

B-35



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Michael Alpaugh
and Yvonne Nelson, Program
Support Specialist 2, Assistance
Programs (PS1271K), Department of
Human Services

Examination Appeals

CSC Docket Nos. 2017-1885 and
2017-1769

ISSUED: **MAR 15 2017** (SLK)

Michael Alpaugh and Yvonne Nelson appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Program Support Specialist 2, Assistance Programs (PS1271K), Department of Human Services. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2016 closing date (see attached). A total of six employees were found eligible for the subject examination which has not been scheduled.

Mr. Alpaugh indicated on his application that he was provisionally serving in the subject title from June 2016 to the June 21, 2016 closing date, a Principal Claims Reviewer from February 2013 to May 2016, a Claims Reviewer, Health Services from March 2009 to January 2013, an Income Maintenance Technician from June 2006 to February 2009, and other clerical positions.¹ He did not indicate that he possessed a Bachelor's degree or any college credits. Agency Services credited him with three years and five months of experience based on his provisional service in the subject title and his service as a Principal Claims Reviewer, but determined that he lacked two years and seven months of experience.

¹ Personnel records indicate that he started provisionally serving in the subject title in May 2016 and that he served as an Income Maintenance Technician from May 2003 to March 2009.

Ms. Nelson indicated on her application that she was a Technical Assistant 1, Community Affairs from September 2007 to the June 21, 2016 closing date, an Office Supervisor from April 2001 to September 2005, and a Principal Data Entry Machine Operator from August 1998 to April 2001. Personnel records indicate that she was a Technical Assistant 1, Community Affairs from September 2005 to the June 21, 2016 closing date, an Office Supervisor from April 2001 to September 2005, and held other clerical positions from August 1988 to April 2001. She indicated that she possessed 95 college credits. Agency Services credited her with three years and two months of experience based on her college credits, but determined that she lacked two years and ten months of experience.

On appeal, Mr. Alpaugh provides an updated resume that lists his current duties while serving provisionally in the subject title. He additionally presents relevant duties he performed as a Principal Claims Reviewer.

Ms. Nelson states that she has 15 years of experience with a public agency where she analyzed, monitored, and maintained the Pharmaceutical Assistance to the Aged and Disabled program and is currently performing the same duties for the Specified Low-Income Medicare Beneficiary program. She represents that she has been a supervisor for both of these programs for the same amount of time. Therefore, she believes that per the substitution clause for education, she meets the experience requirements.

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.

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A review of the record indicates that Agency Services correctly determined that the appellants are not eligible for the subject examination. Per the substitution clause, the announcement requires six years of experience analyzing, maintaining or implementing social service, economic assistance, community service, sustenance (food), or any other human support/assistance program. In other words, the announcement requires experience that impacts a program as a whole and not just making individual eligibility determinations for programs.

With respect to Mr. Alpaugh, Agency Services gave him full credit, three years and five months, for his provisional service in the subject title and his experience as a Principal Claims Reviewer, but determined that he lacked two years and seven months of experience as his service as a Claims Reviewer, Health Services and Income Maintenance Technician was not at the required level and scope. It is noted that the appellant did not make any argument that his experience in these titles was applicable. Further, Agency Services correctly determined that his service in these titles was not at the required level and scope. A review of the job specification for Claims Reviewer, Health Specialist indicates that incumbents in this position determine eligibility for services. Further, a review of the Examples of Work for this title indicates that an incumbent reviews and processes applications and claims to determine eligibility for Medicaid benefits and services. Similarly, the job specification for Income Maintenance Technician indicates that incumbents in this title performs a variety of noncomplex tasks of a technical, financial nature to determine eligibility for public assistance. In comparison, the job specification for Principal Claims Reviewer indicates that incumbents assist in the supervision of a section engaged in review and processing of eligibility claims for Medicaid Programs. Examples of Work include supervising the activities of the claims review and error section in the analysis and processing of claims and may provide suggestions or more effective methods of claims processing. In other words, a Principal Claims Reviewer performs duties to implement the overall assistance program while a Claim Reviewer, Health Specialist and Income Maintenance Technician's work is limited to individual eligibility determinations.

In reference to Ms. Nelson, Agency Services credited her with three years and two months of experience based on her 95 college credits, but determined that she lacked two years and ten months of experience. Ms. Nelson asserts that she has been performing the required duties for 15 years. However, a review of the job specification for Technical Assistant 1, Community Affairs indicates that incumbents in this title are not required to possess a college degree. As such, Agency Services correctly determined that this experience was not at the level and scope required as this is not a professional title. *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). Further, if she was performing the required duties while serving in this title, then she was performing out-of-title duties which cannot generally be considered on a promotional exam. *See In the Matter of Suzanne M. F. Buriani-DeSantis* (CSC, decided July 30, 1985); *See also, In the Matter of Joyce Mutak* (MSB, decided February 24, 1987). Similarly, if she was performing the required duties as an Office Supervisor, this experience would also be considered out-of-title as the job specification for this title indicates that incumbents supervise clerical staff. It is also noted that this is not a professional title. Moreover, even assuming applicable out-of-title duties, such duties would not be considered in this matter given that a sufficient number of qualified eligibles have been admitted to the examination.

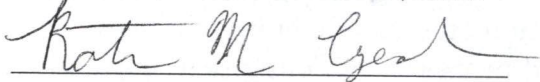
Therefore, there is no basis to disturb the decisions of Agency Services. Accordingly, the appellants have not met their burden of proof in this matter.

ORDER

Therefore, it is ordered that these appeals be denied.

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 9th DAY OF MARCH, 2017



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Attachment

c: Michael Alpaugh
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Records Center