

B-32



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Maple Austin,
Technical Assistant 2 (PS6082U),
Department of the Treasury

CSC Docket No. 2014-2415

Examination Appeal

ISSUED: SEP 19 2014 (DASV)

Maple Austin appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Technical Assistant 2, Treasury (PS6082U), Department of the Treasury.

By way of background, the subject examination was announced with a closing date of November 21, 2013 and open to employees who were currently serving as a Technical Assistant 3, an Intermittent Technical Assistant 2, Treasury, or in any competitive title and possessed an aggregate of one year of continuous permanent service and the following requirements: 60 semester hours of college credit and one year of experience reviewing, verifying, authorizing, and/or providing information and assistance of a technical or fiscal nature in a public or private organization. Applicants who did not possess the required education could substitute experience on a year for year basis. Two employees, who were serving provisionally pending promotional examination procedures, were found eligible. The resulting eligible list promulgated on March 27, 2014 and expires on March 26, 2017. A certification of the eligible list was issued on March 27, 2014, and both eligibles were appointed effective that day.

On her application, the appellant did not indicate that she had earned any college credit. She listed her experience as a provisional employee in the subject title from November 2012 to the closing date. The appellant also included her experience as a Senior Clerk from December 2004 to October 2012 and as a Clerk from February 2004 to November 2004. It is noted that agency records reveal that

the appellant commenced employment with the Department of the Treasury as an Intermittent Senior Clerk on February 2, 2004 and was provisionally appointed as a Senior Clerk effective November 27, 2004. She became permanent as a Senior Clerk on December 30, 2004 and was then provisionally appointed to the subject title effective September 24, 2011. The appellant remains serving in the title. Upon its review, the Division of Selection Services determined that, per the substitution clause for education, the appellant was required to possess three years of applicable experience. It gave the appellant full credit for her experience as a Technical Assistant 2, Treasury. However, while the Division of Selection Services found that the appellant's experience as a Senior Clerk was applicable, the experience was gained as a result of out-of-title work and could not be credited to her. Moreover, it determined that the appellant's experience as a Clerk was not relevant because she did not perform technical duties.

On appeal to the Civil Service Commission (Commission), the appellant maintains that she possesses over nine years of experience in investigating, processing, and paying claims. She currently works in the Unclaimed Property (Claims Section) unit, where, upon a review of all documentation submitted, she determines if claims "should be opened and processed for payment." She also recommends settlement of claims. Therefore, the appellant contends that her duties as listed on her application are commensurate with the job title of Technical Assistant 2, Treasury.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the Division of Selection Services found that the appellant did not meet the required three years of experience. It noted that her duties as a Senior Clerk would provide her with applicable but out-of-title experience. In this regard, *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 eligibility requirements or for credit in the examination process. However, the Commission does not need to determine whether the appellant's prior work constitutes applicable out-of-title experience and should be credited to her. Rather, the appellant now possesses the required three years of applicable experience since she remains serving provisionally in the subject title. The examination process also did not result in a competitive situation and the subject eligible list is now exhausted. Under these circumstances, good cause exists to relax

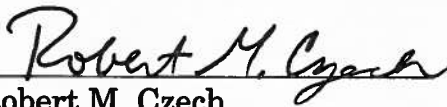
the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's experience beyond the closing date and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and Maple Austin's application be processed, for prospective appointment 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 17TH DAY OF SEPTEMBER, 2014


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