

B-129



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Terri Sabatini and
Christina Sampson, Head Clerk
(PS8766J), Rowan University

Examination Appeals

CSC Docket Nos. 2015-1097 and
2015-1085

ISSUED: FEB 09 2015 (SLK)

Terri Sabatini and Christina Sampson appeal the determinations of the Division of Selection Services¹ (Selection Services) that they were below the minimum requirements in experience for the promotional examination for Head Clerk (PS8766J), Rowan University. These appeals have been consolidated due to, common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2014 closing date (see attached). A total of seven employees, including six employees² who are serving provisionally in the subject title, applied for the subject examination and five were deemed eligible. Certification PS141432 was issued containing the names of the five eligibles and has not yet been disposed. The list expires on October 8, 2017.

On Ms. Sabatini's application, she indicated that she was a Principal Clerk from December 2002 to the June 21, 2014 closing date. Personnel records indicate that she was provisionally serving in the subject title from November 2013 to the June 21, 2014 closing date, a Principal Clerk from November 2012 to November 2013, a Senior Stock Clerk from September 2007 to November 2012, a Stock Clerk from October 2004 to September 2007, and a Clerk from December 2002 to September 2007. Selection Services credited Ms. Sabatini with one year and eight months of experience based on her provisional experience in the title under test and

¹ Now known as the Division of Agency Services.

² At the time of the closing date, there were five employees serving provisionally. On October 6, 2014, one of the eligibles, Jennifer Henning, was also appointed provisionally in the subject title.

her experience as a Principal Clerk, but determined that any applicable experience as a Senior Stock Clerk would be out-of-title work. Therefore, it determined that Ms. Sabatini lacked one year and four months of experience.

On Ms. Sampson's application, she indicated that she was provisionally serving in the subject title from March 2014 to the June 21, 2014 closing date and a Senior Clerk from October 2009 to March 2014. Personnel records indicate that she was provisionally serving in the title under test from March 2014 to the June 21, 2014 closing date, a Senior Clerk from December 2012 to March 2014, and a Clerk from August 2011 to December 2012. Selection Services credited Ms. Sampson with one year and seven months of experience based on her provisional experience in the subject title and her experience as a Senior Clerk, but determined that her other experience was not applicable. Therefore, it determined that Ms. Sampson lacked one year and five months of experience.

On appeal, Ms. Sabatini states that before she started working for the appointing authority in 2002, she worked in a clerical position as a bookkeeper. She provides that when she first started working for the appointing authority in the bookstore her position was initially classified as a facilities position. Thereafter, when the bookstore was privatized, her position was transferred to the Student Services Center where she performed out-of-title clerical duties for over three years. In 2012 her position was finally reclassified to Principal Clerk. The appellant submits a letter from the Professional Academic Advisor and Assistant Director for the College of Education and documentation from the appointing authority verifying that she has been performing clerical work for the Student Services Center since 2008 and that her position was not reclassified until 2012.

Ms. Sampson provides that prior to working for the appointing authority, she performed technical clerical work for the Air National Guard for six years. Additionally, her experience with the University's Wellness Center from October 2009 to March 2014 included assigning, instructing, and supervising student workers and part-time clerks, maintaining confidential files of student records, supervising others in the record keeping of confidential student files, and processing health information for students including collecting, verifying, and tracking required documents for admission, assisting on the promotions of health clinics, and attending training on government laws on maintaining personal health information. Ms. Sampson highlights her provisional experience in the title under test and notes that she also worked from October 2009 to August 2011 performing the required duties in Student Health Services.

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 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, unless good cause is shown for an exception. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

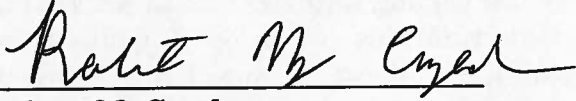
Initially, Selection Services correctly determined that the appellants did not meet the required experience. As of the June 21, 2014 closing date, Ms. Sabatini only had one year and eight months of applicable experience as any other applicable experience she gained as a Senior Stock Clerk would be out-of-title work. Further, Ms. Sampson only had one year and seven months of experience. However, with respect to Ms. Sabatini, the appointing authority has confirmed that she performed the required out-of-title duties as a Senior Stock Clerk after the bookstore closed in late 2007 and she was reassigned to the Student Services Center. As there are now six employees serving provisionally in the subject title and only seven eligibles on the list, the examination situation is not competitive and the appellant continues to serve provisionally in the title under test. Therefore, the Commission finds good cause to except Ms. Sabatini's out-of-title work experience, for eligibility purposes only, and to admit her to the examination. In reference to Ms. Sampson, the appointing authority confirms that she began working for the appointing authority on a part-time basis performing the duties of a Clerk in October 2009 until being appointed as a Clerk on a full-time basis in August 2011 and then eventually a Senior Clerk. Additionally, Ms. Sampson continues to serve provisionally in the title under test and the eligible list is incomplete. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the totality of Ms. Sampson's experience as a Clerk, Senior Clerk, and Head Clerk dating as far back as October 2009, including her provisional experience after the closing date, and admit her to the subject examination.

ORDER

Therefore, it is ordered that these appeals be granted, and Terri Sabatini's and Christina Sampson's applications 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 4th 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: Terri Sabatini
Christina Sampson
Eileen Scott
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: PS8766J

WEIGHT CODE: *

TITLE: HEAD CLERK

SALARY: \$38,779.00 - \$54,460.00

ISSUE DATE: June 01, 2014

CLOSING DATE: June 21, 2014

TITLE CODE: 20045/FYRXR0

CLASS CODE: 16

DEPARTMENT: HIUG/STATE COLLEGES & UNIVERSITIES

UNIT SCOPE: J250 Rowan University

**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):

Principal Clerk

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:

Experience: Three (3) years of experience in work involving the processing of technical clerical work which involves independent interpretation of rules, regulations, policies, and procedures.

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.

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. **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.**
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@esc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so **PLEASE FILE EARLY.**

DPF-256A * Revised 03/09

