

CSC  
B-24



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Donna Monforte,  
Office Supervisor (PS1450K),  
Department of Children and Families

Examination Appeal

CSC Docket No. 2015-2233

ISSUED: **AUG 21 2015** (HS)

Donna Monforte 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 Office Supervisor (PS1450K), Department of Children and Families.

The subject examination announcement was issued with a closing date of September 22, 2014. The examination was open to employees who possessed five years of experience in clerical work, three years of which shall have been in a supervisory capacity. The eligible list of 45 names promulgated on March 26, 2015 and expires March 25, 2018.

On her application, the appellant listed her experience as a Technician, Management Information Systems from September 2000 to the closing date; as a Principal Clerk from April 1999 to September 2000; as a Senior Clerk from March 1996 to July 1999; and as a Customer Service Representative 3/Customer Service Representative 2<sup>1</sup> from July 1988 to July 1995. Agency Services credited the appellant with sufficient general clerical experience. However, she was determined to be lacking the required three years of clerical work experience in a supervisory capacity.

<sup>1</sup> Effective July 27, 2013, the Customer Service Representative and Support Services Representative title series were consolidated into the Agency Services Representative title series.

On appeal, the appellant presents that she gained sufficient supervisory experience while serving as a Customer Service Representative 3 and Customer Service Representative 2. Specifically, she states that her duties in these positions included setting work schedules for clerical staff and ensuring office coverage; conducting employee performance reviews; holding responsibility for hiring, firing and disciplining employees; and holding employees accountable for lateness, abuse of sick time and unprofessional behavior. In support, the appellant submits her resume.

## 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. *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.

Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked three years of clerical work experience in a supervisory capacity as of the September 22, 2014 closing date. The appellant argues on appeal that she gained the requisite supervisory experience while serving in the titles of Customer Service Representative 3 and Customer Service Representative 2. However, neither of these titles was a supervisory title. In this regard, supervisory experience is defined in the appropriate job specifications for supervisory titles as supervising work operations and/or functional programs and having responsibility for employee evaluation and for effectively recommending the hiring, firing, promoting, demoting and/or disciplining of employees. Titles, including Customer Service Representative 3 and Customer Service Representative 2, whose job specifications do not contain this clause or a reasonable variation thereof in the "Examples of Work" section are not considered supervisory titles. See *In the Matter of Sadie Hamer, et al.* (MSB, decided February 22, 2006). As such, the appellant's duty to conduct employee performance reviews, the essential component of supervision, was out-of-title work for the Customer Service Representative 3 and Customer Service Representative 2 titles. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. See *In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). Here, the subject examination resulted in a complete eligible list of 45 names. Thus, there is no basis to accept the appellant's out-of-title experience. Accordingly, the record reflects that

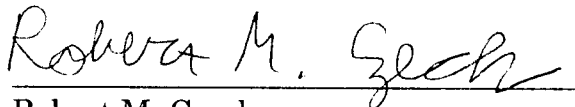
the appellant did not meet the requirements for the title under test, and there is no basis to disturb Agency Services' decision.

**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 19<sup>TH</sup> DAY OF AUGUST, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, NJ 08625-0312

c. Donna Monforte  
Linda Dobron  
Kelly Glenn  
Joseph Gambino

