



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Laura Taylor,
Personnel Assistant 3 (PS2196P),
Office of the Attorney General

Examination Appeal

CSC Docket No. 2016-4488

ISSUED: **NOV 1 9 2016** (SLK)

Laura Taylor appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the promotional examination for Personnel Assistant 3 (PS2196P), Office of the Attorney General.

The examination at issue was announced with specific requirements that had to be met as of the February 22, 2016 closing date (see attached). A total of four employees applied for the subject examination which resulted in a list of one eligible with an expiration date of June 18, 2019. Certification PS160981 was issued containing the name of the one eligible.

On her application, Ms. Taylor indicated that she was provisionally serving in the subject title from June 2015 to the February 22, 2016 closing date, a Secretarial Assistant 2 (Non-Stenograph) from January 2015 to June 2015, a Secretarial Assistant 3 from February 2012 to January 2015, a Legal Assistant for Comegno Law Group, P.C. from June 2010 to October 2010, and a Legal Assistant for Duane Morris LLP from June 2004 to November 2009. Personnel records indicate that she was provisionally serving in the subject title from June 2015 to the February 22, 2016 closing date, a Secretarial Assistant 2 from January 2015 to June 2015, a Secretarial Assistant 3 from February 2012 to January 2015, and a Legal Secretary 2 from October 2010 to February 2012. She also indicated that she possesses a Bachelor's degree. Agency Services credited her with nine months of

experience based on her provisional service in the subject title, but determined that she lacked one year and three months of experience.

On appeal, Ms. Taylor describes in detail how she performs the required duties. She also submits a letter from Mirella Bednar, Director, Human Resource Management, who states that John Elfo, Manager 1, Human Resources, confirmed that the appellant was performing the required out-of-title duties from February 2012 to January 2014 due to operational needs. In addition to having her out-of-title work accepted for the subject examination, Ms. Taylor requests that all of her confirmed out-of-title work be considered for all future promotional Personnel Assistant 3 examinations and to be retroactively appointed to the subject title to the promulgation date of the subject eligible list.

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.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with having met the education requirements and nine months of experience based on her provisional service in the subject title, but she lacked one year and three months of the required experience needed to establish eligibility. Any relevant experience the appellant gained as a Secretarial Assistant 2 and 3 would be out-of-title-work. However, Ms. Bednar confirmed that she has been performing the required out-of-title duties as a Secretarial Assistant 2 and 3 from 2012 to 2015 due to the appointing authority's operational needs. Additionally, the list is incomplete as there is only one name on the eligible list. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit her to the examination.

With respect to the appellant's request to have her out-of-title experience considered for all future Personnel Assistant 3 examinations, out-of-title work may only be considered on promotional examinations when there is good cause. Consequently, the appellant's out-of-title work can generally not be considered in a promotional examination without Commission approval. However, Agency Services shall accept the appellant's Personnel Assistant 3 out-of-title work from 2012 to 2015, as well as documented out-of-title work for any other applicant, for any future promotional examination only where there is an insufficient pool of eligibles to promulgate a complete list without additional Commission approval. In regard to

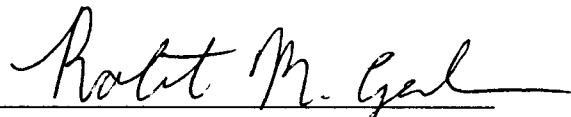
the appellant's request to have a retroactive appointment to the promulgation date of the subject examination, out-of-title work that is accepted on appeal is only for prospective purposes and there is no basis to provide her with the requested remedy since no error was demonstrated.

ORDER

Therefore, it is ordered that the appeal be granted, and Laura Taylor's application 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 10th DAY OF NOVEMBER, 2016



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

Attachment

c: Laura Taylor
Mirella Bednar
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



Click here to file Online Print
\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

| | |
|-------------------------------------|-----------------------------------|
| SYMBOL: PS2196P | WEIGHT CODE: * |
| TITLE: PERSONNEL ASSISTANT 3 | SALARY: \$48,971.00 - \$69,393.00 |
| ISSUE DATE: February 01, 2016 | CLOSING DATE: February 22, 2016 |
| TITLE CODE: 63253/BLRXR5 | CLASS CODE: 23 |
| DEPARTMENT: LPA/LAW & PUBLIC SAFETY | |
| UNIT SCOPE: P860 OAG/Administration | |

Visit www.state.nj.us/csc
And select "Job Announcements"
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Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Personnel Assistant 4

Or 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:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or 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.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Two (2) years of technical experience in a personnel program of a public or private organization.

Note: A Master's degree in business administration, personnel administration, public administration, management, or other related field may be substituted for one (1) year of the indicated experience. You must indicate the details of your Master's degree 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.

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. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. 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. 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.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPP-256A * Revised 03/09