



B-22

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sylvia Geller-Hauck,
Technical Assistant 2, Insurance,
Department of Banking and
Insurance

Examination Appeal

CSC Docket No. 2017-3618

ISSUED: JUN - 9 2017 (AMR)

The Division of Agency Services (DAS), on behalf of the Department of Banking and Insurance, requests that the provisions of *N.J.A.C.* 4A:4-1.1(c) be relaxed and Sylvia Geller-Hauck's out-of-title work experience be accepted in order to allow Ms. Geller-Hauck to be provisionally appointed, pending promotional examination procedures, to the unrelated competitive title of Technical Assistant 2, Insurance.

By way of background, Ms. Geller-Hauck was appointed to the noncompetitive title of Clerk effective April 6, 2015. As a result of a classification review, DAS determined that Geller-Hauck's position would be properly classified as Technical Assistant 2, Insurance, effective September 19, 2015. DAS requests a rule relaxation to permit Ms. Geller-Hauck's provisional appointment pending promotion. It is noted that the requirements for Technical Assistant 2, Insurance are completion of 60 semester hour credits at an accredited college, and two years of experience in the review and verification of highly technical material with established guidelines to assure conformity with procedures. In its determination, dated March 7, 2017, DAS found that Ms. Geller-Hauck possesses 5 months of out-of-title work experience while serving in the title Clerk, which it could not credit.

In the instant matter, since Ms. Geller-Hauck's current permanent title of Clerk is noncompetitive and unrelated to the Technical Assistant 2, Insurance title, she would otherwise be subject to open competitive examination procedures. DAS states that Ms. Geller-Hauck's credentials were reviewed and she meets the requirements for the Technical Assistant 2, Insurance title with out-of-title work.

Moreover, DAS indicates that there are no existing open competitive, regular employment, or special reemployment lists for the title Technical Assistant 2, Insurance for Ms. Geller-Hauck's unit scope. Therefore, DAS maintains that good cause has been presented to provisionally appoint Ms. Geller-Hauck pending promotion procedures to Technical Assistant 2, Insurance and to accept her out-of-title work in the non-competitive title of Clerk for a future promotional examination for Technical Assistant 2, Insurance.

CONCLUSION

N.J.A.C. 4A:4-2.6(c) provides 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.

N.J.A.C. 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the noncompetitive division of permanent employees who meet the open competitive requirements to: 1) a related entry level title in the competitive division; or 2) in appropriate situations, to a related above-entry level title in the competitive division.

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey statutes.

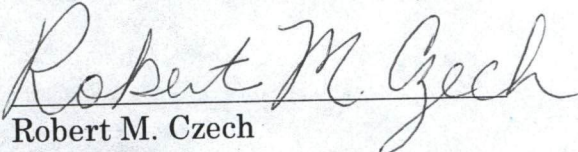
In the present matter, as a result of a classification review, DAS determined that Ms. Geller-Hauck's position would be properly classified as Technical Assistant 2, Insurance. A review of Ms. Geller-Hauck's credentials in comparison to the requirements for Technical Assistant 2, Insurance indicated that she lacked 5 months of in-title experience. However, the record confirms that she possessed 5 months of out-of-title experience in her Clerk position. Further, there are no open competitive or promotional lists for the subject title in Ms. Geller-Hauck's unit scope. Therefore, in order to classify her position with a title that accurately reflects the duties she performs, it is appropriate to relax *N.J.A.C.* 4A:4-1.1(c) and authorize the provisional appointment of Ms. Geller-Hauck pending promotional examination procedures effective September 19, 2015. For the same reasons, good cause is presented to accept Ms. Geller-Hauck's out-of-title work in order to qualify her for any upcoming promotional examination for Technical Assistant 2, Insurance. As a result, a promotional examination announcement shall be issued in Ms. Geller-Hauck's unit scope to the unrelated non-competitive title of Clerk who meet the complete open competitive requirements and any other title scope as deemed appropriate by DAS.

ORDER

Therefore, it is ordered that this request be granted and Ms. Geller-Hauck be provisionally appointed pending promotional examination, effective September 19, 2015, and a promotional examination be announced in the appropriate unit scope in accordance with this decision. In addition, DAS should also accept applicable and documented out-of-title work experience from other applicants who apply for this examination.

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 7th DAY OF JUNE, 2017



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