



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Kim Myers,
Personnel Assistant 2 (PS0710K),
Vineland Developmental Center

Examination Appeal

CSC Docket No. 2017-273

ISSUED: JUNE 26, 2017 (ABR)

Kim Myers 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 Assistant 2 (PS0710K), Vineland Developmental Center (VDC).

The subject examination was announced with a closing date of March 21, 2016 and was open to employees with a Bachelor's degree and three years of professional experience in a personnel program of a public or private organization. Applicants who did not possess the required education could substitute experience as indicated on a year-for-year basis, with 30 credit hours being equal to one year of professional experience in a personnel program of a public or private organization. It is noted that the subject examination was cancelled, as all three applicants were deemed ineligible.

On her application, the appellant did not indicate that she possessed a Bachelor's degree. Therefore, pursuant to the substitution clause for education, the appellant needed to possess seven years of applicable experience for the subject examination. With regard to experience, the appellant stated, in relevant part, that she served as a provisional Personnel Assistant 2 from November 2015 to the closing date of the subject examination (March 2016) and as a Supervisor Personnel Records and Payroll Processing 2 from February 2003 to November 2015. Agency Services credited the appellant with five months of applicable experience based upon her service as a provisional Personnel Assistant 2, but did not credit her remaining experience because those titles were not professional-level titles.

Consequently, the appellant was deemed ineligible for the subject examination because she did not possess an additional six years and seven months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues, in relevant part, that her experience from February 2003 to the present constitutes applicable professional experience, as she has been performing higher-level payroll and personnel duties while in charge of the Payroll Unit during that timeframe. She indicates that she is currently responsible for four professional employees and five support staff members. Moreover, she claims that as a Supervisor Personnel Records and Payroll Processing 2, she oversaw two employees in the Personnel Assistant 4 title and nine support staff members.

In support, the appointing authority submits a memorandum which indicates, in relevant part, that the appellant was assigned applicable out-of-title professional-level duties while serving in the title of Supervisor Personnel Records and Payroll Processing 2 from February 2003 to November 2015.

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. Pursuant to *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals.

In the instant matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked the requisite amount of applicable experience as of the March 21, 2016 closing date. As noted above, Agency Services credited the appellant with five months of applicable experience based upon her service as a provisional Personnel Assistant 2. On appeal, the appellant claims, in relevant part, that she possesses sufficient additional applicable experience through her service as a Supervisor Personnel Records and Payroll Processing 2. The appointing authority confirms that the appellant performed professional-level duties while serving in that title from February 2003 to November 2015. However, the appellant's performance of applicable professional-level duties while serving in the Supervisor Personnel Records and Payroll Processing 2 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). In the instant matter, the appointing authority has confirmed that the appellant possesses more than six years and seven months of experience performing applicable out-of-title duties while serving in the title of Supervisor Personnel Records and Payroll Processing 2. Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled. 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 subject 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 21ST DAY OF JUNE, 2017



Robert M. Czedz, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Kim Myers
Willie Kelly
Kelly Glenn
Records Center