



## STATE OF NEW JERSEY

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 : **FINAL ADMINISTRATIVE ACTION**  
 : **OF THE**  
 : **CIVIL SERVICE COMMISSION**

 In the Matter of Heather Bensel,  
*et al.*, Medical Services Assistant  
 (PS2455K), Ancora Psychiatric  
 Hospital

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 : Examination Appeal  
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CSC Docket Nos. 2018-103 *et al.*

ISSUED: SEP 11 2017

(RE)

Heather Bensel, Wilma Cottman, Joy Evangelista, Joan Kennedy-Simmons, Rita Layton, Kendell McClinton, Zoraida Melendez, Arelis Ramos, and Stacey Sadler appeal the determinations of the Division of Agency Services which found that they did not meet the minimum experience requirements for the promotional examination for Medical Services Assistant (PS2455K), Ancora Psychiatric Hospital. These appeals have been consolidated due to common issues presented by the appellants.

The subject promotional examination was announced with specific requirements that had to be met as of the February 21, 2017 closing date (see attached). A total of 36 employees applied for the examination and the list promulgated on June 29, 2017 and contains 16 eligibles. The list has been certified once, but no appointments have yet been made.

On her application, Ms. Bensel indicated she was a provisional Medical Services Assistant from December 2016 to the February 2017 closing date, and a Nursing Services Clerk from March 2008 to December 2016. Prior to her employment in State service, she was a Medical Scheduler/Secretary with Gastroenterologist Consultants, Client Services Specialist with Medical Diagnostic Laboratory, Data Entry Specialist with Medical Diagnostic Laboratory and Community Support Staff with Community Options, Inc. She was credited with 3 months of applicable experience in her provisional position, and 11 months of experience in her position as a Client Services Specialist. As she was credited with 1 year, 2 months of applicable experience, it was determined that she lacked 1 year,

10 months of experience. On appeal, Ms. Bensel provided a revised resume with differing duties. She states that she has been successful in her provisional position, and gained applicable experience as a Nursing Services Clerk.

A review of Ms. Cottman's application reveals that she was an Admission Office Nursing Service Clerk from the January 1999 to the closing date, Nursing Services Clerk from January 1990 to January 1999, and Nursing Services Clerk from January 1984 to January 1990. Official records indicate that Ms. Cottman was a Nursing Services Clerk from April 1986 to the closing date, and a Messenger from September 1985 to April 1986. As none of this experience was accepted, she was found to be lacking 3 years of experience. On appeal, Ms. Cottman maintains that she has 18 years of experience as a Nursing Services Clerk, and 15 years of experience as a Nursing Services Clerk and Timekeeper. She provides a resume and highlights duties in her positions that she believes are administrative.

Ms. Evangelista listed four positions on her application and resume. Her State titles included provisional Medical Services Assistant from January 2017 to February 2017, and Nursing Services Clerk from November 2004 to December 2016. For Bethlehem Church, she was a Secretarial Assistant from September 2010 to February 2017 (part-time, 12 hours per week), and she worked as a Cashier for Burger King from December 2003 to May 2007 (no hours given). She was credited with 2 months of experience in her provisional position, and she was found to be lacking 2 years, 10 months of required experience. On appeal, she maintains that she obtained applicable experience as a Medical Services Assistant and as a Secretarial Assistant.

On her application, Ms. Kennedy-Simmons indicated she was a Nursing Services Clerk from February 2013 to the closing date, an Optical Consultant with Pearle Vision from June 2004 to February 2013, and a Substitute Teacher from 1999 to 2004 (no months given, no hours given). None of this experience was accepted and she was found to be lacking 3 years of qualifying experience. On appeal, Ms. Kennedy-Simmons believes she meets the minimum qualifications as she possesses more than three years as a Nursing Services Clerk. She states that she has an Associate's degree and a Driver's License.

Ms. Layton listed three positions on her application and resume. She indicated that she was a provisional Medical Services Assistant from January 2017 to February 2017, and Nursing Services Clerk from August 2006 to January 2017. Prior to her employment in State service, she was a Customer Service/Finance Department with PNC National Bank. She was credited with 2 months of applicable experience in her provisional position, and found to be lacking 2 years, 10 months of experience. On appeal, Ms. Layton provided a resume with highlighted duties. In support of this appeal, a Program Specialist 3 Social/Human Services

indicates that Ms. Layton has demonstrated her experience in her previous positions and as a provisional incumbent.

A review of Ms. McClinton's application reveals that she was a Nursing Services Clerk from February 2000 to the closing date, February 2017. This experience was not accepted and she was found to be lacking 3 years of required experience. On appeal, Ms. McClinton argues that her experience as a Nursing Services Clerk should be accepted. Also, she submits a resume with another position, Human Services Assistant, from July 1999 to February 2000.

