



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rosemary Bogacz
Personnel Assistant 3 (PS0828G),
Department of Environmental
Protection

Examination Appeal

CSC Docket No. 2016-1334

ISSUED: **NOV 16 2016** (RE)

Rosemary Bogacz appeals the determination of the Division of Agency Services (DAS) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Assistant 3 (PS0828G), Department of Environmental Protection.

The subject examination announcement was issued with a closing date of June 22, 2015. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who were serving in the title Personnel Assistant 4, OR in any competitive title and who met the open competitive requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and two years of professional experience in a personnel program of a public or private organization. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. A Master's degree in Business Administration, Personnel Administration, Public Administration, Management or other related field could be substituted for the one year of required experience. There was one eligible candidate on the eligible list, which has not yet been certified.

Ms. Bogacz indicated on her application that she possessed an Associate's degree, and as such, needed four years of applicable experience. On her application, she listed experience in six State positions: provisional Personnel Assistant 3, four positions as a Senior Management Assistant, and Secretarial Assistant

1/Secretarial Assistant 2. She was credited with eight months of experience in the first position. The remaining experience was not accepted, and she was found to lack three years, four months of applicable experience. On appeal, Ms. Bogacz states that she acquired appropriate experience as a Senior Management Assistant, and she provides copies of performance evaluations. She also includes a copy of a classification determination dated September 19, 2014, which delineates the responsibilities of her current position and determined that the position was properly classified as Personnel Assistant 3. Ms. Bogacz further states that she has over four years of experience performing the duties of a Personnel Assistant 3, and she requests that her out-of-title work be accepted.

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 in pertinent part 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.

CONCLUSION

As to experience, the appellant received credit for the time spent in her provisional position. Ms. Bogacz appealed her eligibility for a prior examination for Personnel Assistant 2, and the Commission determined that a significant portion of the appellant's duties did not match the duties of her then current position, Senior Management Assistant, and ordered a classification review of her position. A copy of that decision, *In the Matter of Rosemary Bogacz, et al., Personnel Assistant 2 (PS4949G), Department of Environmental Protection (CSC, decided September 18, 2013)*, is attached hereto and incorporated herein. That decision indicated that only in the first position as a Senior Management Assistant did she perform out-of-title work, and the remaining experience was inapplicable. In that case, the appellant was in the first position as a Senior Management Assistant for two years, from January 2011 to December 2012. As the type of work is consistent in the Personnel Assistant title series, the remaining experience is inapplicable for this examination as well.

Ordinarily, the 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, there is 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 permanent appointments 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 case, the eligible list is not complete, with only one

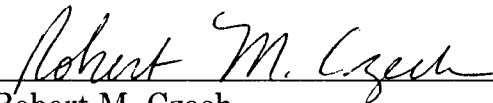
candidate. Nevertheless, the appointing authority would not verify that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. The appellant remained in the Senior Management Assistant position listed in the prior decision, which commenced in January 2011, until November 2013. That amounts to 2 years, 11 months of experience. She also has 1 year, 7 months of experience as a Personnel Assistant 3. In total, Ms. Bogacz possesses over 4 years of applicable experience with the acceptance of the out-of-title work as confirmed in the prior decision. Under these circumstances, good cause exists to accept the appellant's out-of-title work experience to satisfy the requirements for the Personnel Assistant 3 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 10th DAY OF NOVEMBER, 2016



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Attachment

c: Rosemary Bogacz
Deni Gaskill
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B-39



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rosemary Bogacz
et al., Personnel Assistant 2
(PS4949G), Department of
Environmental Protection

Examination Appeals

CSC Docket Nos. 2013-3072
2013-3080
2013-3079
2013-3081

ISSUED: SEP 23 2013 (RE)

Rosemary Bogacz, Alice Castiglione, Patricia McVicker and Cindy Melendez appeal the decisions of the Division of Selection Services and Recruitment (DSSR) that they did not meet the experience requirements per the substitution clause for education for the promotional examination for Personnel Assistant 2 (PS4949G), Department of Environmental Protection. These appeals have been consolidated due to common issues presented by the appellants.

The subject promotional examination announcement was issued with a closing date of December 21, 2012 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Personnel Assistant 3, OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and three years of professional experience in a personnel program of a public or private organization. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. A Master's degree in Business Administration, Personnel Administration, Public Administration, Management or other related field could be substituted for the one year of required experience. Four candidates were admitted to the examination, which has not yet been held.

Ms. Bogacz indicated on her application that she possessed an Associate's degree, and as such, needed five years of applicable experience. On her application, she listed experience in nine State positions: four positions as a Senior Management Assistant, Secretarial Assistant 1, Secretarial Assistant 2, Secretarial Assistant 3, Senior Clerk Stenographer, and Principal Clerk Stenographer. She also listed experience as a Secretary at Caesars Casino Hotel. None of her experience was accepted, and she was found to lack five years of applicable experience. On appeal, Ms. Bogacz states that she acquired appropriate experience as a Senior Management Assistant, and she provides a performance evaluation for the first listed Senior Management Assistant position on her application.

