



STATE OF NEW JERSEY

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

In the Matter of Ziporah Shivers,
Secretarial Assistant 3, Non-
Stenographic (PS3276I), Adult
Diagnostic & Treatment Center

Examination Appeal

CSC Docket No. 2017-2021

ISSUED: August 21, 2017 (ABR)

Ziporah Shivers appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 3, Non-Stenographic (PS3276I), Adult Diagnostic & Treatment Center.

The subject examination was announced with a closing date of August 22, 2016 and was open, in part, to applicants with three years of experience in secretarial and administrative clerical work. The subject examination was cancelled on December 30, 2016, as the appellant was the only applicant and she was deemed ineligible.

On her application, the appellant indicated, in relevant part, that she served as a provisional Secretarial Assistant 3, Non-Stenographic from June 2015 to the closing date of the subject examination (August 2016); as a Principal Payroll Clerk from January 2013 to June 2015; as a Physician Care Liaison with NIP Group from August 2004 to December 2004; and as an Operations Coordinator with Accounting Principals from January 2000 to June 2004. Agency Services did not credit the appellant's experience as a provisional Secretarial Assistant 3, Non-Stenographic as applicable experience, as it found that the duties listed in her application appeared to mimic the required duties listed on the job specification instead of describing her actual responsibilities in that position. Furthermore, Agency Services did not credit the appellant's remaining indicated experience for the subject examination because there was no indication that secretarial work was one of the primary duties in any

of those positions. Consequently, she was deemed ineligible for the subject examination.

On appeal, the appellant submits a copy of her resume and argues that she possesses sufficient applicable experience for the subject examination. With regard to her experience as a provisional Secretarial Assistant 3, Non-Stenographic, she contends that she performed all of the duties noted in her application and on her resume. Additionally, she maintains that as a Principal Payroll Clerk, she carried out payroll duties and was assigned secretarial and clerical responsibilities such as filing, faxing, preparing correspondence and reports, and maintaining mailing lists. She adds that as a Physician Care Liaison with NIP Group, she was responsible for filing; processing insurance representatives' reports; handling incoming calls; sorting and distributing mail; preparing presentations and spreadsheets for departmental meetings; drafting correspondence; making travel arrangements for staff; and ordering office supplies. Finally, she notes that her work as an Operations Coordinator for Accounting Principals included scheduling appointments, filing, faxing, typing, copying, tracking shipments, ordering supplies, and answering phones.

The appointing authority has indicated that it supports the appellant's appeal.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

Initially, based on the clarifying information submitted on appeal, the appellant's provisional service as a Secretarial Assistant 3, Non-Stenographic constitutes one year and three months of applicable experience for the subject examination. Therefore, she would need to possess another one year and nine months of applicable experience. However, her remaining experience does not precisely mirror the secretarial *and* administrative clerical work experience required for the subject examination. In that regard, it is noted that in order for experience to be accepted as secretarial and administrative clerical, duties performed in a particular position must be complex and involve independent judgment. See *In the Matter of Suzanne Bauerle, et al.* (MSB, decided October 9, 2002). Notably, while the appellant's experience as a Physician Care Liaison with NIP Group and as an Operations Coordinator with Accounting Principals could be

considered secretarial in nature, it would not be considered administrative clerical work, as there is no indication that her duties involved complex and independent judgment. Conversely, although her service as a Principal Payroll Clerk could be considered administrative clerical work, it is not considered secretarial in nature. *See In the Matter of Rosemarie Baylies* (MSB, decided April 6, 2005) (“Secretarial work involves working for an executive, including scheduling appointments, giving information to callers, reading and routing incoming mail, locating files, typing, filing, greeting visitors and conducting them to the executive or appropriate person, arranging travel schedules, placing outgoing calls, recording minutes of staff meetings, making copies of printed matter, and preparing outgoing mail.”) Nevertheless, the record evidences that the examination situation is not competitive since the examination was cancelled, given that the appellant was the only applicant and she was deemed ineligible. Moreover, the appointing authority has indicated its support of the appellant’s appeal. As such, although the appellant’s experience does not precisely mirror the requirements listed on the announcement, the Civil Service Commission is satisfied that the totality of her varied secretarial and administrative clerical experience warrants her admission to the subject examination. Therefore, based on the totality of the circumstances in this matter, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and permit the appellant’s application to be processed. In so doing, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant’s application be processed.

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 16TH DAY OF AUGUST, 2017



Robert M. Czedz, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Ziporah Shivers
LaTonya Andrews
Kelly Glenn
Records Center