

B-18



STATE OF NEW JERSEY

In the Matter of Elenita K. Silva,
Technical Program Assistant, Personnel,
Department of Human Services

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-2463

Administrative Appeal

ISSUED: **NOV 19 2015** (BS)

The Department of Human Services requests that Elenita K. Silva's out-of-title work experience be accepted as qualifying experience for the title Technical Program Assistant, Personnel, Department of Human Services.

By way of background, Technical Program Assistant, Personnel requires five years of experience in work involving the application of rules, regulations, procedures, or policies in the processing of technical and/or personnel actions. The Division of Agency Services (DAS) reviewed the qualifications of Ms. Silva and concluded that, at the time of review, she only possessed four months of applicable, in-title experience as a provisional Technical Program Assistant, Personnel. However, DAS also indicated in its determination that Ms. Silva also possessed eight years and three months of relevant, albeit out-of-title, experience as a Secretarial Assistant 2, Non-Stenography, and a Principal Clerk Typist. DAS noted that such responsibilities while serving in the titles Secretarial Assistant 2, Non-Stenography, and a Principal Clerk Typist would constitute out-of-title work responsibilities which generally cannot be accepted as qualifying experience in promotional situations. See *N.J.A.C. 4A:4-2.6(c)*.

The appointing authority requests that the Civil Service Commission accept Ms. Silva's eight years and three months of out-of-title experience while serving in the titles Secretarial Assistant 2, Non-Stenography, and a Principal Clerk Typist as qualifying experience for the Technical Program Assistant, Personnel title. The appointing authority provided documentation that Ms. Silva has been working out-of-title as indicated in the DAS's determination due to business necessity. Specifically,

beginning in 2006, the Human Resources office lost six staff members due to resignations and retirements. They were unable to fill the positions due to hiring freezes and three major lay-offs. Ms. Silva, due to her exposure to and knowledge of Human Resource regulations, policies, and procedures was able to take on responsibilities in the required areas.

CONCLUSION

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.

In the present matter, the appointing authority requests that Ms. Silva's out-of-title work responsibilities as a Secretarial Assistant 2, Non-Stenography, and a Principal Clerk Typist be accepted as qualifying experience for the title Technical Program Assistant, Personnel. The Commission finds good cause to grant the request based on the Division of Agency Services' findings of out-of-title work in its determination and the endorsement of Ms. Silva's out-of-title work by the appointing authority.

ORDER

Therefore, it is ordered that this request be granted and Elenita K. Silva's out-of-title work as indicated above be accepted as qualifying experience for the title Technical Program Assistant, Personnel, Department of Human Services. Elenita K. Silva is to provide a copy of this decision with the promotional application that she submits upon the issue of a promotional examination announcement. In addition, the Division of Agency Services shall also accept applicable and documented out-of-title work experience from other promotional examination applicants.

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 18TH DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Attachment

c: Elenita K. Silva
Christina Mongon
Dan Hill
Kelly Glenn



STATE OF NEW JERSEY
 CIVIL SERVICE COMMISSION
 DIVISION OF SELECTION SERVICES
 P.O. Box 310
 Trenton, New Jersey 08625-0310

Chris Christie
 Governor
 Kim Guadagno
 Lt. Governor

Robert M. Czech
 Chair/Chief Executive Officer

TO: Christina J. Mongon
 Department of Human Services
 Assistant Commissioner
 For Human Resources

DATE: 12/29/2014

FROM: Amy Pine *AP*
 Human Resource Consultant

SUBJECT: Request for Evaluation

You have requested that a review of credentials be performed in order to determine if Elenita K. Silva the requirements for the position **Technical Program Assistant (Personnel)**.

The requirements for this position include:

Five (5) years of experience in work involving the application of rules, regulations, procedures, or policies in the processing of technical and/or personnel actions.

In response, please be advised that the Division of Selection Services' staff have determined that the above-mentioned individual:

Does not meet the requirements of this position for the reasons listed below:

Ms. Silva possesses four (4) months of relevant experience that she acquired from 9/2014 to present while serving provisionally in the subject title. Ms. Silva has eight (8) years and three (3) months of relevant experience that was acquired from 6/06 to 8/14. However, that experience was acquired while she held the title of Secretarial Assistant 2, NS and is out-of-title. Out-of-title experience cannot be accepted without Civil Service Commission approval. Her experience in the titles of Secretarial Assistant 3 NS and Principal Clerk Typist were not applicable to the above requirements. Therefore, she does not meet the requirements for the position of Technical Program Assistant (Personnel)

c. HRM Team Leader: Mark Van Bruggen