Ms. Melendez listed six positions on her application: Nursing Services Clerk from January 2011 to February 2017; Health Information Nursing Services Clerk from January 2005 to November 2011; Admission Office Nursing Services Clerk from July 2002 to November 2005; Nursing Assistant with Pafacom, Inc. from January 2000 to February 2002; Assistant Storekeeper (full-time) with Rennoc Corp. from January 1989 to January 2000; and Pharmacy Technician with CVS Pharmacy from January 1989 to January 1993 (part-time, 30 hours per week). Official records indicate that Ms. Melendez was a Nursing Services Clerk from December 2002 to the closing date, and a Food Services AFSCME from July 2002 to December 2002. She was credited with 2 years, 2 months of experience as a Nursing Assistant, and found to be lacking 10 months of required experience. On appeal, Ms. Melendez states that she has 17 years of experience as a Nursing Services Clerk. She provides a complete list of her duties, and a resume with highlighted duties.

On her application, Ms. Ramos indicated experience as a Clerk 2 Records from November 2016 to the February 2017 closing date; Notary Public for the New Jersey Division of Revenue (part-time, 15 hours per week) from July 2008 to February 2017; Clerk 2 Records from September 2016 to November 2016; Technical Assistant 3 from June 2016 to August 2016; Nursing Services Clerk from April 2011 to June 2016; and Secretarial Assistant 3 Non-Stenographic from February 2008 to April 2011. None of this experience was accepted, and she was found to be lacking 3 years of required experience. On appeal, Ms. Ramos states that she has more than 10 years of complex technical, administrative, secretarial and clerical support experience, and she states that she is a provisional in the subject title.<sup>1</sup> She states that she is finishing her Administrative Medical Assistant certification<sup>2</sup> and Health Information Technology Associate's degree, and she submits a resume. She also claims that she has the same work experience as five other candidates who were admitted, and she provides performance evaluations, licensure, transcripts, her diploma,<sup>3</sup> samples of work, and various documents. She states that since she met

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<sup>1</sup> Ms. Ramos received her provisional appointment in May 2017, after the closing date.

<sup>2</sup> Her certification shows course completion date of March 10, 2017, after the closing date.

<sup>3</sup> From Harrison Career Institute certifying a course in study as a Medical Office Specialist completed April 30, 2003.

the educational requirements for an open-competitive examination for Technical Assistant, MIS (S0649U), and received a score higher than 70 on the Unassembled Examination, she meets the experience requirements for the subject title.

A review of Ms. Sadler's application reveals that she was a Senior Clerk Typist from February 2006 to the closing date, February 2017, and Clerk Transcriber from January 2003 to February 2006. She also listed three other part-time positions with United Parcel Service, Management (OMS) (part-time, 27 hours per week) from November 2007 to February 2017, Supervisor (part-time, 27 hours per week) from January 2006 to November 2007, and International Document Auditor (part-time, 27 hours per week) from November 2000 to January 2006. None of this experience was accepted, and she was found to be lacking 3 years of required experience. On appeal, Ms. Sadler states that she is secretary to two Directors, and she provides a few of her duties. She provides a resume that bifurcates her Senior Clerk Typist position, and additional positions in private industry. These include Collections Representative with Alliance Data Corporation from December 1996 to May 2004, Customer Service Representative with Today's Office Staffing from July 2000 to April 2001, and Accounts Receivable Clerk with Victory Refrigeration from August 1999 to July 2000.

*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. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application prior to the closing date.

## CONCLUSION

A Medical Services Assistant performs duties that relieve a supervisory officer of administrative details involved in operating a hospital section or unit. For example, they assist in the survey, preparation, and analysis of budget requests; keep supervisors informed of proper methods and provide instruction in correct budget preparation; ensure the prompt and proper submission of data concerning the budget request; assist in the preparation and processing of all six-month detailed requests and their submission to the hospital business office; develop and maintain a filing system to ensure accuracy of property control and to eliminate duplication in ordering supplies and equipment; prepare and process all other requests for items to be purchased by the business office; checks all forms for necessity, validity, availability, accuracy, correctness of specifications; act as liaison with supervisory personnel on procurement matters; assist in ordering and drafting adequate specifications, and provide appropriate catalogs; review area timekeeping

records at least semiannually; audits ledger sheets to ensure correct balances; conduct weekly surveys, check patient census, population movements, building maintenance, and other items, and reports findings; investigate and report on all unusual occurrences or complaints submitted by visitors, patients, employees, or others; and coordinate with the administrator and help arrange and/or assist in conducting area tours; give talks to groups.

