

B-108



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of William Clayborn,  
Jr., Data Entry Operator 2  
(PS7139U), Department of the  
Treasury

Examination Appeal

CSC Docket No. 2015-280

ISSUED: FEB 09 2015 (SLK)

William Clayborn, Jr. appeals the determination of the Division of Selection Services<sup>1</sup> (Selection Services) that he did not meet the experience requirement for the promotional examination for Data Entry Operator 2 (PS7139U), Department of the Treasury.

The examination at issue was announced with specific requirements that had to be met as of the March 21, 2014 closing date (see attached). A total of 24 employees applied for the examination but the examination has not yet been conducted.

Mr. Clayborn indicated on his application that he was a Clerk from 2011 to the March 21, 2014 closing date, a Helper from 2006 to 2011, an Intermittent Technical Assistant 3 from 1999 to 2006, and an Intermittent Clerk from 1996 to 1999. Personnel records indicate that appellant was a Clerk from July 2011 to the March 21, 2014 closing date, a Helper from August 2006 to July 2011, an Intermittent Technical Assistant 3, Treasury from November 2004 to August 2006, a Technical Assistant 3 from July 2004 to November 2004, an Intermittent Technical Assistant 3, Treasury from November 2001 to July 2004, and an Intermittent Clerk, Treasury from February 1997 to November 2001. Selection Services did not credit Mr. Clayborn with any applicable experience as it commented that as a Clerk, data entry was not his primary duty, that as an Intermittent Clerk, data entry would be considered out-of-title work, and that his

<sup>1</sup> Now known as the Division of Agency Services.

other experience was not applicable. Consequently, it determined that he lacked one year of the required experience.

On appeal, Mr. Clayborn presents that in addition to utilizing digital scanning equipment, he performs a variety of data entry duties including entering information into specific files and forms, verifying the accuracy of data entries and re-keying incorrect data so that his division can process documents.

### 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.

Initially, Selection Services determined that the appellant's experience as a Clerk was not applicable as data entry was not his primary duty. However, in accordance with *N.J.A.C. 4A:4-2.1(g)*, the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties performed in a given position that expands or enlarges on information previously submitted is considered clarifying. On his initial application, Mr. Clayborn indicated that he performed some data entry duties. Now, the appellant clarifies that he performs a variety of data entry duties including entering information into specific files and forms, verifying the accuracy of data entries, and re-keying incorrect data so that his division can process documents. Therefore, the Commission finds that Mr. Clayborn's experience qualifies him for the subject examination. This is especially true since the hiring authority shall be administering a qualifying performance examination to ensure that eligible candidates possess the skills to satisfactorily perform the duties of the subject title.

Further, the subject examination was announced to incumbents in a number of related titles in the non-competitive division, including the appellant's title of Clerk. As such, it would be inequitable to not credit experience gained in a related non-competitive title where the applicant only indicates performance of some of the required duties on the basis that those duties were not the primary focus of the position. In this regard, the job specification for Clerk states that on an infrequent basis, incumbents may do basic typing and/or data entry. Consequently, if an applicant is properly classified as a Clerk, it would be impossible for employees in that classification to meet the requirements for the subject announcement based upon their experience as a Clerk if the applicant needs to be primarily performing data entry duties as a Clerk. Accordingly, in the future, any relevant experience gained in non-competitive titles deemed by the Division of Agency Services to be related to a competitive title should be accepted as qualifying experience, even if this experience is not the applicant's primary duty, as long the applicant indicates performance of some of those duties on the application. This rationale is consistent with the dual purpose of the Civil Service system to ensure efficient public service

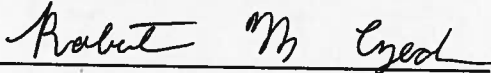
for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Accordingly, the Commission is satisfied that the appellant's Clerk experience from July 2011 to the March 21, 2014 closing date warrants his admission to the subject examination.

**ORDER**

Therefore, it is ordered that this appeal be granted and William Clayborn, Jr.'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 4<sup>th</sup> DAY OF FEBRUARY, 2015**



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: William Clayborn, Jr.  
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: PS7139U<br>TITLE: DATA ENTRY OPERATOR 2<br>ISSUE DATE: March 01, 2014<br>TITLE CODE: 53293/CRRXR4<br>DEPARTMENT: TYA/TREASURY<br>UNIT SCOPE: U835 Revenue and Enterprise Services/Front End Processing   | WEIGHT CODE: *<br>SALARY: \$31,234.00 - \$43,525.00<br>CLOSING DATE: March 21, 2014<br>CLASS CODE: 11 |
| <b>APPLICATIONS MAY BE OBTAINED FROM AND MUST BE RETURNED TO:</b>  |   |
| <b>ONLY ON LINE APPLICATIONS WILL BE ACCEPTED FOR THIS ANNOUNCEMENT</b>  |   |
| <p>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 announced closing date in the following title(s):</p> <p style="text-align: center;"> <b>Audit Account Clerk<br/>         Microfilm Machine Operator<br/>         Senior Clerk<br/>         Senior Clerk Typist<br/>         Senior Microfilm Machine Operator<br/>         Senior Postal Clerk<br/>         Senior Vault Clerk</b> </p> <p>Or to employees in the non-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 meet the requirements listed below:</p> <p style="text-align: center;"> <b>Clerk<br/>         Clerk Typist<br/>         Data Entry Operator 1</b> </p> <p>Experience: One (1) year of experience in the operation of an electronic data entry device and/or use of alphanumeric keyboard to transcribe data into data processing equipment or computer.</p> <p>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.</p> <p>SPECIAL NOTE: For positions where speed and volume are a factor, appointees will be required to demonstrate proficiency in keyboarding, typing and/or document scanning.</p> <p>Note to all Applicants: This position requires the operator to perform at a level of accuracy and dexterity which would enable him/her to complete all work assignments in accordance with the time frame established by the supervisor.</p> <p>Your score may reflect credit for experience operating Data Entry terminals. You must clearly indicate the percentage of time spent on the terminal, for each position you list, in order to receive credit.</p> <p>A data entry performance test may be administered as part of this examination process. Applicants who have taken a data entry test administered by the Civil Service Commission (CSC) or an approved representative of the CSC and have been issued a scoring report indicating a passing score, or a proficiency certificate, are not required to be tested again. A keystroke rate of 97 keystrokes per minute (KSPM) with an error rate of 2.54% or less will be required. Keyboards will be provided.</p> <p>NOTE: As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.</p> |   |
| <p style="text-align: center;"><b>IMPORTANT INFORMATION</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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 <a href="http://info.csc.state.nj.us/epoa">http://info.csc.state.nj.us/epoa</a>. 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!</li> <li>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.</li> </ol>  |   |

DPF-256A \* Revised 03/09