



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Jill Smith,
Legal Secretary 2 (S0235V),
Statewide

CSC Docket No. 2017-3919

Examination Appeal

ISSUED: MARCH 29, 2018 (JET)

Jill Smith appeals the determination of the Division of Agency Services (Agency Services) which found that she failed to meet the residency requirements for the open competitive examination for Legal Secretary 2 (S0235V), Statewide.

The subject examination was announced with a closing date of April 24, 2017, and was open to residents of the State of New Jersey who met the requirements. The requirements were one year of experience in transcribing or typing legal dictation or documents. The appellant was found ineligible for failure to meet residency requirements as she is a resident of Pennsylvania. It is noted that 52 candidates were admitted to the examination, which resulted in an eligible list of 40 eligibles which promulgated on August 17, 2017 and expires on August 16, 2020.

On appeal, the appellant asserts that she is a temporary employee with the Office of the Attorney General and is assigned to perform secretarial duties. She argues that her Pennsylvania residency is insufficient to disqualify her from eligibility for the examination. In this regard, she states that, in *In the Matter of Michael Velardi* (CSC, decided August 15, 2013), the Civil Service Commission (Commission) decided that examinations for State government positions are open only to New Jersey residents, unless there is a provisional incumbent living outside of the State. As such, the appellant maintains that she should have been found eligible for the examination. The appellant provides various letters of recommendations in support of her appeal.

It is noted that there is no record that the appellant was serving as a provisional employee at the time she filed her appeal.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. This includes being a resident of the State or specified local jurisdiction except when a different residency requirement is specified by law or provided by the Commission or it appears that there are an inadequate number of qualified residents available for the title. *See also N.J.S.A.* 11A:4-3. *N.J.A.C.* 4A:4-2-11(e) states that, unless otherwise specified, residency requirements shall be met by the announced closing date for the examination.

In the instant matter, Agency Services properly found that the appellant was ineligible for the examination. Initially, the appellant admits in her appeal that she was a temporary employee¹ and lived outside of New Jersey at the time she applied for the (S0235V) examination. Further, records do not reflect she was serving provisionally in any title at the time she applied for the examination. Moreover, the appellant has not demonstrated that *N.J.A.C.* 4A:4-2.3(b) was misapplied in announcing the examination open only to residents of New Jersey. Accordingly, since she was living outside of New Jersey and was not a provisional incumbent at the time she applied for the examination, the residency requirement in the announcement was appropriate and she was correctly found ineligible for the examination. Additionally, the announcement resulted in a complete list of 40 eligible candidates who met the New Jersey residency requirement. Accordingly, the appellant has failed to meet her burden of proof as she does not meet the announced residency requirements for the subject examination.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

¹ A temporary appointment is **not** a provisional appointment. *N.J.A.C.* 4A:4-1.7 defines the parameters under which a temporary appointment may be made. *See N.J.A.C.* 4A:4-1.5 for provisional appointments.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 27th DAY OF MARCH, 2018



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