

B-18



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Paula (Knight)
Bethea, Secretarial Assistant 1 Non-
Stenographic (PS7153J), Rowan
University

Examination Appeal

CSC Docket No. 2015-1405

ISSUED: APR 17 2015 (HS)

Paula (Knight) Bethea appeals the determination of the Division of Selection Services¹ (Selection Services), which found that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 1 Non-Stenographic (PS7153J), Rowan University.

The subject examination was announced with a closing date of July 21, 2014 and was open, in part, to applicants who possessed five years of experience in secretarial and administrative clerical work. Successful completion of a clerical training program with a minimum of 700 classroom training hours or 30 semester hour credits in secretarial science from an accredited college or university could be substituted for one year of the indicated experience. 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. An eligible list containing 14 names promulgated November 6, 2014 and expires November 5, 2017.

On her application, the appellant listed her experience as a Secretarial Assistant 1 Non-Stenographic from April 2011 to the closing date; as a Head Clerk from March 2007 to March 2011;² as a Technical Assistant, Higher Education from

¹ The eligibility review unit is now part of the Division of Agency Services.

² Agency records indicate that the appellant served as a Head Clerk from May 26, 2007 to July 26, 2013 and as a Secretarial Assistant 1 Non-Stenographic from July 27, 2013 to the closing date. It is noted that the appellant received a provisional appointment to the subject title on July 27, 2013, and she continues to serve in that capacity.

January 1998 to March 2007; as a Senior Payroll Clerk from July 1996 to December 1998; and as a Clerk Typist from August 1992 to June 1996, all with Rowan University. Selection Services credited the appellant with one year and one month of applicable experience based on her provisional service as a Secretarial Assistant 1 Non-Stenographic from July 2013 to the closing date. Although Selection Services indicated that the appellant had two years and three months of applicable experience from April 2011 to June 2013, this experience was not credited since it was determined to be out-of-title for an employee serving in the title of Head Clerk. None of the appellant's other listed experience was found applicable. Therefore, Selection Services deemed her ineligible since she lacked three years and 11 months of experience.

On appeal, the appellant argues that her experience serving in the title of Head Clerk from May 2007 to July 2013 should be credited since her duties, though admittedly considered out-of-title, were actually secretarial. The appellant states that from 2007 to 2011, she updated the alumni database; prepared agendas and recorded minutes for the Alumni Board meetings; assisted vendors, alumni, students and faculty/staff via email; answered and directed incoming calls; ordered supplies; assigned work and supervised student workers; maintained two budgets; generated daily reports; prepared and mailed correspondence for alumni events; scheduled meetings; processed work orders for building maintenance; assisted the Assistant Director and Director; and used office equipment and Microsoft applications daily. The appellant also provides a listing of her duties from 2011 to the closing date, which includes the duties she performed from 2007 to 2011. However, she adds that from 2011 to the closing date, she also reviewed, sorted and routed incoming mail; organized files; maintained office mailing lists, directories and print job databases; arranged out-of-state conferences and travel; assisted part-time staff, three Assistant Directors and the Assistant VP; maintained the Assistant VP's calendar; organized and maintained a log of all stationery orders throughout the University; and processed FedEx correspondence and packages. The appellant further argues that the appointing authority has a longstanding practice of using the Head Clerk title for secretarial positions with the understanding that experience earned in that title would be applied to meeting the experience requirements for Secretarial Assistant titles. In support, the appellant submits a 2005 email from this agency to the appointing authority stating that experience as a Head Clerk would be accepted to meet the experience requirements for the Secretarial Assistant series. She also submits a letter from her appointing authority confirming the appellant performed applicable duties as a Head Clerk with the understanding, based on the 2005 email, that time in the title of Head Clerk would be accepted for the instant examination. The appointing authority states that as a Head Clerk from May 2007 to July 2013, the appellant performed secretarial work, which included scheduling meetings, typing correspondence, maintaining office files, taking meeting minutes and supervising student workers.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. Applicable experience has as its primary focus the duties and responsibilities required for the title under test. *See In the Matter of James L. Walsh* (MSB, decided March 15, 1988). *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.

Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. The appellant was required to possess five years of applicable experience. However, a review of the appellant's application reveals that she did not possess the required experience. On appeal, the appellant provides a list of the duties she performed serving in the title of Head Clerk and argues that this experience should be credited since her duties were secretarial, though the appellant acknowledges that such secretarial duties were out-of-title. A review of the job specification for Head Clerk confirms that secretarial duties would be considered out-of-title work if performed by an employee serving in the title of Head Clerk. In this regard, the definition section of the job specification for Head Clerk states:

Under direction of an administrative officer in a State department, agency, or institution, has charge of the development and maintenance of clerical procedures and services of a large bureau or small division; interprets details of bureau and/or division policy as they affect clerical work of the department; sees that rules, regulations, policies, and procedures are observed as far as clerical work of the department is concerned; interprets with considerable independence the rules, regulations, policies, and procedures of the department to that portion of the public interested in or concerned with the work of the department; does other related duties as required.

Based on the foregoing, a Head Clerk performs technical clerical duties but does not function as a secretary. Ordinarily, the Civil Service Commission (Commission) looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In this particular situation, the record evidences that the examination situation is

competitive since the eligible list of 14 names is complete. However, the appellant points to a 2005 email from this agency informing the appointing authority that the title of Head Clerk may be used as a step toward the Secretarial Assistant series, and the appointing authority appears to have relied upon that information in placing the appellant into the title of Head Clerk. Moreover, the appellant's experience in the title of Head Clerk, as clarified by her on appeal and verified by the appointing authority, is clearly applicable. Therefore, despite the presence of a complete eligible list, good cause exists to admit the appellant to the examination under the particular circumstances presented in this case.

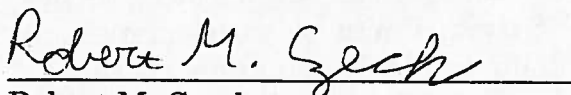
A final issue warrants comment. It is acknowledged that Head Clerk experience was accepted to meet the eligibility requirements for the Secretarial Assistant title series in the past, as evidenced by the 2005 email. Nevertheless, it should be emphasized that this agency subsequently reevaluated and discontinued that procedure based on a determination that the title of Head Clerk, per its job specification, does not perform secretarial and administrative clerical work. Secretarial and administrative clerical duties would properly be considered out-of-title when performed by an individual serving in the title of Head Clerk. Accordingly, the appointing authority is advised that it should no longer rely on the advice stated in the 2005 email.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed. In so doing, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter.

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



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