



STATE OF NEW JERSEY

In the Matter of Laura McCabe,
Personnel Technician (PC2809B),
Atlantic County

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

CSC Docket No. 2021-1982

Examination Appeal

ISSUED: MARCH 4, 2022 (JH)

Laura McCabe appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirements for the promotional examination for Personnel Technician (PC2809B), Atlantic County.

The subject examination was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service and were serving in the Assistant Personnel Technician title as of the October 21, 2020 closing date and met the following requirements: graduation from an accredited college or university with a Bachelor's degree; and one year of technical experience involving personnel work including position classification, compensation, employee benefits, administration, testing, interviewing and/or related functions. Pursuant to the substitution clause, applicants who did not meet the education requirement could substitute additional experience on a year-for-year basis with 30 semester hour credits being equal to one year of experience. A Master's degree from an accredited college or university in Personnel Administration, Applied Psychology, or other related field could be substituted for the requisite experience. It is noted that two employees applied, including the appellant, and one was admitted.¹

A review of McCabe's application finds that while she did not possess the requisite Bachelor's degree, she completed 17 credits. Therefore, pursuant to the

¹ It is noted that the individual who was admitted was subsequently appointed to the subject title effective June 27, 2021.

substitution clause, she needed four years and six months of applicable experience. McCabe indicated that she worked provisionally in the subject title from July 2019 through the closing date and Agency Services credited her with one year, four months of applicable experience. From July 2018 through July 2019, she worked as an Assistant Personnel Technician and she indicated her main duties as including: processing leave of absence requests; preparing forms for distribution, tracking absences, maintaining usage reports, creating payroll reconciliation reports; processing employment applications and reviewing qualifications; entering employment applications and employment verifications; and assisting with employment postings and vacancy summaries. Agency Services credited her with one year, one month of applicable experience. She noted that from March 2017 through July 2018, she worked as a Secretarial Assistant. She indicated her main duties as including: working on personnel tasks to support all County departments; processing employment applications and reviewing qualifications; scanning required documents for terminated employees for long term storage; tracking employees' Moonlighting forms and furlough requests; assisting with validation of various reports; converting Policy and Procedure files to Word and PDF files; sorting and distributing Human Resources and Health Benefits incoming correspondence and faxes; and performing monthly meter readings on copier machine and scheduling maintenance. Agency Services determined that any applicable experience would be considered out-of-title work as the primary focus of this title is secretarial clerical work rather than technical experience involving personnel work. She also indicated that she worked as a Personnel Aide from September 2015 through March 2017. She indicated her main duties as including: maintaining and filing employee documents; processing employment applications and reviewing qualifications; pulling terminated employees' personnel and medical documents for long term storage; posting job announcements in two locations; responding to subpoena requests for personnel files; and answering phones for division staff. Agency Services credited her with one year, seven months of applicable experience. From September 2006 through September 2015 she worked as an Administrative Assistant with the George H. Wimberg Funeral Home. She indicated her main duties as including: managing confidential funeral case and business files; handling incoming calls and correspondence; preparing statistical reports on case histories; entering payroll and maintaining timesheets; and managing warranties and maintenance issues on office appliances. From August 2003 to September 2006, she indicated that she worked as an Office Assistant with Atlantic Holistic Health Center. She indicated her main duties as including: managing business and patient files, verifying insurance coverage, handling incoming mail and preparing correspondence; preparing statistical reports on patients, insurance comparisons, entering patient information and performing bookkeeping tasks. From August 1995 to August 2006 she indicated that she was the owner of ALL-Pro Secretarial Services. She indicated her main duties as including: handling all incoming calls; advertising; accounting and other areas required as a business owner. Agency Services determined that the foregoing

experience was not applicable. As such, Agency Services concluded that the appellant lacked six months of applicable experience. Consequently, she was found ineligible for the subject promotional examination.

On appeal, McCabe argues that as an Administrative Assistant with the George H. Wimberg Funeral Home she “was essentially a Personnel Technician and an Office Manager combined.” She contends, in part, that she “performed several personnel functions. I developed a comprehensive policy and procedure manual for the staff . . . I collected, organized and entered weekly payroll for staff, and maintained timesheet and vacation schedules for the staff. I also coordinated and participated in interviews for new hires” and assisted in the hiring process. She asserts that “the personnel role was my primary function with this company.” She provides more details regarding her experience from 2015 to the present. In this regard, she notes that in March 2017 she was “moved laterally in Civil Service to Secretarial Assistant” in order to “secure a salary increase” but “the work I was performing was that of an Assistant Personnel Technician . . .” She adds that in 2017 she “started taking a much larger role in the medical leave administration process” and “a more substantive role in policy administration and the county’s training program.” She also provides further details regarding her work experience “starting in/around 2018,” which includes “assigning work to the Division’s clerical staffperson, and training staff and interns on personnel procedures.”

In support of her appeal, the appellant submits a letter dated June 16, 2021 from Elizabeth D’Acona, Director of Human Resources, Atlantic County Department of Administrative Services. In her letter, D’Acona indicates that the Atlantic County Human Resources Office is “a very small office” and thus, “every personnel technician in my office, including Laura, has been crossed-trained in virtually every facet of public sector personnel work.” D’Acona presents that when the appellant was hired in 2015 as a Personnel Aide, “it is my understanding that her experience as the main personnel assistant at her prior employer was the chief factor in why she was hired . . . Therefore, Civil Service has already acknowledged that Laura possesses at least two years of technical personnel work from her employment prior to the County.” D’Acona presents that “even as a Personnel Aide and Secretarial Assistant, Laura was performing Personnel Technician duties. This was a business necessity due to how small and short-staffed this office is. I have reviewed Laura’s appeal letter, and I am in total agreement that Laura has performed all of the duties outlined therein since working with the County.” D’Acona further notes that “Laura’s personnel duties have grown in complexity since 2015” and describes these duties. D’Acona argues that “it is therefore our position that at the time of her provisional promotion to Personnel Technician in July 2019, she had approximately six years of technical personnel experience.” D’Acona concludes that “Laura performs very complex personnel work on a daily basis, and this title change to Personnel Technician is long overdue.”

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a Civil Service Commission rule may be relaxed for good cause.

The appellant was determined to be ineligible for the subject examination since she lacked the required experience and/or training involving the treatment and/or rehabilitation of alcohol dependent persons or in the prevention of alcoholism. However, as indicated previously, the appellant was provisionally appointed to the subject title effective May 23, 2009, and she continues to serve in that capacity. Where a list resulting from an examination is not competitive, and the provisional candidate gained enough additional experience after the closing date to satisfy the experience requirement, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him or her to the examination. *See, e.g., In the Matter of Anthony Gowers*, (MSB, decided September 6, 2006); *In the Matter of Patricia Mulford*, (MSB, decided August 11, 2004). Given the non-competitive examination situation in the instant matter, good cause exists to accept the appellant's post-closing date provisional experience, for eligibility purposes only, and admit her to the subject examination.

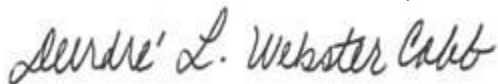
With respect to any applicable out-of-title work, since her in-title experience after the closing date is being accepted, it is not necessary to address this issue.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant be deemed eligible for the examination.

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 2ND DAY OF MARCH, 2022



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