



STATE OF NEW JERSEY

In the Matter of Kim Lachenmayer,
Department of Law and Public Safety

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-818

Request for Administrative Relief

ISSUED: **NOV 29 2016** (RE)

The Division of Agency Services (DAS) requests that the provisions of *N.J.A.C.* 4A:4-1.1(c) be relaxed in order to allow Kim Lachenmayer to be provisionally appointed, pending promotional examination procedures, to the competitive title of Legal Secretary 2, Department of Law and Public Safety.

By way of background, a classification review dated April 18, 2016 found that Ms. Lachenmayer's position was properly classified as Legal Secretary 2, effective November 14, 2015. DAS provides documentation from the Department of Law and Public Safety indicating that Ms. Lachenmayer was assigned higher level duties due to staff attrition and the hiring freeze. Accordingly, since her permanent title of Clerk Typist is in the non-competitive division, an appointment to Legal Secretary 2 would have to be recorded as provisional, pending open competitive examination procedures. Ms. Lachenmayer's personnel record indicates that she was a Clerk Typist from December 2004 to when her credentials were reviewed in June 2016 to determine if she satisfied the requirements for the position of Legal Secretary 2. In its June 8, 2016 determination, the DAS found that Ms. Lachenmayer had the required applicable experience based on her appointment as Clerk Typist. In this regard, it is noted that the requirements for Legal Secretary 2 are one year of experience in transcribing or typing legal dictation or documents.

In its request to the Civil Service Commission (Commission), DAS indicates that there is an incomplete promotional list for the subject title, with an expiration date of December 17, 2017. An open-competitive list with 21 eligible candidates (S0398T) exists and will expire on December 30, 2018, and Ms. Lachenmayer ranks

fourth on this list. There are no special reemployment or regular reemployment lists.

Since the Clerk Typist title is not related to the competitive division title of Legal Secretary 2, Ms. Lachenmayer would be subject to open competitive examination procedures rather than promotional procedures. Thus, DAS requests a rule relaxation of *N.J.A.C.* 4A:4-1.1(c)2 in order to provide Ms. Lachenmayer with a provisional, pending promotional examination, appointment (PAP) to Legal Secretary 2. It states that it is most appropriate to effectuate this appointment via promotional procedures pursuant to *N.J.A.C.* 4A:4-2.3.

N.J.A.C. 4A:4-1.1(c)2 states that the Commissioner may authorize the promotion, 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:4-2.5(d) states that when a promotion is to be made from the non-competitive division of the career service to a related title in the competitive division of the career service, the examination shall be open to all permanent employees who meet one of the following:

1. Serving in the next lower or next two lower in-series non-competitive titles and possessing the complete open competitive requirements; or
2. Serving in all related non-competitive titles and possessing the complete open competitive requirements.

N.J.A.C. 4A:4-2.5(d)5 states that in extraordinary circumstances, another appropriate title scope may be set.

Finally, *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.

CONCLUSION

In the present matter, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) in order to allow Ms. Lachenmayer to be provisionally appointed, pending promotional examination procedures, to the competitive title of Legal Secretary 2, with an effective date of November 14, 2015. As a result of such an appointment, it is also appropriate to relax the provisions of *N.J.A.C.* 4A:4-2.5(d) to announce the promotional examination to incumbents serving in the unrelated non-competitive title of Clerk Typist who demonstrate that they meet the complete open

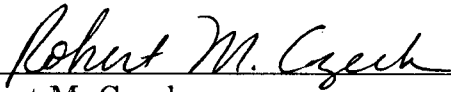
competitive requirements. It is also ordered that any promotional announcement issued for Legal Secretary 2 in Ms. Lachenmayer's unit scope be announced open to competitive division employees who meet the complete open competitive requirements and any title scope deemed appropriate by DAS.

ORDER

Therefore, it is ordered that this request be granted.

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 23rd DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

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

- c. Kim Lachenmayer
Mirella Bednar
Kelly Glenn
Records Center

