



STATE OF NEW JERSEY

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

In the Matter of Kelly MacNiven and
Ashley Schneider, Personnel
Assistant 2 (PS6888K), Department
of Children and Families

Examination Appeal

CSC Docket Nos. 2023-1005
2023-1009

ISSUED: February 1, 2023 (RE)

Kelly MacNiven and Ashley Schneider appeal the determinations of the Division of Agency Services (Agency Services) which found that they did not meet the experience requirements for the promotional examination for Personnel Assistant 2 (PS6888K), Department of Children and Families. These appeals have been consolidated due to common issues.

The subject examination announcement was issued with a closing date of February 22, 2022, and was open, in pertinent part, to employees in the competitive division who were serving in any competitive title and who met the announced requirements. These requirements included graduation from an accredited college or university 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 additional experience on a year-for-year basis with 30 semester hour credits being equal to one year of experience. MacNiven was found to be below minimum requirements in experience, and Schneider was found to be below minimum requirements in experience per the substitution clause for education. Seven candidates were on the eligible list, which was certified once, and two candidates were appointed, and three candidates were removed. Thus, the eligible list is now incomplete, with two candidates remaining.

MacNiven was provisionally appointed to the subject title after the closing date. She possesses a Bachelor’s degree, and she listed experience as a Personnel Assistant 3; Events Training Manger, Human Resources Coordinator and Meeting Coordinator with Global Planners, Inc.; and Event Manager (part-time, 8 hours per

week) with Princeton University. She was credited for her experience as a Personnel Assistant 3 and Human Resources Coordinator, and was found to be lacking four months of applicable experience.

Ashley Schneider possessed 17 college credits, which prorated to six months of experience. Per the substitution clause for education, she was required to possess six years, six months of applicable experience. Schneider listed experience as a Personnel Assistant 4; Technical Assistant Personnel; Personnel Aide 2; Principal Clerk Typist; Senior Clerk Typist; Clerk Typist; Operations Manager and Front End-Customer Service Lead with Staples, Inc. She was credited with five years nine months of experience in her positions as Personnel Assistant 4 and Operations Manager, and was found to be lacking nine months of experience per the substitution clause for education.

On appeal, each appellant argues that her experience is applicable and should be accepted. In support of Schneider's appeal, the appointing authority states that she performed out-of-title work while in her Technical Assistant Personnel and Personnel Aide 2 positions due to operational needs of the office.¹

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, the appellants were correctly found ineligible for the subject examination. MacNiven possesses a Bachelor's degree, and was credited with two years, eight months of experience in her Personnel Assistant 3 position and her position as a Human Recourse Coordinator. Her remaining positions did not have professional experience in a personnel program as the primary focus. Schneider's college credits prorated to six months of experience, and she was credited with five years, nine months of experience in her positions as Personnel Assistant 4, and as an Operations Manager for Staples. However, the remainder of her positions were inapplicable as they did not have the announced experience requirement as the primary focus. Schneider's out-of-title work issue aside, the eligible list is now incomplete. MacNiven and Schneider have accrued over four months and nine months, respectively, of applicable experience since the February 22, 2022 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) to accept the appellants' additional

¹ It is noted that Agency Services did not find that Schneider was working out-of-title performing professional level work while in those titles, but was doing in-title para-professional duties.

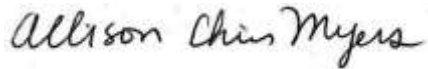
experience beyond the closing date, for eligibility purposes only, and admit them to the examination.

ORDER

Therefore, it is ordered that these appeals be granted, and the appellants' applications 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 1ST DAY OF FEBRUARY, 2023



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