

B-39



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Lindsay Lowe,  
Technical Assistant 3, Community  
Affairs (PS7192H), Department of  
Health

Examination Appeal

CSC Docket No. 2015-301

ISSUED: OCT 03 2014 (SLK)

Lindsay Lowe appeals the determination of the Division of Selection Services (Selection Services) that she did not meet the experience requirements for the promotional examination for Technical Assistant 3, Community Affairs (PS7192H), Department of Health.

The examination at issue was announced with specific requirements that had to be met as of the March 21, 2014 closing date (see attached). Three individuals applied for the subject qualifying unassembled examination (QUE) which resulted in a list of two eligibles with an expiration date of July 16, 2017. Certification PS140969 was issued containing the names of the two eligibles, and the disposition is due October 17, 2014.

On her application, Ms. Lowe indicated that she was provisionally serving in the title under test from October 2012 to the March 21, 2014 closing date and a Senior Clerk from June 2005 to October 2012. Personnel records indicate that the appellant was a Clerk Typist from June 2005 to October 2005. Selection Services credited Ms. Lowe with one year and six months experience based on her provisional service in the subject title, but did not give her credit for her other experience as any applicable experience would be out-of-title. Consequently, Selection Services determined that the appellant lacked one year and six months of experience.

On appeal, Ms. Lowe asserts that she has over six years of applicable experience providing technical assistance to State and local health agencies and the

public. The appellant highlights that after a classification review, she was determined to be performing the duties of the title under test dating back to October 2012. Ms. Lowe maintains that she has been performing technical assistance for local public health investigations since 2008 and provides specific examples of the technical assistance that she has provided. The appellant also submits her Performance Evaluation System (PES) reviews as a Senior Clerk which indicated that she was assigned the responsibility of investigating diseases and working with local health departments, laboratory or medical staff to complete the investigations, since October 2008.

### 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.

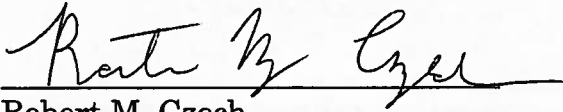
Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. Ms. Lowe was credited with one year and six months of general experience based on her service in the subject title, but lacked one year and six months of applicable experience. Any relevant technical assistance experience as a Senior Clerk would be out-of-title-work. However, the appellant's PES reviews demonstrate that she has performed the required technical assistance since 2008. Additionally, the examination situation is not competitive as there are only two eligibles on the list. Accordingly, good cause exists to accept Ms. Lowe's out-of-title technical assistance experience, for eligibility purposes only, and to admit her to the examination.

### ORDER

Therefore, it is ordered that this appeal be granted, the appellant's application be processed, and her name be added to the outstanding certification for current employment opportunities.

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 1<sup>st</sup> DAY OF OCTOBER, 2014



Robert M. Czech  
Chairperson  
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: Lindsay Lowe  
Loreta Sepulveda  
Dan Hill  
Kenneth Connolly  
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE  
**PROMOTIONAL ANNOUNCEMENT**



**\$25.00 PROCESSING FEE REQUIRED**  
 Make Check/Money Order Payable to NJCSC

<b>SYMBOL:</b> PS7192H	<b>WEIGHT CODE:</b> *
<b>TITLE:</b> TECHNICAL ASSISTANT 3 COMMUNITY AFFAIRS	<b>SALARY:</b> \$37,118.00 - \$52,062.00
<b>ISSUE DATE:</b> March 01, 2014	<b>CLOSING DATE:</b> March 21, 2014
<b>TITLE CODE:</b> 64181/CZRXR7	<b>CLASS CODE:</b> 14
<b>DEPARTMENT:</b> HLA/HEALTH	
<b>UNIT SCOPE:</b> H450 Div of Epidemiology, Environmental & Occupational Health Services	

APPLICATIONS MAY BE OBTAINED  
 FROM AND MUST BE RETURNED 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:**

**Experience:** Three (3) years of experience in providing technical assistance to state and/or local communities or agencies, completing forms or applications, resolving complaints, interpreting rules, regulations, policies, and procedures to the public, and reviewing documents for accuracy and content.

**Note:** Applicants who do not possess the required experience may substitute education at an accredited college or university for the experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience. You must indicate the 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.

**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.

**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, including assignment to the department and unit scope, must be met as of the closing date.
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- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, 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.**
6. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination online. 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 online to the Civil Service Commission and you will receive an **immediate** receipt confirmation!
7. **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, **YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.**

DPF-256A \* Revised 03/09