



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Francesca Rivera,
Management Assistant (PS1179P),
Department of Law and Public Safety

CSC Docket No. 2016-1465

Examination Appeal

ISSUED: DEC 21 2015 (RE)

Francesca Rivera appeals the determination of the Division of Agency Services that found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Management Assistant (PS1179P), Department of Law and Public Safety.

The subject examination announcement was issued with a closing date of August 21, 2015, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis. The appellant was found to be ineligible based on a lack of experience, per the substitution clause for education. As there were no eligible candidates, the examination was canceled on October 19, 2015.

Ms. Rivera indicated that she possessed no college credits and she listed three positions on her application: provisional Management Assistant; Principal Clerk Typist; and Clerk Typist. She was credited with two years of experience in her provisional position and found to be lacking three years of qualifying experience. It is noted that the appellant attached a determination letter dated April 27, 2015 from the Division of Agency Services regarding a classification

review of her position. This letter stated that a classification review of the appellant's position indicated that the position should be reclassified from Principal Clerk Typist to Management Assistant.

On appeal, Ms. Rivera explains that she has been performing the work of a Management Assistant since 2008, when another employee retired. She provides an extensive list of her duties, a copy of a resume, and a copy of a recent performance evaluation. In support of the appeal, the appointing authority explains that the appellant has been performing the duties of a Management Assistant since 2008 due to retirements and a hiring freeze.

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.

CONCLUSION

Initially, the appellant was correctly deemed to be ineligible for the subject examination since she lacked the minimum requirements in experience as out-of-title work is not accepted for promotional examinations. Acceptable experience has the announced experience requirement as the primary focus. However, the appointing authority has indicated that Ms. Rivera has performed out-of-title duties for at least an additional three years while in the title Principal Clerk Typist. The examination was not competitive with no admitted candidates, and Ms. Rivera remains in her provisional position. Thus, based on the documentation submitted and under these circumstances, good cause exists to accept Ms. Rivera's out-of-title work experience to satisfy the requirements for the Management Assistant examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant be provided with a make-up 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 ON
THE 16th DAY OF DECEMBER, 2015



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TO : SAC, NEW YORK
FROM : SAC, NEW YORK
SUBJECT: [Illegible]

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