

B-43



In the Matter of Beverly Monroe,  
Keyboarding Clerk 2 (PC0031T),  
Passaic County Board of Social  
Services

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3088

Examination Appeal

ISSUED: **DEC 17 2015** (CSM)

Beverly Monroe appeals the determination of the Division of Agency Services (Agency Services) which found that she was not permanent in a title to which the promotional examination for Keyboarding Clerk 2 (PC0031T), Passaic County Board of Social Services was open.

The examination at issue was announced with specific requirements that had to be met as of the closing date of January 21, 2015 (see attached). A total of 15 employees applied for the subject examination that resulted in a list of 8 eligibles and has an expiration date of August 12, 2018. It is noted that the certification PL150922 was issued to the appointing authority containing the names of the 8 eligibles and has a disposition due date of November 19, 2015. The appellant was deemed ineligible because the subject examination was not open to incumbents in the appellant's permanent title of Data Entry Operator 1.

On appeal, the appellant states she was appointed to the non-competitive title of Clerk Typist (now Keyboarding Clerk 1) on May 23, 1983 and on August 10, 1992 she was promoted to the competitive title of Data Entry Machine Operator. However, the Data Entry Machine Operator title was renamed to Data Entry Operator 1 and reallocated to the non-competitive division in May 2013. The appellant notes that movement from Keyboarding Clerk 1 to Data Entry Operator 1 is considered a lateral movement. Therefore, the appellant asserts that since *N.J.A.C. 4A:4-2.4(c)3* permits promotions from the non-competitive division to a related entry level title in the competitive division, the examination shall be open to applicants in all related non-competitive titles, and Keyboarding Clerk 1 is a lateral

movement to Data Entry Operator 1, she should be admitted to the subject examination.

Anthony DeSimone, Director, Passaic County Board of Social Services, submitted additional information in support of this appeal. Specifically, DeSimone states that the appellant has been serving provisionally in the Keyboarding Clerk 2 title since September 1, 2014. However, at the time the appointing authority attempted to record her provisional appointment in the County and Municipal Personnel System (CAMPS), it was unable to do so because her permanent title was recorded as Data Entry Operator 1 which had been reallocated to the non-competitive division. Moreover, a lateral title change is now permitted in CAMPS between the Keyboarding Clerk 1 and Data Entry Operator 1 titles. Therefore, the appointing authority maintains that the appellant's appointment record is not properly reflected in CAMPS because it was not permitted by its programming and she should be admitted to the subject examination.

*N.J.A.C. 4A:4-2.6(a)1* states that applicants for promotional examinations shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

*N.J.A.C. 4A:4-2.4(c)* states that when a promotion is to be made from the non-competitive division of the career service to a related entry level title in the competitive division of the career service, the examination shall be open to all applicants who meet the complete open competitive requirements and who are serving in all related non-competitive titles.

## CONCLUSION

In the present matter, the appellant essentially asserts that since CAMPS indicates that movements between the Keyboarding Clerk 1 and Data Entry Operator 1 must be processed as lateral title changes, the two titles are related to the entry level competitive division title of Keyboarding Clerk 2. The fact that two titles are considered lateral does not necessarily establish that they are related. For example, *N.J.A.C. 4A:4-7.6*, lateral title changes, has different standards required to process movements between titles whose nature of work, education, and experience requirements are "substantially similar" and those movements between titles where the nature of work, education, and experience requirements are "dissimilar." In order to determine if titles are "substantially similar," or "related," the standards set forth in *N.J.A.C. 4A:8-2.1(a)* are utilized which establish layoff lateral title rights. In this case, Data Entry Operator 1 does not have a lateral title right to Keyboarding Clerk 1 since the nature of the work is dissimilar. Therefore, unlike in the case of a related title, a lateral movement to an unrelated title requires the employee to be appointed pending examination, if the title is in the

competitive division, and satisfactory completion of a working test period. If the lateral titles are related, *i.e.*, are substantially similar, the employee is not required to be tested or complete a working test period. As such, the Data Entry Operator 1 and Keyboarding Clerk 1 titles, while lateral, are not related.

