

B-27



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Marilyn Sanchez,
Personnel Aide 2 (PS0335P),
Department of Law and Public Safety

Examination Appeal

CSC Docket No. 2016-568

ISSUED:

OCT 09 2015

(SLK)

Marilyn Sanchez appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the promotional examination for Personnel Aide 2 (PS0335P), Department of Law and Public Safety, Division of State Police.

The examination at issue was announced with specific requirements that had to be met as of the March 21, 2015 closing date (see attached). Two employees applied for the examination which was cancelled due to a lack of qualified applicants as both were deemed ineligible.

On her application, Ms. Sanchez indicated that she was provisionally serving in the subject title from November 2014 to the March 21, 2015 closing date, a Senior Clerk Typist from June 2006 to July 2014, and a Clerk Typist from February 2005 to June 2006. Personnel records indicate that the appellant was provisionally serving in the subject title from November 2014 to the March 21, 2015 closing date, a Senior Clerk Typist from April 2008 to November 2014, a Clerk Typist from January 2007 to April 2008, a Senior Clerk Typist from September 2006 to January 2007, and a Clerk Typist from February 2005 to September 2006. Agency Services credited the appellant with five months of experience based on her provisional service in the subject title, but determined she lacked one year and seven months of the required experience.

On appeal, Ms. Sanchez provides various examples indicating how she has performed the required duties as a Clerk Typist, a Senior Clerk Typist, and as a

provisional in the subject title since February 2005. Jessica Chianese, Manager 2, Human Resources, confirmed that the appellant performed the required out-of-title duties for the subject title as a Senior Clerk Typist since 2006 due to a lack of staff caused by employee retirements and transfers.

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.

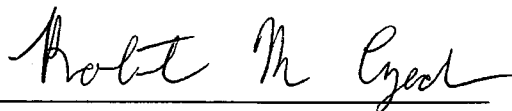
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with having five months of experience based on her provisional service in the subject title, but she lacked the required relevant experience to establish eligibility. Any relevant experience the appellant gained as a Senior Clerk Typist would be out-of-title-work. However, Jessica Chianese has verified that the appellant performed the required out-of-title duties since 2006 due to the appointing authority's business necessity. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit her to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Marilyn Sanchez's application be processed for prospective employment opportunities only.

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 7th DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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: Marilyn Sanchez
Jessica Chianese
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PS0335P	WEIGHT CODE: *
TITLE: PERSONNEL AIDE 2	SALARY: \$31,455.00 - \$43,964.00
ISSUE DATE: March 01, 2015	CLOSING DATE: March 21, 2015
TITLE CODE: 63232/OLRXR5	CLASS CODE: 13
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:

Experience: Two (2) years of experience in clerical, technical/personnel work involving the application of procedural rules, regulations, policies and procedures.

Note: Thirty (30) semester hour credits from an accredited college or university may be substituted for each year of the indicated experience. You must indicate the total number of college credits completed to date on your application. (Foreign degrees /transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

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 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, including assignment to the department and unit scope, must be met as of the closing date.
2. **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