

## STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tammy Wissing, Storekeeper 1 (PS3280I), Mountainview Youth Correctional Facility

CSC Docket No. 2017-2133

**Examination Appeal** 

**ISSUED:** August 21, 2017 (ABR)

Tammy Wissing 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 Storekeeper 1 (PS3280I), Mountainview Youth Correctional Facility.

The subject examination was announced with a closing date of August 22, 2016 and was open, in part, to applicants who possessed four years of experience in stockroom work, including obtaining, recording, storing, safeguarding, and issuing varied types of equipment, materials, and supplies, and in maintaining records. The subject examination was cancelled on December 30, 2016, as the appellant was the only applicant and she was deemed ineligible.

On her application, the appellant indicated, in relevant part, that she served as a provisional Storekeeper 1 from May 2016 to the closing date of the subject examination (August 2016); as a Manager with Basics N' Blues from May 1993 to October 1994; and as a Key Person with Rite Aid from September 1991 to May 1993. Agency Services credited the appellant with three years and five months of applicable experience based upon her experience as a provisional Storekeeper 1, as a Manager with Basics N' Blues, and as a Key Person with Rite Aid. However, it determined that her remaining experience did not constitute applicable experience for the subject examination because she did not perform relevant duties at the level and scope required for the subject examination. Consequently, she was deemed ineligible for the subject examination because she lacked an additional seven months of applicable experience.

On appeal, the appellant argues that she possesses sufficient applicable experience for the subject examination. She describes her experience in greater detail and notes that she has been serving provisionally in the title of Storekeeper 1 since June 2016.

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

## **CONCLUSION**

*N.J.A.C.* 4A:4-2.6(a)2 provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

Initially, it is noted that Agency Services correctly credited the appellant with three years and five months of applicable experience, based upon her experience as a provisional Storekeeper 1; as a Manager with Basics N' Blues from May 1993 to October 1994; and as a Key Person with Rite Aid. indication in the record that the appellant's work in any other position constitutes applicable experience for the subject examination. However, a review of the record shows that the appellant continues to serve provisionally in the subject title, thereby providing her with 12 additional months of applicable experience for the subject examination. Additionally, the record indicates that the examination situation is not competitive, since the subject examination was cancelled. In this regard, N.J.A.C. 4A:1-1.2(c) provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of N.J.A.C. 4A:4-2.6(a)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit her to the subject 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  $16^{TH}$  DAY OF AUGUST, 2017

Robert M. Czech Chairperson Civil Service Commission

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