

B-38



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Amy Fisher,
Management Assistant (PC2177R),
Monmouth County

Examination Appeal

CSC Docket No. 2014-3087

ISSUED: SEP 05 2014 (SLK)

Amy Fisher appeals the determination of the Division of Selection Services (Selection Services) that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Management Assistant (PC2177R), Monmouth County.

The examination at issue was announced with specific requirements that had to be met as of the December 21, 2013 closing date (see attached). Ms. Fisher was the only individual who applied for the subject examination and the examination was cancelled due to a lack of qualified applicants.

On her application, the appellant did not list any college credits. Therefore, she needed five years of applicable experience, per the substitution clause for education. As for experience, the appellant indicated that she was provisionally serving in the title under test from July 2011 to the December 21, 2013 closing date, a Principal Clerk Typist from November 1993 to July 2011, and a Clerk Typist from July 1985 to November 1993. A review of her personnel records indicates that she was provisionally serving in the title under test from July 2011 to the December 21, 2013 closing date, a Keyboarding Clerk 3 from March 1993 to July 2011, a Keyboarding Clerk 2 from April 1989 to March 1993, and a Keyboarding Clerk 1 from October 1987 to April 1989. Selection Services credited the appellant with two years and six months of experience based on her provisional service in the title under test, but determined that the remainder of her experience was either out-of-title or not of the level of scope to be applicable. Therefore, Selection Services

determined that the appellant was two years and six months short of the required experience to establish eligibility for the title under test.

On appeal, the appellant states that she has been performing the job responsibilities of a Management Assistant since 2006. Further, she submits a letter from the appointing authority confirming that she has been performing the job duties of a Management Assistant since 2006. The appointing authority explains that it was an oversight on its part that it did not properly classify her position as Management Assistant until July 2011. Also, it states that it was not Ms. Fisher's fault that her position was misclassified and no other candidates or employees will be negatively impacted if her out-of-title work is considered for her eligibility. On the contrary, the appointing authority asserts that she will be negatively impacted if her out-of-title work is not considered and therefore it is asking for a rule relaxation.

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:4-2.6(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 may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

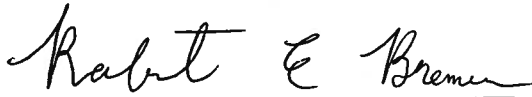
Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with two years and six months of experience based on her provisional experience in the subject title, and would need an additional two years and six months of the relevant experience to establish eligibility. Any relevant experience gained as a Keyboarding Clerk 3 would be out-of-title-work. However, the appointing authority has verified that she has performed the required out-of-title duties since 2006, that it was an oversight on the appointing authority's part that the appellant's position was not properly classified until July 2011, and the examination was cancelled due to a lack of qualified applicants. Also, the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out of title work experience and her provisional experience after the closing date, for eligibility purposes only, and to admit her to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, and the appellant'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 3rd DAY OF SEPTEMBER, 2014



Robert E. Brenner
Member
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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: Amy Fisher
Frank Tragno, Jr.
Dan Hill
Joseph Gambino

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: PC2177R
TITLE: MANAGEMENT ASSISTANT
ISSUE DATE: December 01, 2013
TITLE CODE: 56492/ XPRNR7
JURISDICTION: MONMOUTH COUNTY
DEPARTMENT: POLICE RADIO

WEIGHT CODE: *
SALARY: \$38,000.00 - \$90,000.00
CLOSING DATE: December 21, 2013
JURISDICTION CODE: T13000050

RETURN COMPLETED APPLICATIONS TO: **ONLY ON LINE APPLICATIONS
WILL BE ACCEPTED
FOR THIS ANNOUNCEMENT**

Open 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: One (1) year of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures.

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 license rests with the Appointing Authority.

NOTE: As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

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. **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. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination on-line. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. You can now complete and submit your application and payment on-line to the Civil Service Commission and you will receive an **immediate receipt confirmation!**

DPF-256A * Revised 03/09