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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Marie Snyder,
Department of the Treasury

CSC Docket No. 2015-812

Administrative Appeal

ISSUED: NOV 21 2014 (DASV)

The Department of the Treasury requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Marie Snyder to be provisionally appointed, pending promotional examination procedures, to the competitive title of Claims Investigator 2.¹

By way of background, Snyder was appointed to the noncompetitive title of Staff Nurse, 12 Months,² effective July 3, 2000. Snyder filed a classification appeal, maintaining that her duties were inconsistent with the title of Staff Nurse, 12 Months. She contended that her responsibilities were commensurate with the title of Claims Investigator 3.³ The Division of Classification and Personnel Management (CPM) conducted an audit of Snyder's position and found that the duties that she performed were consistent with the duties of a Claims Investigator 2, a competitive title. CPM indicated that the effective date of reclassification would be February 8, 2014. Snyder did not appeal the classification determination.

In the instant matter, the appointing authority requests a rule relaxation to permit Snyder's provisional appointment pending promotional examination procedures to the Claims Investigator 2 title. Since Snyder's current permanent title of Staff Nurse, 12 Months, is noncompetitive and unrelated to the Claims

¹ The Claims Investigator 2 title was previously named Senior Claims Investigator.

² At the time of Snyder's appointment, the Staff Nurse, 12 Months, title was known as Graduate Nurse, 12 Months.

³ The Claims Investigator 3 title was previously named Principal Claims Investigator.

Investigator 2 title, Snyder would otherwise be subject to open competitive examination procedures. Snyder's credentials were reviewed by the Division of Selection Services and it determined that she meets the requirements for the Claims Investigator 2 title. However, she acquired over three years of experience while serving as a Staff Nurse, 12 Months. Thus, her experience is a result of out-of-title work.⁴ In this regard, the appointing authority reports that due to the dissolution of nursing services in December 2010, Snyder had assumed the duties of processing Workers' Compensation claims and investigating and adjusting claims based on the operational needs of the Division of Risk Management. Moreover, the Division of Selection Services submits that there is no active eligible list for the subject title in Snyder's unit scope⁵ and there are three employees serving provisionally pending promotional examination procedures in the subject title. However, the appointing authority will request a promotional examination once the Civil Service Commission decides the instant matter. Therefore, the Division of Selection Services maintains that good cause has been presented to grant the appointing authority's request to relax *N.J.A.C.* 4A:4-1.1(c) in order for Snyder to advance in the subject title pending the promotional process and accept her out-of-title experience pursuant to *N.J.A.C.* 4A:4-2.6(c). CPM also supports the appointing authority's request.

CONCLUSION

N.J.A.C. 4A:4-1.1(c) states that a promotion may be authorized through promotional examination procedures from the noncompetitive division of permanent employees who meet the open competitive requirements to: 1) a related entry level title in the competitive division; or 2) in appropriate situations, to a related above-entry level title in the competitive division.

N.J.A.C. 4A:4-2.5(d) provides:

⁴ The open competitive requirements for Claims Investigator 2 are two years of experience in workers compensation, negligence or claims investigation. The definition section of the job specification for Staff Nurse, 12 Months, indicates that an incumbent either (a) under direction of a supervisory registered nurse in a health care facility, assumes responsibility as a member of the treatment team; works with residents, their families, and community agencies, and provides assistance, counseling, and instruction to residents; carries out therapeutic and medical orders authorized by a registered nurse, licensed physician, or other supervisor; does related work as required; or (b) under direction of a nursing supervisor, physician, or other supervisory official in a State department, institution, clinic, or agency, provides professional nursing care and treatment; does other related work.

⁵ Personnel records reveal that the eligible list for Claims Investigator 2 (PS7150U), Department of the Treasury, which promulgated on March 28, 2013 in Snyder's unit scope, does not expire until March 27, 2016 but has been exhausted. Additionally, the Claims Investigator 2 (PS8164U), Department of the Treasury, eligible list, which promulgated on May 22, 2014 and expires on May 21, 2017, is for a different unit scope. Moreover, there is no special reemployment list for the title.

When a promotion is to be made from the noncompetitive division to a related title in the competitive division, the examination shall be open to all permanent employees who meet one of the following:

1. Serving in the next lower or next two lower in-series noncompetitive titles and possessing the complete open competitive requirements;
2. Serving in all related noncompetitive titles and possessing the complete open competitive requirements;
3. All competitive division titles at specified class code levels below the announced title, with or without all or part of the open competitive requirements and all titles as described in (d)1 or 2 above;
4. Competitive division employees who meet complete open competitive requirements and all titles as described in (d)1 or 2 above; or
5. In extraordinary circumstances, the Chairperson or designee may set another appropriate title scope.

N.J.A.C. 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, the title of Claims Investigator 2 is not a related entry or related above-entry level title to that of Staff Nurse, 12 Months. See *N.J.A.C.* 4A:4-1.1(c) and *N.J.A.C.* 4A:4-2.5(d). Nevertheless, Snyder's position was reclassified to Claims Investigator 2 and for equitable considerations, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) and *N.J.A.C.* 4A:4-2.5(d) and authorize the provisional appointment of Snyder pending promotional examination procedures. The information presented supports the relaxation of the foregoing provisions. There is no special reemployment list or promotional list which would affect a promotional examination announcement for the subject title. Additionally, Snyder meets the requirements for a Claims Investigator 2 examination. Although her experience was gained as a result of out-of-title work, good cause has been presented pursuant to *N.J.A.C.* 4A:4-2.6(c) to accept her out-of-title experience for a Claims Investigator 2 promotional examination. She had assumed applicable duties due to the dissolution of nursing services in December 2010. Therefore, given the foregoing and the fact that there are employees already serving provisionally pending promotional examination procedures in the subject title, a promotional examination announcement shall be issued pursuant to *N.J.A.C.* 4A:4-2.5(d)5. In this regard, the examination shall be announced open in Snyder's unit scope to employees in the unrelated noncompetitive title of Staff

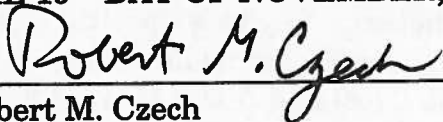
Nurse, 12 Months, who meet the complete open competitive requirements. Moreover, CPM⁶ should accept all documented and verified out-of-title work from other applicants who may apply to this specific prospective promotional examination only. Finally, in order to eliminate any adverse impact on other potentially eligible employees within the unit scope, the promotional examination shall also be announced open to employees deemed appropriate by CPM.

ORDER

Therefore, it is ordered that this request be granted and the provisional appointment of Marie Snyder be authorized, pending promotional examination procedures, to the competitive title of Claims Investigator 2 effective February 8, 2014. Additionally, it is ordered that Marie Snyder's applicable out-of-title experience be accepted for future prospective promotional examinations for Claims Investigator 2. Further, it is ordered that the promotional examination be announced in the appropriate unit scope in accordance with this decision. CPM should accept all documented and verified out-of-title work from other applicants who may apply to this specific prospective promotional examination only. Marie Snyder is to provide a copy of this decision with her promotional application upon announcement of 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 19TH DAY OF NOVEMBER, 2014



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⁶ The review of examination eligibility has been transferred from the Division of Selection Services to CPM.

c: Douglas J. Ianni
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