Ms. Castiglione indicated on her application that she possessed no college credits. Thus, per the substitution clause for education, she was required to possess seven years of applicable experience. She listed six State positions on her application and resume: Personnel Assistant 3, Personnel Assistant 4, Supervising Payroll Clerk, Principal Payroll Clerk, Senior Clerk Typist, and Clerk Typist. She also listed experience as a Secretary with a locksmith company, and as a Server at a restaurant. She was credited with five years, six months of experience as a Personal Assistant 3 and 4, and was found to be lacking one year, six months of experience. On appeal, she states that as a Secretary with a locksmith company she was in fact an Office Assistant/Manager with responsibility for processing payroll, bookkeeping, and secretarial duties. She states that she learned processing of various personnel actions as a Supervising Payroll Clerk. Ms. Castiglione states that her credentials were reviewed in a pre-evaluation for the title Personnel Assistant 4 in August 2007. At that time, DSSR determined that she met the requirements for that title. The appellant argues that her various duties in the Leave Management Unit have expanded to include employee benefits. She submits a copy of the pre-evaluation and of a performance evaluation obtained during her Personnel Assistant 3 position.

Ms. McVicker indicated on her application that she possessed 88 college credits, which prorates to two years, eleven months of applicable experience. Thus, per the substitution clause for education, she was required to possess six years, one month of applicable experience. She listed seven State positions on her application and resume: three positions as an Administrative Assistant 3, Secretarial Assistant 3 Non-Stenographic, Principal Clerk Transcriber, Senior Clerk Transcriber, and Clerk Transcriber. She also listed experience as a Staff Assistant, Dispatcher and as an Office Manager for private companies. She was credited with two years, four months of experience in the first two Administrative Assistant 3 positions, and was found to be lacking three years, nine months of experience. On appeal, Ms. McVicker also states that that her credentials were reviewed in a pre-evaluation for the title Personnel Assistant 4 in July 2007. In her case, she was found not to meet the five year requirement by two months. She argues that she has six more years of experience, and she has been working out-of-title as a Personnel Assistant due to

personnel issues. She provides a copy of her performance evaluation for the second Administrative Assistant 3 position on her application, and she provides details of her duties for the first listed Administrative Assistant 3 position on her application.

Ms. Melendez indicated on her application that she possessed no college credits. Thus, per the substitution clause for education, she was required to possess seven years of applicable experience. She listed 15 State positions on her application and resume: Supervisor Personnel Records and Payroll Processing 1, Supervisor Personnel Records and Payroll Processing 2, Technical Program Assistant, Personnel, Customer Service Representative 1, Personnel Aide 1, interim Principal Payroll Clerk, Personnel Aide 2, Technical Assistant, Personnel, Technician, Management Information Systems, two positions as Technical Assistant, Management Information Systems, two positions as Senior Data Entry Machine Operator, Senior Clerk Typist, and Clerk Typist. None of her experience was accepted, and she was found to lack seven years of applicable experience. On appeal, Ms. Melendez states that her experience in eight positions should be considered.

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced 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.

CONCLUSION

A review of appellants' descriptions of duties in their positions indicates that each does not possess the required amount of applicable experience. At the outset, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C. 4A:4-2.5(a)1* states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Personnel Assistant 2 title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as three years of relevant experience, it is considered a professional title. Further, professional work is basically interpretive, evaluative, analytical and/or creative requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research. See *In the Matter of Lewis Gordon* (Commissioner of Personnel, decided September 27, 1997) (Youth Worker title series not considered to be at a level and scope consistent with professional experience). The experience requirement specified that *professional* experience in a personnel program was necessary.

Conversely, *N.J.A.C. 4A:4-2.5(a)2* states that para-professional titles require at least 60 general college credits or 12 or more specific college credits, with or without a clause to substitute experience. Also, *N.J.A.C. 4A:4-2.5(a)3* states that non-professional titles require less than 60 general college credits or less than 12 specific college credits. The titles Secretarial Assistant 1, Secretarial Assistant 2, Secretarial Assistant 3, Secretarial Assistant 3 Non-Stenographic, Senior Clerk Stenographer, Principal Clerk Stenographer, Senior Clerk Typist, Clerk Typist, Principal Clerk Transcriber, Senior Clerk Transcriber, Clerk Transcriber, Supervising Payroll Clerk, Principal Payroll Clerk, Supervisor Personnel Records and Payroll Processing 1, Supervisor Personnel Records and Payroll Processing 2, Technical Program Assistant, Personnel, Customer Service Representative 1, Personnel Aide 1, Personnel Aide 2, and Senior Data Entry Machine Operator are non-professional titles, since they require no college credits. The titles Technical Assistant, Personnel, Technician, Management Information Systems, and Technical Assistant, Management Information Systems, are paraprofessional titles since they require completion of 60 college credits. The remaining titles listed by the appellants, Senior Management Assistant and Administrative Assistant 3 are professional titles.