At the outset, it is noted that in order for experience to be acceptable, it must mirror the experience required in the examination announcement. In addition, 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). When an applicant indicates extensive experience in titles established under the State Classification Plan for an open competitive examination, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In the eligibility screening process, reliance on the job specifications to determine the primary focus of duties for incumbents of a particular title or title series provides a standardized basis on which Agency Services can evaluate what an applicant indicates on his or her application to what incumbents in a particular title series generally perform. See *In the Matter of William Moore* (MSB, decided May 10, 2006). In order to maintain the integrity of the State Classification Plan, Agency Services cannot simply accept *carte blanche* how an applicant describes his or her experience when such a barometer exists. In this regard, it is noted that *N.J.A.C. 4A:3-3.4* contemplates that employees are appointed to a title appropriate to the duties to be performed in the title and will not be assigned duties other than those properly pertaining to the assigned title that the employee holds.

Aside from provisional experience, the appellants claim that they accrued applicable experience in the titles Nursing Services Clerk; Messenger; Food Services AFSCME; Clerk 2 Records; Technical Assistant 3; Secretarial Assistant 3 Non-Stenographic; Senior Clerk Typist; and Clerk Transcriber. The job specification for Nursing Services Clerk indicates that incumbents in this title perform general clerical duties by preparing, compiling, and maintaining necessary records in the unit. This description does not rise to the level and scope of announced experience requirement, which is complex technical, administrative or related office management functions. Thus, experience in this title is not applicable. The Technical Assistant 3 incumbent performs technical functions in providing information to less complicated inquiries and assistance in reviewing and verifying data of a routine nature. This title is not at the level and scope of the experience requirement as well.

The Secretarial Assistant 3 Non-Stenographic title is an "entitlement" title. That is, a position to a Secretarial Assistant 1, 2 or 3 level title is derived from the premise that as the rank of a superior increases, there is a corresponding increase

in the responsibilities for the associated secretarial position. A Secretarial Assistant 3 is the lowest, and has the least responsibilities. Experience in this title is inapplicable. Accordingly, this is equally true for the titles Senior Clerk Typist; and Clerk Transcriber, which are not expected to perform complex work. Messenger and Food Services AFSCME are clearly inapplicable.

If the appellants performed complex technical, administrative, or related office management functions while in the these titles, it is considered to be out-of-title work. 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, the Commission finds 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 appellants have 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, there are 16 candidates on the list and as such, this is a complete list. Accordingly, the appellants have not presented a basis for accepting out-of-title experience.

The Clerk 2 Records performs varied and complex clerical work involving the systematic arrangement of records for storage or reference purposes; checks, sorts, codes, indexes, stores and files records, documents, and other materials in accordance with the established filing system used by the department or agency; locates and extracts information from file upon authorized request; and takes the lead over clerical staff. In-title experience as a Clerk 2 Records is acceptable as a related office management function.

Ms. McClinton supplemented her application with a position not originally listed, Human Services Assistant. In this respect, the application is not a formality used to schedule examinations, as this agency makes official determinations for eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions, since only those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine relative merit and fitness. See *In the Matter of Daniel Roach* (Merit System Board, decided October 20, 2004). Pursuant to *N.J.A.C. 4A:4-2.1(f)*, any supplemental information received after the closing date cannot be considered. In addition, the description of duties for this position does not indicate that it has the announced experience as the primary focus.

In her position as a Medical Scheduler/Secretary with Gastroenterologist Consultants, Ms. Bensel scheduled new and existing patients for office visits and procedures, completed documentation, instructed patients on techniques, acquired medical clearances and vital patient information, responded to inquiries, maintained files and performed other clerical duties. As a Data Entry Specialist

with Medical Diagnostic Laboratory, she performed data entry. As a Community Support Staff with Community Options, Inc., she assisted individuals with daily living skills, assessed the consumers' needs, developed goals and objectives, assisted each consumer with maximizing their time in the community, administered medications, completed documentation, accompanied consumers to appointments and activities, maintained records and provided reports. None of this experience is acceptable.

The duties of Ms. Evangelista's position as a Secretarial Assistant for Bethlehem Church included assisting the preparation of monthly reports, including statistical information, and correspondence. On appeal, she adds that she prepared weekly service activities, updated information, assisted the administrator with preparing for weekly services, and maintained office equipment. This description does not describe complex technical, administrative or related office management. Her experience as a Cashier for Burger King is also inapplicable.

Ms. Kennedy-Simmons' experience as an Optical Consultant with Pearle Vision, and as a Substitute Teacher are unrelated. Her Associate's degree is in Marketing and Management, and therefore is not an acceptable substitute for experience.

Ms. Layton described her duties in Customer Service/Finance Department at PNC Bank as supervising personnel in account reconciliation, reporting deficiencies and making recommendations to alleviate deficiencies, preparing and processing fiscal requests and reports, recording data, reviewing and processing closing of home equity loans and distributing funds to customers, recording information, working with the legal department to assure compliance, and maintaining access to the bank vault. This description does not match the announced experience requirement, which is complex technical, administrative or related office management functions.

