



B-28

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Beth Kaminsky,
Personnel Aide 2 (PS1276K), Ancora
Psychiatric Hospital

Examination Appeal

CSC Docket No. 2017-1297

ISSUED: **JAN 20 2017** (ABR)

Beth Kaminsky 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 Personnel Aide 2¹ (PS1276K), Ancora Psychiatric Hospital (Ancora).

The subject examination was announced with a closing date of June 21, 2016, and was open to employees with two years of experience in clerical, technical/personnel work involving the application of procedural rules, regulations, policies and procedures. It is noted that the appellant was one of four applicants for the subject promotional examination, which was cancelled, as all applicants were deemed ineligible.

On her application, the appellant indicated that she served as a Personnel Aide 2 from October 2002 to the closing date of the subject examination (June 2016), with responsibilities that included overseeing the donated leave program; advising employees on policies and procedures for requested leaves of absence; processing employee leaves of absence, benefit payments and benefit reinstatements; consulting with outside agencies to resolve benefit issues; and preparing monthly reports with leave of absence statistics. However, agency records indicate, in relevant part the appellant received an interim and subsequent provisional

¹ While this examination was originally announced as for the title Personnel Aide 2, effective June 25, 2016, the Personnel Aide title series was renumbered with Personnel Aide 1 as the highest title in the series. The current numbering will be used in the remainder of this decision.

appointment to Personnel Aide 1 on April 30, 2016 to the closing date of the subject examination and served as a Senior Clerk Transcriber from January 25, 2014 to April 30, 2016. Agency Services credited the appellant with three months of applicable experience based upon her interim and provisional service as a Personnel Aide 1. However, Agency Services noted that any applicable duties that the appellant may have performed while serving in the Senior Clerk Transcriber title would have been out-of-title work. Therefore, she was found to be lacking one year and nine months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that she possesses sufficient applicable experience for the subject examination through her service as a Personnel Aide 1 and as a Senior Clerk Transcriber. She states that she has been performing the duties of a Personnel Aide 1 for Ancora's Human Resource Department since February 2014, including tasks related to health benefits, eCATS, worker's compensation leaves and customer service support. The appellant also submits a resume which indicates that as a Senior Clerk Transcriber, her duties from February 2014 to May 2016 included reviewing and processing paperwork related to leaves of absence, furloughs and donated leave; making health and dental payments for employees on leaves of absence; and entering employee leave data into eCATS and the PMIS database. The appellant also includes a letter of support from the appointing authority which confirms that she has been assigned the aforementioned responsibilities.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants must meet all requirements specified in a 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 the requisite amount of creditable experience as of the June 21, 2016, closing date. On appeal, the appellant claims that she performed applicable duties while serving in the Senior Clerk Transcriber title from February 2014 to May 2016. In support, she describes the relevant duties she performed in the Senior Clerk Transcriber title during that timeframe and provides a letter of support from the appointing authority that verifies she has been assigned those duties since February 2014. However, the appellant's performance of applicable duties while serving in the Senior Clerk Transcriber title would be considered out-of-title work. Ordinarily, the Commission looks to whether

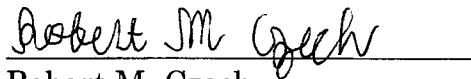
or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority 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). The appointing authority has indicated that the appellant possessed more than two years of experience performing applicable out-of-title duties while serving in the Senior Clerk Transcriber title. Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled, given that all applicants were deemed ineligible. Finally, the appellant continues to serve provisionally in the subject title. As such, good cause exists in this particular case to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

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 JANUARY, 2017

A handwritten signature in cursive script, reading "Robert M. Czech", is written over a horizontal line.

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

c: Beth Kaminsky
Alfred Filippini
Kelly Glenn
Records Center