

B-17



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Nancy Stein, Senior
Clerk Typist (PS8590J), Rowan
University

CSC Docket Nos. 2015-1638

Examination Appeal

ISSUED: **APR 16 2015** (SLK)

Nancy Stein requests reconsideration of the attached decision rendered on November 6, 2014, which found that she was not eligible for the promotional examination for Senior Clerk Typist (PS8590J), Rowan University.

By way of background, 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 15 employees applied for the subject examination that resulted in a list of 11 eligibles with an expiration date of October 29, 2017. Certification PS8590J was issued and four eligibles were appointed. On appeal, Ms. Stein asserted that she had met and exceeded all the requirements for the position and that she had been in this position since August 2012, which was over two years. The appellant listed various clerical duties that she performed and submitted letters from the appointing authority indicating that her position was reclassified to the subject title effective May 2014, that she was appointed to Clerk Typist in August 2013 (not 2012, as she asserted in her appeal letter), and that she had a part-time, temporary hourly position with the appointing authority from September 2012 to December 2012. The Civil Service Commission (Commission) denied the appellant's request because personnel records indicated that she only had nine months of experience as a Clerk Typist as of the closing date.

On reconsideration, Ms. Stein asserts that the Personnel Management Information System (PMIS) records used by the Commission do not accurately reflect her employment history with the appointing authority. Specifically, the appellant provides that from July 2012 to August 2013, she began working 32 hours

per week for the appointing authority, which is not reflected in PMIS, and she submits paystubs to support her claim. Additionally, the appellant attaches a letter from the Director of Compensation, Classification and Staffing for the appointing authority which indicates that the appellant was a temporary, part-time (TES) Clerk from September 2012 to July 2013 prior to being permanently appointed as a Clerk Typist. Further, Ms. Stein submits a letter from the Chair of the Department of Educational Services, Administration, Higher Education for the appointing authority that states the appellant has worked for the Department since September 2012 and describes her Clerk Typist duties in this position.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the instant matter, Ms. Stein has met the standard for reconsideration. On the appellant's initial application, she indicated that she was employed as a full-time Clerk Typist by the appointing authority from January 2013 to the April 21, 2014 closing date. However, personnel records only indicated that the appellant was employed by the appointing authority starting in August 2013. As such, it was correctly determined that the appellant only had nine months of applicable experience and lacked three months of the required experience. On reconsideration, Ms. Stein has submitted paystubs and letters from the appointing authority which demonstrate that her personnel records were incorrect and that she actually began performing the required duties for the appointing authority, which included typing, as of September 2012. As the appellant's initial application only listed that she worked for the appointing authority starting in January 2013, her experience prior to January 2013 cannot be considered. However, Ms. Stein's paystubs indicate that she worked 32 hours per week for the appointing authority from January 2013 until August 2013 prior to being permanently appointing as a Clerk Typist. Therefore, Ms. Stein has more than the equivalent of three full-time months of the required experience.

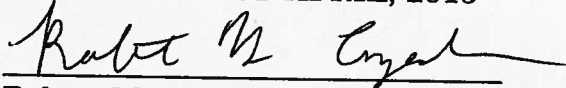
One additional matter warrants comment. The Commission notes that it is important for the appointing authority to properly update personnel records so that this agency will have accurate information regarding State employees. Therefore, the appointing authority should take the proper steps to record the appellant's TES Service in PMIS. Accordingly, based on Ms. Stein demonstrating that her TES service was not recorded and specifying the hours worked in this capacity, she should be admitted to the examination and receive a base score of 70.00.

ORDER

Therefore, it is ordered that this request for reconsideration be granted and Nancy Stein's application be processed for prospective employment opportunities.

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 15th DAY OF APRIL, 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**

Attachments

**c: Nancy Stein
Eileen Scott
Kelly Glenn
Joseph Gambino**



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ruth Cibo and
Nancy Stein, Senior Clerk Typist
(PS8590J), Rowan University

CSC Docket Nos. 2015-654 and 2015-
656

Examination Appeals

ISSUED: **NOV 12 2014** (SLK)

Ruth Cibo and Nancy Stein appeal the determinations of the Division of Selection Services (Selection Services) that they did not meet the experience requirements for the promotional examination for Senior Clerk Typist (PS8590J), 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 April 21, 2014 closing date (see attached). A total of 15 employees applied for the subject examination that resulted in a list of 11 eligibles with an expiration date of October 29, 2017. The list has not yet been certified.

Ms. Cibo's application indicated that she was a Clerk Typist from September 2013 to the April 21, 2014 closing date, a Senior Building Maintenance Worker from January 2010 to September 2013, a Crew Supervisor, Building Maintenance Workers from September 2007 to January 2010, a Senior Building Maintenance Worker from October 2005 to September 2007, a Food Service Manager from November 1999 to October 2005, and a House Cleaner from March 1995 to October 1995. Personnel records indicate that Ms. Cibo was provisionally appointed to the subject title after the closing date in May 2014, was a Clerk Typist from September 2013 to the April 21, 2014 closing date, and a Senior Building Worker from October 2011 to September 2013. Selection Services credited Ms. Cibo with eight months of experience based on her experience as a Clerk Typist, but determined that none of her other experience was applicable. Therefore, it determined that she lacked four months of experience.