However, even assuming *arguendo* that the Data Entry Operator 1 title is related to Keyboarding Clerk 2, *N.J.A.C.* 4A:4-2.4(c) specifies a number of ways in which a promotion from the non-competitive division to a competitive division title can be announced. In this case, the examination was announced in accordance with *N.J.A.C.* 4A:4-2.4(c)1, which specifically states that an announcement can be opened only to applicants serving in the next lower in-series non-competitive titles used in the local jurisdiction. Moreover, given that 12 applicants in the next lower in-series non-competitive titles of Keyboarding Clerk 1, Keyboarding Clerk 1, Bilingual in Spanish and English, Keyboarding Clerk 1, Bilingual in Vietnamese and English, and Keyboarding Clerk 1, Multilingual in Portuguese, Spanish, and English, were admitted to the examination, there was simply no basis on which to expand the title scope to include applicants in all related non-competitive titles.

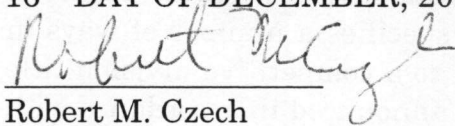
With respect to the appointing authority's assertion that it attempted to provisionally appoint the appellant as a Keyboarding Clerk 2 but the transaction would not be accepted by CAMPS, the Data Entry Operator 1 title is not a related title to Keyboarding Clerk 2. Therefore, in order to make an appointment from the non-competitive title of Data Entry Operator 1 to Keyboarding Clerk 2, the employee would have to be appointed pending open competitive, *not* promotional procedures. In other words, a provisional appointment to the title would have been possible, but the appellant would be subjected to open competitive rather than promotional procedures had this occurred. Additionally, there is no record of the appointing authority requesting a lateral title change to Keyboarding Clerk 1 prior to the announced closing date. Indeed, agency records indicate that the appellant was provisionally appointed, pending open competitive procedures, to the title of Social Service Technician, on September 30, 2013. As a result of the appellant's provisional appointment, the open competitive examination for Social Service Technician (C0015S), Passaic County Board of Social Services, was announced with a closing date of January 6, 2014. Although the appellant was admitted to that examination, she failed to achieve a passing score, which resulted in the appointing authority returning her to her permanent title of Data Entry Operator 1. Therefore, given that the list is complete, containing the names of eight eligibles, there is no basis on which to admit the appellant to the subject examination.

#### ORDER

Therefore, it is ordered that this appeal be denied.

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<sup>TH</sup> DAY OF DECEMBER, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

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and  
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Attachment

- c. Beverly Monroe
- Anthony DeSimone
- Kelly Glenn
- 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: <b>PC0031T</b>	WEIGHT CODE: *
TITLE: <b>KEYBOARDING CLERK 2</b>	SALARY: <b>\$38,375.00 - \$60,899.00</b>
ISSUE DATE: <b>January 01, 2015</b>	CLOSING DATE: <b>January 21, 2015</b>
TITLE CODE: <b>03256@/ MRFR4</b>	JURISDICTION CODE: <b>N16000300</b>
JURISDICTION: <b>PASSAIC COUNTY</b>	
DEPARTMENT: <b>BOARD OF SOCIAL SERVICE</b>	

Visit [www.state.nj.us/csc](http://www.state.nj.us/csc)  
And select "Job Announcements"  
to view this announcement and to file an application

**Open to employees in the non-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 in-line title(s) and who meet the requirements listed below:**

**Keyboarding Clerk I 01268**  
**Keyboarding Clerk I Bilingual in Spanish & English 01271**  
**Keyboarding Clerk I Bilingual in Vietnamese & English 07807**  
**Keyboarding Clerk I Multilingual in Portuguese, Spanish & English 07844**

**Experience: One (1) year of clerical experience operating an alphanumeric keyboard or typewriter to produce documents such as letters, memos, reports, charts, forms and other materials.**

**Note: Successful completion of a clerical training program with a minimum of 700 clerical training hours or 30 semester hour credits in secretarial science from an accredited college or university may be substituted for the experience requirement indicated above. Coursework must include keyboarding/typing skills, methods, and procedures; other courses may include, but not be limited to, office procedures, word processing, and business English. You must attach a copy of your transcript, or a list of the applicable courses and credits you have completed, to your application. If you attach a list of courses, you must provide the following information: course title, number of credits earned, name of accredited college/university, and course description. Failure to do so will result in rejection from the examination process.**

**Note: Applicants will be required to demonstrate proficiency in keyboarding or typing.**

**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 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. **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](mailto: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

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