

B-31



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Susan Slachta,
Executive Assistant 3 (PS3144G),
Department of Environmental
Protection

Examination Appeal

CSC Docket No. 2017-1544

ISSUED: MAY 08 2017 (HS)

Susan Slachta appeals the determination of the Division of Agency Services (Agency Services), which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Executive Assistant 3 (PS3144G), Department of Environmental Protection (DEP).

The subject examination was announced with a closing date of July 21, 2016 and was open, in relevant part, to employees who possessed a Bachelor's degree and three years of experience in program management with responsibility for planning, organizing, coordinating, staffing, reporting and budgeting or in assisting an executive with program development and implementation. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis. It is noted that the appellant was the only applicant for the subject promotional examination, which was cancelled.

Since the appellant did not indicate possession of a Bachelor's degree on her application, she was required to possess seven years of the indicated experience per the substitution clause. On her application, the appellant listed her experience, in pertinent part, as a provisional Executive Assistant 3 from December 2015 to the closing date, as an Administrative Assistant 2 from January 2011 to November 2015, and as a Senior Management Assistant from June 2004 to December 2010 all with DEP. Agency Services credited the appellant with five years and seven months of applicable experience based on her experience from January 2011 to the closing date. None of the remaining positions listed on the appellant's application

was determined to be applicable. Thus, Agency Services determined the appellant lacked one year and five months of experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that she performed applicable duties while she served in the title of Senior Management Assistant from June 2004 to December 2010. The appellant's former supervisor, the appellant's current supervisor and the appointing authority all support this appeal. The supervisors indicate that the appellant performed duties that were substantially similar to her duties in the Administrative Assistant 2 title while serving in the Senior Management Assistant title.

It is noted that the appellant requested a classification review of her position in February 2008. The former Division of State Human Resource Management¹ (SHRM) determined that the position performed the duties of an Administrative Assistant 2. However, as that is an "entitlement title," and the Director of the Division of Air Quality already had an incumbent Administrative Assistant 2, SHRM determined that such a designation would be inappropriate and found that the position was appropriately classified as Senior Management Assistant. The Commission reviewed the matter in *In the Matter of Susan Slachta* (CSC, decided October 7, 2009). The Commission noted that, while the appellant was predominantly performing the duties of an Administrative Assistant 2, it ultimately concluded that the appellant's position was properly classified as Senior Management Assistant and ordered a classification review of the incumbent Administrative Assistant 2. After the Commission's decision was issued, the incumbent Administrative Assistant 2 retired and SHRM performed the classification review as directed. SHRM determined that the duties of that position were clerical in nature and commensurate with the definition for Principal Clerk Typist. As such, that position was reclassified to Principal Clerk Typist effective January 1, 2011. The appellant requested reconsideration of the Commission's decision. See *In the Matter of Susan Slachta* (CSC, decided February 16, 2011). The Commission found that as the Director no longer had an incumbent in the entitlement title series, the appellant's position should be laterally reclassified as Administrative Assistant 2, effective January 1, 2011. In July 2011, the appellant requested another classification review of her position. The former Division of State and Local Operations² determined that the position performed the duties of an Administrative Assistant 2. The Commission reviewed the matter in *In the Matter of Susan Slachta* (CSC, decided September 19, 2012). The Commission concluded that the appellant's position was properly classified as Administrative Assistant 2.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

¹ Now the Division of Agency Services.

² *Ibid.*

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.

Initially, Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked the requisite amount of creditable experience as of the July 21, 2016 closing date. On appeal, the appellant states that she performed applicable duties while serving in the title of Senior Management Assistant from June 2004 to December 2010. Although the appellant's performance of such duties would be considered out-of-title work, the appellant's former and current supervisors indicate that she performed Administrative Assistant 2 duties during that timeframe. Considered in conjunction with the Commission's above-noted 2009 and 2011 classification decisions, this represents at least two years and 11 months of additional applicable out-of-title experience from February 2008 to December 2010 while the appellant served in the Senior Management Assistant title. In this regard, based on longstanding policy, identifiable support functions mesh from the Administrative Assistant title series to the Executive Assistant title series in a linear progression. This policy further recognizes that eligibility for promotional examinations should follow this linear progression of functions. Under these circumstances and based on longstanding policy, Administrative Assistant experience is appropriate in satisfying the eligibility requirements for Executive Assistant positions. *See In the Matter of Vicki R. Tilghman-Ansley* (MSB, decided September 26, 2000). Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled given that the appellant was deemed ineligible. Further, the appellant continues to serve provisionally in the subject title. As such, good cause exists in this particular case 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, the cancellation of the examination be rescinded and the appellant's application be processed for prospective employment opportunities.

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 MAY, 2017

Robert M. Czech

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

- c. Susan Slachta
- Robin Liebeskind
- Kelly Glenn
- Records Center