Ms. Stein's application indicated that she was a Clerk Typist from January 2013 to the April 21, 2014 closing date, an Event Planner and Owner of Far Out Parties from 2008 to 2013, a CPR Training Marketing Representative for R-House Health and Safety from 2005 to 2008, and held multiple positions for Betz Labs from 1990 to 1994. Personnel records indicate that she was provisionally appointed to the title under test after the closing date in May 2014 and that she was a Clerk Typist from August 2013 to the April 21, 2014 closing date. Selection Services credited Ms. Stein with nine months of experience based on her experience as a Clerk Typist, but determined that none of her other experience was applicable. Consequently, it determined that she lacked three months of experience.

On appeal, Ms. Cibo presents that she has two years of office experience with the appointing authority, including the past year working in the College of Education, Teacher Education Department. She lists numerous examples of clerical duties that she performs while working in the Department of Teacher Education. Ms. Cibo also highlights her favorable performance assessment review (PAR) and maintains that the PAR demonstrates that she is performing the duties described in the examples of work for the subject title job specification.

Ms. Stein asserts that she has met and exceeded all the requirements for the position and that she has been in this position since August 2012, which is over two years. Ms. Stein lists various clerical duties that she performs and submits letters from the appointing authority indicating that her position was reclassified to the subject title effective May 2014, that she was appointed to Clerk Typist in August 2013 (not 2012, as she asserts in her appeal letter), and that she had a part-time, temporary hourly position with the appointing authority from September 2012 to December 2012. Ms. Stein also submits a resume that lists the duties that she performed as a part-time employee for the appointing authority as composing correspondence, designing and managing schedules and work flow processes, and checking and preparing reports.

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:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the instant matter, the appellants are not eligible for the subject examination. With respect to Ms. Cibo, both her application and resume indicate that she only had eight months of clerical experience as a Clerk Typist as of the closing date and her other experience was not in the required areas. Further, under *N.J.A.C.* 4A:4-2.6(a), no matter how well Ms. Cibo may currently be performing the required duties, her provisional experience in the title under test cannot be considered as this experience was gained after the closing date. Moreover, the

examination situation is competitive as 11 applicants were deemed eligible to take the test. Therefore, there is no basis to disturb the decision of Selection Services.

In reference to Ms. Stein, personnel records indicate that she only had nine months of experience as a Clerk Typist as of the closing date. As stated above, her provisional experience in the subject title after the closing date cannot be considered. As her other experience listed on the resume she originally submitted with her application was not in the required area, Selection Services correctly determined that she lacked three months of the required experience. On appeal, she submits an updated resume with experience not provided with her original application that indicates that she had an additional four months of hourly, part-time experience performing some clerical duties. However, this experience cannot be considered as *N.J.A.C. 4A:4-2.1(f)* provides that an application may only be amended prior to the announced closing date. That is, any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. See *In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003) and *In the Matter of Rolanda Alphonso, et al.* (MSB, decided January 26, 2005). It is noted that even if this experience were to be considered, the experience still may not be sufficient for Ms. Stein to meet the experience requirement as the number of hours per week would need to be clarified in order to pro-rate the four months of part-time experience to determine if this experience was the equivalent of three months of full-time experience performing clerical duties. See *In the Matter of Diane Herman* (MSB, decided August 11, 2004) and *In The Matter of John Clark, et al.* (MSB, decided February 26, 2003).

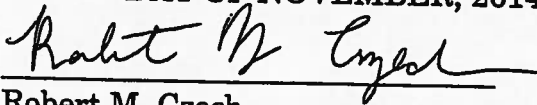
Accordingly, the appellants have failed to meet their burdens of proof and Selection Services properly determined that the appellants lacked the applicable experience as of the closing date and are not eligible for the subject examination.

ORDER

Therefore, it is ordered that these appeals be denied.

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 6th DAY OF NOVEMBER, 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: Ruth Cibo
Nancy Stein
Eileen Scott
Dan Hill
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PS8590J

TITLE: SENIOR CLERK TYPIST

ISSUE DATE: April 01, 2014

TITLE CODE: 23233/DRRXR4

DEPARTMENT: HIUG/STATE COLLEGES & UNIVERSITIES

UNIT SCOPE: J250 Rowan University

WEIGHT CODE: *

SALARY: \$28,690.00 - \$39,872.00

CLOSING DATE: April 21, 2014

CLASS CODE: 09

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 non-competitive division who are currently serving in a title to which the announcement is open and have completed their working test period as of the closing date in the following title(s), and meet the requirements listed below:

Clerk
 Clerk Typist

Or to employees in the competitive division who have completed their working test period as of the closing date in any competitive title and who meet the requirements listed:

Experience: One (1) year of experience in clerical work, including typing.

Note: Successful completion of a clerical training program with a minimum of 700 clerical training hours or 30 credit hours in secretarial science from an accredited college or university can be substituted for one year of the experience indicated above. Course work must include typing skills, methods, and procedures; other courses may include, but not be limited to, office procedures, word processing, and business English. You must attach a copy of your transcript, or a list of the applicable courses and credits you have completed, to your application. If you attach a list of courses, you must provide the following information: course title, number of credits earned, name of accredited college/university, and course description. Failure to do so will result in rejection from the examination process.

Note: A five-minute qualifying typing test (scored on a pass/fail basis) may be scheduled or administered during the interview process. If you have a current typing proficiency certificate you should attach a copy to your application. Applicants who have taken a typing 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. Candidates will be graded on a scale based on the number of errors made. The minimum acceptable typing speed is 40 net words per minute. Net words equals total words per minute minus errors. Keyboards will be provided.

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