicants will be required to possess a valid Qualified Purchasing Agent Certification (QPA) issued by the State Division of Local Government Services, in the Department of Community Affairs. If you have the required license, you must provide proof to the employing agency prior to appointment. Failure to do so will result in rejection from the examination process.

Note: 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 must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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.** (i.e. Police, Fire, Corrections and Sheriff).
6. **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 of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09