

B-15



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Barbara McDonald,
Claims Examiner Workmen's
Compensation (PC1933T), Monmouth
County

Examination Appeal

CSC Docket No. 2016-3291

ISSUED: NOV 16 2016 (SLK)

Barbara McDonald appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the promotional examination for Claims Examiner Workmen's Compensation (PC1933T), Monmouth County.

The examination at issue was announced with specific requirements that had to be met as of the October 21, 2015 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On her application, Ms. McDonald indicated that she was provisionally serving in the subject title from October 2014 to the October 21, 2015 closing date, a Keyboarding Clerk 2 from February 2012 to October 2014, and a Keyboarding Clerk 1 from October 2008 to January 2012. Agency Services credited her with 1 year and 1 month of experience based on her provisional service in the subject title, but determined that she lacked 11 months of experience.

On appeal, Ms. McDonald submits a letter from Suzanne Ogborne, Assistant Personnel Officer, Department of Human Resources. Ms. Ogborne represents that the appellant has been performing the required duties out-of-title since she was hired in the Workers' Compensation Unit as a Keyboarding Clerk 1 in 2008 due to business necessity and that it was the appointing authority's fault that she was not

properly classified until October 2014 when she was provisionally appointed to the subject title.

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.

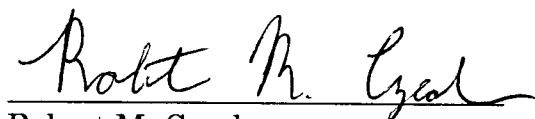
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with 1 year and 1 month of experience based on her provisional service in the subject title, but she lacked 11 months of the required experience needed to establish eligibility. Any relevant experience the appellant gained as a Keyboarding Clerk 2 and 1 would be out-of-title-work. However, Ms. Ogborne confirmed that she has been performing the required out-of-title duties as a Keyboarding Clerk 2 and 1 since October 2008 due to business necessity and that it was a mistake on the appointing authority's part to misclassify her position. Additionally, the examination was cancelled due to a lack of qualified applicants and 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, for eligibility purposes only, and to admit her to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Barbara McDonald'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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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: Barbara McDonald
Frank Tragno, Jr.
Kelly Glenn
Records Center

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: PC1933T	WEIGHT CODE: *
TITLE: CLAIMS EXAMINER WORKMENS COMPENSATION	SALARY: \$30,900.00 - \$52,000.00
ISSUE DATE: October 01, 2015	CLOSING DATE: October 21, 2015
TITLE CODE: 01241/ VLRNR9	JURISDICTION CODE: T13000048
JURISDICTION: MONMOUTH COUNTY	
DEPARTMENT: PERSONNEL	

**Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application**

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:

EXPERIENCE: Two (2) years of experience in work involving conducting interviews, computing figures, and verifying claims.

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.

Note: This announcement may be tested via the Supervisory Test Battery, a computer-administered exam. For information regarding the Supervisory Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>.

- 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. **ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. 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 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