

CSC
B-38



STATE OF NEW JERSEY

In the Matter of Cynthia M. Figlar,
Housing Assistance Technician
(PM1949R), Clifton

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2521

Examination Appeal

ISSUED: OCT 22 2014 (BS)

Cynthia M. Figlar appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Housing Assistance Technician (PM1949R), Clifton.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced November 21, 2013 closing date. Specifically, all applicants had to possess one year of experience in securing and verifying information and making determinations or recommendations pertaining to such matters as the eligibility or qualifications of applicants for insurance, credit, entitlement to cash awards or financial benefits, employment, financial loans, or the adjustment and settlement of insurance claims, and/or in interviewing and eliciting information from persons and assisting them in completing application forms and verifying information obtained. Records indicate that the subject promotional examination was cancelled on April 18, 2014 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed experience as a Keyboarding Clerk 3 (11/08¹ to the closing date). The Division of Selection Services concluded that the appellant possessed seven months of applicable experience as a provisional Housing Assistance Technician as of the

¹ Civil Service Commission records indicate that the appellant was appointed provisional Housing Assistance Technician, effective May 27, 2013.

closing date. Although her experience as a Keyboarding Clerk 3 also involved responsibilities in the required areas, such responsibilities were considered out-of-title and could not be accepted as qualifying experience by the Division of Selection Services. Consequently, the Division of Selection Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that she satisfies the subject requirements. In support of her appeal, John B. Cudworth, Personnel Officer, Clifton, submits a letter indicating that the appellant has been performing the duties of Housing Assistance Technician in the Housing Department since November 2008, albeit out-of-title, while serving as a Keyboarding Clerk 3. Mr. Cudworth further indicated that the appellant "is an exemplary employee for the City of Clifton."

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that the appellant possessed seven months of applicable experience as a provisional Housing Assistance Technician as of the closing date. Although the appellant claims to have assumed appropriate responsibilities while serving as a Keyboarding Clerk 3, such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements for promotional examinations announced with open-competitive requirements.

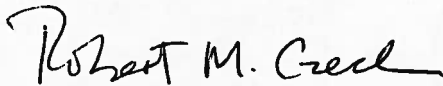
However, John B. Cudworth, Personnel Officer, has endorsed the appellant's claims of performing such out-of-title work responsibilities while serving as a Keyboarding Clerk 3 and indicated that the appellant had actually been performing the duties of a Housing Assistance Technician while serving in the Keyboarding Clerk 3 title. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Housing Assistance Technician, the subject promotional examination has been cancelled due to a lack of qualified applicants, and that this is not a competitive situation. Accordingly, accepting the appellant's five years of out-of-title experience as a Keyboarding Clerk 3, for eligibility purposes only, will allow the appellant the opportunity to be considered for permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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 22ND DAY OF OCTOBER, 2014**



**Robert M. Czech
Chairperson
Civil Service Commission**

**Inquiries
And
Correspondence:**

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

**c: Cynthia M. Figlar
John B. Cudworth
Dan Hill
Joseph Gambino**

