

In the Matter of Barbara Pagano, Personnel Assistant 4 (PS3283K),

Ann Klein Forensic Hospital

CSC Docket No. 2018-1829

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION
OF THE

CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: MARCH 28, 2018 (CSM)

Barbara Pagano appeals the determination of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Personnel Assistant 4 (PS3283K), Ann Klein Forensic Hospital.

The examination at issue was announced with specific requirements that had to be met as of the closing date of August 21, 2017. The requirements were graduation from an accredited college or university with a Bachelor's degree and one year of technical 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 semester hour credits being equal to one year of experience. The subject examination was cancelled on December 6, 2017 since the appellant was the only applicant.

The appellant indicated on his application that she was a Principal Payroll Clerk from August 2013 to the closing date, August 2017. From December 2012 to August 2013 she indicated that she was a Senior Payroll Clerk. Agency records indicate that the appellant was provisionally appointed to the subject title in May 2017. The appellant also listed on her application that she was an Office Administrator with Braun Research, Inc., from August 2001 to May 2011. The appellant did not indicate completion of any college credits. Agency Services credited the appellant with four years and nine months of experience based on her provisional service in the title under test and in the Payroll Clerk title series, but determined that the remainder of her experience was not applicable. Therefore, the

appellant would need an additional three months of experience to qualify for the examination.

On appeal, the appellant presents that her private sector experience with Braun Research qualifies her for the subject examination. The appellant highlights her experience negotiating and administering health benefits, administering and maintaining the 401k program, as well as developing and instituting procedures for payroll and timekeeping. The appointing authority submits a letter in support of this appeal and explains that the appellant's variety of experience in payroll and personnel, both in the public and private sector, qualifies her for the subject examination.

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) provides that a rule may relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

CONCLUSION

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. See In the Matter of Bashkim Vlashi (MSB, decided June 9, 2004). On her original application, the duties that the appellant listed contained some aspects of the required experience, but did not have as its primary focus technical experience in a personnel program. However, the subject examination has been cancelled since the appellant was the only applicant and she continues to serve provisionally in the title under test. As such, good cause exists to accept the appellant's provisional experience after the closing date and admit her to the subject examination. She now has more than five years of the required experience.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant'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 27TH DAY OF MARCH, 2018

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