Ms. Melendez' positions as a Assistant Storekeeper with Rennoc Corp. and Pharmacy Technician with CVS Pharmacy are clearly an applicable.

Ms. Ramos described her duties in her Notary Public position as handling confidential information, witnessing the signing of documents and verifying authenticity, executing jurats for affidavits, processing and completing records and documentation, notarizing, maintaining records of transactions, administering oaths and affirmations, using stenography to take depositions and affidavits, executing certifications, and recording facts. These duties are inapplicable. She further listed two positions in the title Clerk 2 Records, one from November 2016 to February 2017 and one from September 2016 to November 2016. The duties of the first position match the duties of a Clerk 2 Records. However, the duties of the second position do not. The appellant was working out-of-title in the second Clerk 2

Records position. These duties included word processing and providing administrative and technical services. While the duties were acceptable, credit cannot be given for out-of-title work, even when experience in that title is acceptable. Ms. Ramos should have been credited with four months of applicable experience as a Clerk 2 Records from November 2016 to February 2017. Even if the appellant were to receive an additional two months of experience, from September to October 2016, she would not meet the experience requirement.

Ms. Ramos also claims that she has the same work experience as five other candidates who were admitted. In that respect, each application is processed independently of all other applications and Ms. Ramos failed to meet the experience requirement based on her employment history. Lastly, while Ms. Ramos was eligible for the open-competitive examination for Technical Assistant MIS (S0649U), those experience requirements do not match the experience requirements of the subject title. As such, admittance to that examination has no bearing on eligibility for the subject examination.

Ms. Sadler's experience at United Parcel Service included that of Management (OMS), Supervisor, and International Document Auditor. As Management, she managed 94 drivers to ensure deliveries were met, handled customer complaints, made on site visits as necessary, completed payroll, handled medical issues and ordered uniforms, completed reports, returned packages, and completed timecards. As a supervisor, she audited packages to ensure accurate data entry, compiled financial statements and reports, and prepared accounting and statistical reports. As an International Document Auditor, she performed data entry, ensured weight and values of overseas packages, completed information, scanned custom copies, performed imaging, and ran nightly reports. This description does not match the announced experience requirement.

An independent review of all material presented indicates that the decisions of Agency Services 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.

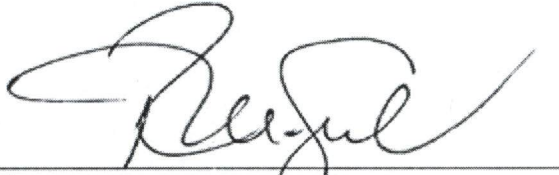
### **ORDER**

Therefore, it is ordered that these appeals be denied.

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 6<sup>th</sup> DAY OF SEPTEMBER, 2017



Robert M. Czedh, Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
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: Heather Bensel (2018-103)
- Wilma Cottman (2018-170)
- Joy Evangelista (2018-68)
- Joan Kennedy-Simmons (2018-64)
- Rita Layton (2018-48)
- Kendell McClinton (2018-401)
- Zoraida Melendez (2018-169)
- Arelis Ramos (2018-132)
- Stacey Sadler (2018-142)
- Alfred Filippini
- Kelly Glenn
- Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE

**PROMOTIONAL ANNOUNCEMENT**

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

SYMBOL: **PS2455K**

WEIGHT CODE: \*

TITLE: **MEDICAL SERVICES ASSISTANT**SALARY: **\$39,457.00 - \$55,414.00**ISSUE DATE: **February 01, 2017**CLOSING DATE: **February 21, 2017**TITLE CODE: **21213/NYRXR4**CLASS CODE: **16**DEPARTMENT: **HS/HA/HUMAN SERVICES**UNIT SCOPE: **K350 Ancora Psychiatric Hospital**

APPLICATIONS MAY BE OBTAINED  
FROM AND MUST BE RETURNED TO:

Visit [www.state.nj.us/csc](http://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:**

Experience: Three years of experience involving complex technical, administrative, or related office management functions.

Note: An Associate's degree in Medical Office Assisting or Medical Office Administration from an accredited college or university may be substituted for two(2) years of the required experience.

Note: A Certificate of Proficiency in Medical Office Assisting or Medical Office Administration equivalent to two semesters or thirty (30) semester hour credits from an accredited college or university may be substituted for one (1) year of the required experience.

Note: A Certificate of Proficiency in Medical Office Assisting or Medical Office Administration equivalent to one semester or fifteen (15) semester hour credits from an accredited college or university may be substituted for six (6) months of the required experience.

If you have the required certification(s), you must indicate this on your application; proof of the certification must be submitted to the employing agency prior to appointment. Failure to do so will result in rejection from the examination process.

License: Appointee 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 the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.
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 Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved 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](mailto: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.**

8. Application fees submitted via personal check or money order must be postmarked within **five (5) business days** of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A \* Revised 07/06