

B-26



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sophia Proctor,
Senior Income Maintenance
Technician (PS8415K), Division of
Medical Assistance

Examination Appeal

CSC Docket No. 2015-465

ISSUED: DEC 19 2014 (SLK)

Sophia Proctor appeals the determination of the Division of Selection Services¹ (Selection Services) that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Senior Income Maintenance Technician (PS8415K), Division of Medical Assistance.

The examination at issue was announced with specific requirements that had to be met as of the April 21, 2014 closing date (see attached). A total of seven employees applied for the subject examination that resulted in a list of two eligibles with an expiration date of August 6, 2017.

On her application, Ms. Proctor indicated that she was provisionally serving in the title under test from March 2013 to the April 21, 2014 closing date, a Technical Assistant 3 from January 2013 to March 2013, a Customer Service Information Specialist 2 for the Department of Children and Families from June 2012 to January 2013, a Senior Clerk for the Department of Health from March 2007 to June 2012, a Clerk Typist for the Department of Health from February 2005 to March 2007, a part-time Bi-lingual Customer Service Representative for the Patient Marketing Group from August 2004 to February 2005, and a Legal Assistant for Lependorf & Silverstein, PC from April 2001 to December 2002. Personnel records indicate that she was provisionally serving in the subject title from March 2013 to the April 21, 2014 closing date, a Technical Assistant 3 from

¹ Now the Division of Agency Services.

January 2013 to March 2013, a Customer Service Information Specialist 2 for the Department of Children and Families from June 2012 to January 2013, a Senior Clerk for the Department of Health from October 2005 to June 2012, a Clerk Typist for the Department of Health from May 2005 to October 2005, and an hourly Support Services CWA for the Department of Health from February 2005 to May 2005. Ms. Proctor also possesses 24 college credits. Selection Services credited the appellant with two years and two months of experience based on her college credits, her provisional experience in the subject title, and her experience as a Technical Assistant 3, but determined that her other experience was not applicable. It commented that Ms. Proctor's experience as a Senior Clerk was out-of-title work. Therefore, Selection Services determined, per the substitution clause, that the appellant lacked two years and ten months of the required experience.

On appeal, Ms. Proctor states that for five years and three months with the Department of Health, she determined eligibility for pharmaceutical and Medicare Part B premium assistance. The appellant submits a November 2008 memo that indicates that she was processing applicants under the Pharmaceutical Assistance to the Aged and Disabled Program, Performance Evaluation System (PES) reports from October 2009 to September 2010 and October 2011 to September 2012 to demonstrate that her job duties involved processing eligibility benefits claims, and a letter from her supervisor indicating that she was processing eligibility benefits claims from January 2011 to June 2012. Ms. Proctor also indicates that since January 2013, she has been making benefit eligibility determinations for the appointing authority and submits her September 2012 to August 2013 PES report as proof. The appellant asserts that the PES reports and her updated resume demonstrate that since March 2007 she has performed the job duties as outlined in the subject title job specification. Ms. Proctor also highlights that she possesses 24 college credits.

Additionally, Ms. Proctor submits a statement from her supervisor, Cheryl Clayton, Principal Claims Reviewer, that indicates from January 2011 to June 2012, while employed with the Department of Health, she made eligibility determinations for Medicare Part B premium assistance and that she was given this assignment due to the unit being short staffed. Ms. Proctor also submits a statement from Louise Rush, Director, Office of State Health Insurance, Program for Aged and Disabled, indicating that between August 2008 until June 2012, among her duties she had the responsibility to determine eligibility for financial assistance programs and that she was assigned these duties due to budgetary constraints and shortage of staff.

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.

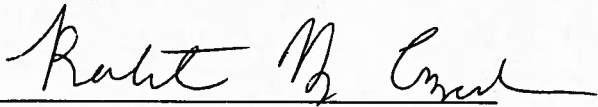
Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. Ms. Proctor was credited with two years and two months of experience based on her provisional experience in the subject title, her experience as a Technical Assistant 3, and her college credits and would need an additional two years and ten months of relevant experience to establish eligibility. Any relevant experience the appellant gained as a Senior Clerk would be "out-of-title-work." However, Ms. Proctor's supervisors when she was employed by the Department of Health have verified that she performed the required out-of-title duties between 2008 and June 2012. Additionally, the examination situation is not competitive as there are only two eligibles on the list and the appellant continues to serve provisionally in the title under test. 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.

ORDER

Therefore, it is ordered that the appeal be granted, and Sophia Proctor'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 17th DAY OF DECEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
and
Correspondence**

**Henry Maurer
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: Sophia Proctor
Antoinette Sargent
Kelly Glenn
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: **PS8415K**

WEIGHT CODE: *

TITLE: **SENIOR INCOME MAINTENANCE TECHNICIAN**

SALARY: **\$40,521.00 - \$57,009.00**

ISSUE DATE: **April 01, 2014**

CLOSING DATE: **April 21, 2014**

TITLE CODE: **62052/DIRXR7**

CLASS CODE: **16**

DEPARTMENT: **HSA/HUMAN SERVICES**

UNIT SCOPE: **K250 Division of Medical Assistance and Health Services**

APPLICATIONS MAY BE OBTAINED
 FROM AND MUST BE RETURNED TO:

**ONLY ON LINE APPLICATIONS
 WILL BE ACCEPTED
 FOR THIS ANNOUNCEMENT**

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) and who meet the requirements listed below:

Income Maintenance Technician

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: One (1) year of experience examining, adjusting, determining, or authorizing eligibility or entitlement for cash awards or benefits in a public or private financial assistance program, or in the investigation of personal financial matter.

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.

NOTE: As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

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. **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. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination online. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. **You can now complete and submit your application and payment online to the Civil Service Commission and you will receive an immediate receipt confirmation!**
7. **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.**

DPF-256A * Revised 03/09