



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Heather Stabile, Executive Assistant 4 (PS2047N), Department of Labor & Workforce Development

Examination Appeal

CSC Docket No. 2016-4400

ISSUED: DEC 14 2016 (SLK)

Heather Stabile appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the promotional examination for Executive Assistant 4 (PS2047N), Department of Labor & Workforce Development.

The examination at issue was announced with specific requirements that had to be met as of the January 21, 2016 closing date (see attached). A total of three employees applied for the subject examination and each was deemed ineligible. Accordingly, the examination was cancelled due to a lack of qualified applicants.

On her application, Ms. Stabile indicated that she was provisionally serving in the subject title from February 2015 to the January 21, 2016 closing date, a Technician, Management Information Systems from November 2010 to February 2015, a Technical Assistant, Management Information Systems from January 2008 to November 2010, a Senior Clerk Typist from September 2005 to January 2008, a Clerk Typist from August 2004 to September 2005, an Office Administrator for Central Jersey Surgical group from January 2004 to August 2004, and an Assistant Planner/Account Manager from November 2002 to November 2003.<sup>1</sup> She also indicated that she possesses a Bachelor's degree. Agency Services credited her with having met the education requirement and one year of experience based on her

<sup>1</sup> Personnel records indicate that she was a Senior Clerk Typist from April 2005 to January 2008 and a Clerk Typist from August 2004 to April 2005.

provisional service in the subject title, but determined that she lacked one year of experience.

On appeal, Ms. Stabile presents that since she started in the Division of Workers' Compensation in September 2005, each year her responsibilities have grown. Specifically, she highlights that her appeal to Agency Services to have her position reclassified to the subject title was granted which confirms that she has been performing the required duties. She describes in detail the work that she performs and asserts that she has been performing the required duties since 2010. Further, Russell Wojtenko, Jr., Director & Chief Judge of Compensation, confirms that due to business necessity, Ms. Stabile has performed the required duties at least as far back as 2010.

### 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, except when permitted for good cause, 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.

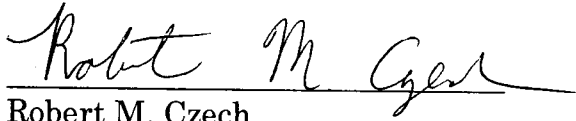
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with having met the education requirement and one year of experience based on her provisional service in the subject title, but she lacked one year of the required experience needed to establish eligibility. Any relevant experience the appellant gained as a Technician, Management Information Systems would be out-of-title-work. However, Mr. Wojtenko confirmed that she had been performing the required out-of-title duties as a Technician, Management Information Systems from at least as far back as 2010 due to business necessity. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility and scoring purposes only, and to admit her to the examination.

### ORDER

Therefore, it is ordered that the appeal be granted, and Heather Stabile'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 7<sup>th</sup> DAY OF DECEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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: Heather Stabile  
Thomas Healy  
Kelly Glenn  
Records Center

