

On appeal, the appellant highlights her 64 college credits and the duties she performed as a Data Control Clerk. She also contends that after the Deputy Clerk resigned in 2011, she assumed those duties. Specifically, she indicates that she prepares city council meeting agendas by organizing, typing and distributing agenda items to council members; processes, records and files resolutions and ordinances; and processes various types of applications. Further, she states that she trains, instructs, and assigns responsibilities to new employees and manages office staff. She contends that this experience, while out-of-title, nevertheless satisfies the experience requirement. In support of her appeal, the appellant submits a letter from her supervisor, Luis Pastoriza, the Municipal Clerk, who verifies that the appellant performed relevant out-of-title duties since 2011.

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. *N.J.A.C. 4A:4-2.6(c)* provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy eligibility requirements or for credit in the examination process.

It is noted that the appellant's 64 college credits provide her with two years of experience, and she had three months of provisional experience as of the closing date. Therefore, pursuant to the substitution clause, she needed to possess two years and nine months of experience, one year and nine months of which were in a supervisory capacity. However, the appellant, supported by her supervisor, indicated on appeal that she performed relevant duties as a Data Control Clerk since 2011. Specifically, she states that she assumed the duties of the Deputy Clerk by preparing for city council meetings; processing, recording and filing resolutions and ordinances; and processing various types of applications. Further, she trained, instructed, and assigned responsibilities to new employees and managed office staff. Accepting her supervisor's verification that the appellant performed the appropriate duties as of the closing date for the subject promotional examination, the appellant possessed, per the substitution clause, the required five years of applicable experience. However, all but two years and three months of the appellant's experience she accumulated before her provisional appointment in the subject title constitutes out-of-title work. In this case, the appellant provides, in relevant part, a detailed description of the applicable out-of-title experience gained while employed as a Data Control Clerk after 2011. Additionally, the subject examination was cancelled, as the appellant was the only applicant. Moreover, the appellant continues to serve provisionally in the subject title. Accordingly, good cause exists to accept the appellant's out-of-title work experience and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted and Yenise Valdez's application be processed for prospective appointment 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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Yenise Valdez
Robert Corrales
Kelly Glenn
Record Center

