



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Joanne Smith-Tavener, Program Monitor Americans with Disability Act (PS1424P), Department of Law and Public Safety

Examination Appeal

CSC Docket No. 2016-2336

NOV 15 2016

ISSUED:

(EG)

Joanne Smith-Tavener appeals the decision of the Division of Agency Services (Agency Services) which found that she did not meet the experience requirements for the promotional examination for Program Monitor Americans with Disability Act (PS1424P), Department of Law and Public Safety.

The promotional examination was announced with specific requirements which had to be met as of the announced closing date of September 21, 2015 (see attached). It is noted that the appellant was the only applicant for the subject examination and that the examination was cancelled when she was found ineligible.

The appellant's application in conjunction with official records indicates that she has served as a provisional in the title under test from May 4, 2013 through the September 21, 2015 closing date of the subject examination, as a Standards and Procedures Technician 3 from May 2011 to May 2013, as a Principal Standards and Procedures Technician from April 2005 to May 2011, as a Senior Standards and Procedures Technician from November 2001 to April 2005, as a Standards and Procedures Technician from October 1999 to November 2001, as a Senior Technician Management Information Systems from September 1997 to October 1999, as a Technician Management Information Systems from December 1994 to September 1997, as a Secretarial Assistant 3 from February 1992 to December 1994, as a Principal Clerk Transcriber from November 1985 to February 1992, as a Senior Clerk Transcriber from April 1982 to November 1985 and as a Clerk Transcriber from October 1981 to April 1982. Agency Services determined that the appellant possessed the required education and credited her with two years and five

months of applicable experience for her work as a provisional in the title under test. Agency Services determined that none of her other work experience was applicable. Therefore, the appellant was found to be lacking seven months of applicable experience.

On appeal, the appellant argues that she has been performing the duties of Program Monitor Americans with Disability Act since July 1, 2011. In support of the contention, she submits a Performance Evaluation System (PES) evaluation from November 1, 2010 to October 31, 2011, which supports her claim that she performed out-of-title work. Additionally, the appellant submits a Classification Appeal Determination which found that she was performing the duties of a Program Monitor Americans with Disability Act and reclassified the position and gave an effective date of May 4, 2013. Further, the appellant details the duties she has performed.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 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 with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

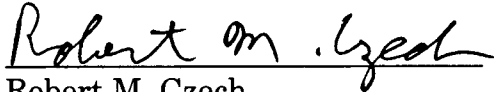
In the instant matter, the appellant's out-of-title work experience since July 1, 2011 along with her work as a provisional in the title under test was corroborated by her PES. This provides the appellant with more than the necessary three years of applicable experience before the closing date of the examination. Accordingly, since the examination has been cancelled and admitting the appellant to the examination would enable the appointing authority to effect a permanent appointment, good cause exists to accept the appellant's out-of-title work experience, for examination eligibility purposes, and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded and Joanne Smith-Tavener'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



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: Joanne Smith-Tavener
Jessica Chianese
Scott Nance
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PS1424P	WEIGHT CODE: *
TITLE: PROGRAM MONITOR AMERICANS WITH DISABILITY ACT	SALARY: \$70,903.00 - \$101,040.00
ISSUE DATE: September 01, 2015	CLOSING DATE: September 21, 2015
TITLE CODE: 60301/U8R XR2	CLASS CODE: 28
DEPARTMENT: LPP/LAW & PUBLIC SAFETY	
UNIT SCOPE: P610 State Police/Division Staff Section	

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree.

Experience: Three (3) years of experience in a government agency involved in developing, administering, monitoring, or evaluating programs and policies relating to equal employment opportunity or civil rights.

Note: Applicants who do not possess the required education may substitute additional experience as indicated above on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Note: A Master's degree in Business Administration, Public Administration, or Personnel Administration from an accredited college or university may be substituted for one (1) year of indicated experience.

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 essential duties of the position.

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. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. 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. 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.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09