

CSC
B-16



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Nikki Phillips,
Technical Assistant 3, Community
Affairs (PS8966H), Department of
Health

Examination Appeal

CSC Docket No. 2015-1863

ISSUED: JUN 08 2015 (HS)

Nikki Phillips appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Technical Assistant 3, Community Affairs (PS8966H), Department of Health.

The subject examination announcement was issued with a closing date of August 21, 2014. The examination was open to employees who possessed three years of experience in providing technical assistance to State and/or local communities or agencies, completing forms or applications, resolving complaints, interpreting rules, regulations, policies and procedures to the public, and reviewing documents for accuracy and content. Applicants who did not possess the required experience could substitute education at an accredited college or university for the experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. The eligible list of one name promulgated December 18, 2014 and expires December 17, 2017.

On her application, the appellant indicated that she served as a Technical Assistant 3 from May 2004 to the closing date.¹ The appellant indicated that her major duties in that position, in part, were to maintain and support the tuberculosis

¹ Agency records indicate that the appellant served as a Clerk from May 17, 2004 to March 4, 2005; as a Senior Clerk Typist from March 5, 2005 to October 4, 2013; and as a provisional Technical Assistant 3, Community Affairs from October 5, 2013 through the closing date. It is noted that the appellant's provisional appointment to the subject title resulted from a classification review of her duties.

(TB) case and suspect registry and other TB databases to provide necessary information to the Centers for Disease Control (CDC) and feedback to local health departments, healthcare providers and the public; provide administrative and technical support to the TB central office and field staff; facilitate resolutions to TB technical questions from healthcare providers and the public; assist the team to obtain accurate and timely TB technical data/information and provide continuous quality control of TB data; contact TB case nurse managers or others to verify, research and correct missing or incongruent information to resolve problems; independently verify, screen, correct, update, code, prepare and enter TB data/information from initial and current TB case/suspect reports into the Electronic Report of Verified Cases of TB and Tuberculosis Information Management System databases; provide and process requests for statistical/technical data and other information in response to callers' problems; and assist with and maintain the Electronic Disease Notification databases and spreadsheets consisting of information/documentation about recent US arrivals. Agency Services credited the appellant with 11 months of experience for her provisional service in the subject title. Agency Services noted that although the appellant indicated the performance of applicable duties from May 2004 until her provisional appointment to the subject title, such experience would be out-of-title. Therefore, she was found to be lacking two years and one month of experience.

On appeal, the appellant argues that she possesses the requisite experience and states that she began performing technical work in 2005 with an expansion of her duties in 2011 due to retirements. As a result, the appellant trained in order to perform higher-level duties to maintain program effectiveness. The appellant states that she independently handles requests for TB data and information from various parties and provides technical support in researching, compiling and interpreting TB information from healthcare providers to ensure the accuracy of data sent to the CDC in TB reports. In support, the appellant submits various certificates, her resume, Performance Assessment Reviews and letters of support.

In support of this appeal, the appointing authority confirms that the appellant has been performing out-of-title Technical Assistant 3, Community Affairs duties since January 2011 and has successfully performed her assigned duties. The appointing authority explains that due to the promotional/hiring freeze and early retirements, several vacancies existed in the Tuberculosis Control Program and that the appellant assumed the out-of-title duties to avoid severe disruptions to business continuity. Thus, the appointing authority requests that her out-of-title experience be credited and she be admitted to the subject examination.

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. *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.

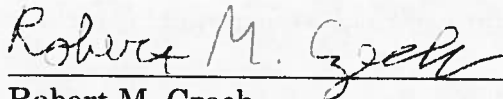
Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked two years and one month of creditable experience as of the August 21, 2014 closing date. On appeal, the appellant argues that she has been performing applicable duties since 2011, when she was still serving in the title of Senior Clerk Typist. However, the appellant's performance of applicable duties while serving in that title would be considered out-of-title work. 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 case, the record evidences that the examination situation is not competitive since the eligible list contains only one name, and therefore, no third parties are adversely impacted. The appointing authority has indicated that the appellant has been performing applicable out-of-title duties since January 2011. This represents approximately two years and nine months of additional experience. Additionally, the appellant continues to serve provisionally in the subject title. As such, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed.

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 3RD DAY OF JUNE, 2015



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