In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). The amount of time, and the importance of the duty, determines if it is the primary focus. The appellants' non-professional and para-professional positions do not match the announced experience requirement, do not have the announced experience requirement as the primary focus, and do not rise to the level and scope of the announced experience requirement. As such, Ms. Melendez has no applicable experience and lacks seven years of applicable experience per the substitution clause for education.

Ms. Castiglione was credited for her experience in the Personnel Assistant title series. As to the pre-evaluation, the Personnel Assistant 4 is the entry level title in the series and has different requirements than those for the Personnel Assistant 2. While professional experience in a personnel program is required for the Personnel Assistant 2, the experience requirement for the Personnel Assistant 4 is *technical* experience in a personnel program. As such, experience accepted in a pre-evaluation for the title Personnel Assistant 4 is not at the level of that for Personnel Assistant 2, and is not acceptable. Ms. Castiglione's professional experience was accepted, and her remaining experience is non-professional. Her experience as a Secretary/Office Assistant/Manager with a locksmith company was described as being responsible for processing payroll, bookkeeping, and secretarial duties. This is not professional work as well. Ms. Castiglione lacks one year, six months of qualifying experience as of the closing date.

With regard to Ms. Bogacz' professional experience, she listed four positions as a Senior Management Assistant. A Senior Management Assistant coordinates management or administrative activities of an assigned area or unit of work. The incumbents act as an assistant to a Manager, not in a supportive or secretarial function, but rather, to relieve the Manager of detail-oriented and time-consuming professional tasks. Although responsibilities of incumbents in Management Assistant titles may include interaction with or serving as liaison with other organization units providing support services such as personnel, this title does not have as its primary focus the performance of personnel work. See *In the Matter of Christine C. Appleby* (MSB, decided February 28, 2007). The experience requirement involves professional-level work, but it is also very specific as to what is acceptable. That is, *all* professional-level work is not acceptable, only that which matches the experience requirement.

A review of the duties of Ms. Bogacz' current Senior Management Assistant position indicates that she may be working out-of-title as a Personnel Assistant. Her current performance evaluation indicates that she is responsible for preparing requests for personnel action, maintaining Human Resources reports and files, recruiting candidates to fill vacancies, and processing position classification actions, pre-appointment evaluations, and employment packages. Based on the information provided, a significant portion of the appellant's duties do not match the duties of a Senior Management Assistant, and the Division of Classification and Personnel Management should perform a classification review of this appellant's position. If the classification review indicates that she is performing out-of-title work, the appointing authority will be required to provide her with a proper title or appropriate duties. Ms. Bogacz has been in this position for two years, however, it is out-of-title work, which cannot be used to satisfy eligibility requirements for a promotional examination. There are four eligible candidates for this examination and the appellant has not presented a basis for accepting out-of-title experience.

As to Ms. Bogacz' remaining Senior Management Assistant positions, those positions appear to be in-title work, which does not have the performance of personnel work as the primary focus. As such, this experience is not acceptable. The remainder of her experience, both in State titles and her work for a hotel, is non-professional, and she lacks five years of qualifying experience per the substitution clause for education.

Ms. McVicker has professional experience in the title Administrative Assistant 3, and was credited with two years, four months in two positions in this title. However, Incumbents in the Administrative Assistant 3 title are responsible for performing and coordinating administrative support services and, again, do not have as the primary focus the performance of personnel work. As such, the appellant was incorrectly credited for these positions. A review of the duties of Ms. McVicker's current position indicates that she oversees front desk activities; orders

supplies and equipment; maintains reports, a resume bank, new hire paperwork packages, and organizational charts; and "handles" promotional announcements and packages. The appellant works in the Bureau of Human Resources Operations and some of this work is administrative support, but much of it is performance of the actual work of the office rather than in support of the Manager. Again, based on the information provided, the Division of Classification and Personnel Management should perform a classification review of this appellant's position as she appears to be working out-of-title.

As to her second position as an Administrative Assistant 3, Ms. McVicker indicated that she performed routine personnel work in the Compliance and Enforcement area. While she was working in a personnel area and in a professional-level title, such work would be out-of-title for an Administrative Assistant 3, and should not have been credited. The majority of the appellant's duties are not administrative support services, which support the work of the Manager, but have as their focus the actual work of the unit. Similarly, in her third position as Administrative Assistant 3, the appellant worked in the Bureau of Human Resource Operations. The duties of the position included administrative support and some administrative analysis. This is not qualifying experience. In addition, the appellant's work in the private sector, as a Staff Assistant, Dispatcher, and Office Manager, is not professional work and is not acceptable. Without consideration for out-of-title work, the appellant lacks six years, one month of applicable experience.

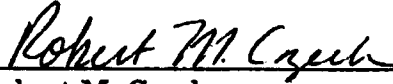
An independent review of all material presented indicates that the decisions of DSSR that the appellants did not meet the announced requirements for eligibility by the closing date are amply supported by the record. The appellants provide no basis to disturb these decisions. Thus, the appellants have failed to support their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals be denied, and Ms. Bogacz' and Ms. McVicker's positions undergo classification reviews.

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
THE 18th DAY OF SEPTEMBER, 2013**



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