



STATE OF NEW JERSEY

In the Matter of Shante Lee,
Department of Law and Public Safety

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-2569

Request for Administrative Relief

ISSUED: **MAR 24 2017** (SLK)

The Department of Law and Public Safety requests that the provisions of *N.J.A.C.* 4A:4-1.1(c) be relaxed in order to allow Shante Lee to be provisionally appointed, pending promotional examination procedures, to the competitive title of Technical Assistant, Management Information Systems.

By way of background, Ms. Lee is currently serving permanently in the title, Clerk Typist. Ms. Lee's position is located in the Information Systems Unit, Division of Civil Rights, Department of Law and Safety. The appointing authority requested that the Division of Agency Services (Agency Services) review Ms. Lee's credentials to determine if she met the open competitive requirements for Technical Assistant, Management Information Systems. In its November 2, 2015 decision, Agency Services determined that Ms. Lee did meet the requirements. Thereafter, as a result of a classification review of her position, Agency Services determined that the duties and responsibilities of Ms. Lee's position would be appropriately classified by the competitive title of Technical Assistant, Management Information Systems effective November 28, 2015. It is noted that since her permanent title of Clerk Typist is in the non-competitive division, an appointment to Technical Assistant, Management Information Systems would have to be recorded as provisional, pending open competitive examination procedures. Additionally, the movement would constitute a promotion from the non-competitive division to an unrelated, above entry level title in the competitive division.

In support of the instant request, the appointing authority indicates, due to business necessity, including staff attrition and the hiring freeze, Ms. Lee was assigned higher level duties commensurate with the Technical Assistant, Management Information Systems title.

It is noted that there are no current open-competitive, promotional, or regular reemployment lists. While a Statewide special reemployment list exists for open-competitive positions, which consists of eligibles impacted in the Department of Human Services layoff, there is no special reemployment list applicable to Ms. Lee's promotion within unit scope, P250, Mercer County location, Department of Human Services.

N.J.A.C. 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the non-competitive 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. Lee to be provisionally appointed, pending promotional examination procedures, to the competitive title of Technical Assistant, Management Information Systems, with an effective date of November 28, 2015. The classification review determined that Ms. Lee's position would be appropriately classified as Technical Assistant, Management Information Systems and there are

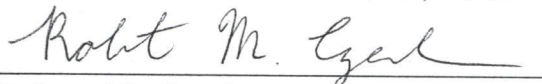
no current special reemployment, promotional, or regular reemployment lists in her unit scope for the subject title. As a result of such an appointment, it is also appropriate to relax the provisions of *N.J.A.C. 4A:4-2.5(d)* to announce the promotional examination to incumbents serving in the unrelated 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 Technical Assistant, Management Information Systems in Ms. Lee's unit scope be announced open to competitive division employees who meet the complete open competitive requirements and any title scope deemed appropriate by Agency Services.

ORDER

Therefore, it is ordered that this request be granted and Ms. Lee be provisionally appointed Technical Assistant, Management Information Systems, pending promotional examination procedures, effective November 28, 2015. Ms. Lee is to provide a copy of this decision with the promotional application that she submits upon examination announcement.

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 22nd DAY OF MARCH, 2017



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