

B-12

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Linda Davino, Senior
Management Assistant (PS2906T),
Department of Transportation

Examination Appeal

CSC Docket No. 2017-402

ISSUED: **DEC 29 2016** (SLK)

Linda Davino 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 Senior Management Assistant (PS2906T), Department of Transportation.

The examination at issue was announced with specific requirements that had to be met as of the May 23, 2016 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On her application, Ms. Davino did not list any college credits. Therefore, she needed six years of applicable experience per the substitution clause. She indicated that she was serving provisionally in the subject title from January 2016 to the May 23, 2016 closing date, a Secretarial Assistant 1 (Non-Stenographic) from November 2011 to January 2016, a Secretarial Assistant 2 (Non-Stenographic) from March 2005 to November 2011, and served in various administrative and clerical positions from December 2000 to March 2005. Agency Services credited her with four years and seven months of experience based on her provisional service in the subject title and her experience as a Secretarial Assistant 1 (Non-Stenographic), but determined that she lacked one year and five months of experience.

On appeal, Ms. Davino presents that she has been working directly for the Director's Office since 2005 in various positions. She asserts that in these positions, she has been performing complex administrative support work for the Director's Office and she also receives assignments from the Assistant Commissioner, Chief Financial Officer of the Department, and she administratively supports the

Commissioner's Office when requested. Ms. Davino provides that this work involves the interpretation, verification, and application of agency rules, regulations, policies, and procedures. She highlights that she coordinates the operations of the Transportation Trust Fund Authority as Board Secretary and works closely with individuals from the Commissioner's Office, Board Members, Deputy Attorney Generals, the State Assistant Treasurer, the Governor's Authorities Unit, and individuals from Bond Counsel offices. Ms. Davino represents that she assisted in the effort to close inactive Federal-aid projects for the American Recovery and Reinvestment Act and facilitated the delivery of millions of dollars of infrastructure improvements for the State.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

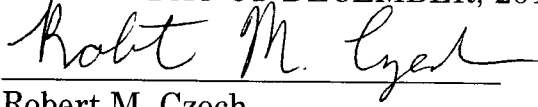
Initially, Agency Services correctly determined that the appellant did not meet the required experience as of the May 23, 2016 closing date. However, Ms. Davino was providing administrative support involving the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures starting in March 2005 as a Secretarial Assistant 2 (Non-Stenographic). Therefore, although the appellant's experience does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of Ms. Davino's experience while serving provisionally in the subject title as well as a Secretarial Assistant 1 and 2 (Non-Stenographic) as far back as March 2005 warrants her admission to the subject examination. Additionally, Ms. Davino continues to serve provisionally in the title under test and the examination had been cancelled due to a lack of qualified candidates. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the totality of Ms. Davino's experience including her provisional experience after the closing date, and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and Linda Davino'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 21st DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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: Linda Savino
- Michele Shapiro
- 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: PS2906T	WEIGHT CODE: *
TITLE: SENIOR MANAGEMENT ASSISTANT	SALARY: \$51,530.00 - \$72,953.00
ISSUE DATE: May 01, 2016	CLOSING DATE: May 23, 2016
TITLE CODE: 56493/EPRXR7	CLASS CODE: 22
DEPARTMENT: TPA/TRANSPORTATION	
UNIT SCOPE: T255 Accounting and Auditing	

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 are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

**Administrative Assistant 3
 Auditor 1
 Management Assistant**

Or to employees in the competitive division who are currently serving in the approved bridge title(s) to which the announcement is open, have an aggregate of one year of continuous permanent service as of the closing date in the bridge title(s), and meet the requirements listed below:

Secretarial Assistant 1 Non Stenographic

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or 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.

Note: Applicants who do not possess the required education may substitute additional experience as indicated below on a year for year basis.

Experience: Two (2) years of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures.

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. **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 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