



appellant listed his duties as, “Acted as labor counsel, negotiated labor contracts, represented county in OAL, handled mental health hearings, solid waste hearings.” On appeal, the appellant provides new duties, stating that he drafted memos, prepared reports, responded to inquiries, scheduled appointments and meetings, prepared agenda items and maintained records and files. As a Counsel to the City Council President, the appellant initially indicated that he, “Draft[ed] and review resolutions, review budget, draft ordinances.” On appeal, he states that he performed the same duties as the new ones listed above for Assistant County Counsel while working for the Council President in the City of Newark, as well as assisting in budget preparation, staff meetings, council meetings, and working closely with all departments within the city. The appellant reiterates his duties for his provisional position, which include responding to a constituent and employee concerns and complaints, maintaining the mayor’s calendar and scheduling, answering phones and responding to requests, working on economic development initiatives, assisting the Business Administrator with projects, assisting the Mayor with seeking more effective and efficient ways to operate, and acting as direct contact between the Mayor and the Department Directors.

## 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.

In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). The appellant was credited with one year two months of experience for Administrative Secretary. However, he described his duties in that position as:

Scheduling on behalf of admin., draft policy, review policies, special projects, negotiate with vendors, problem solve, draft memorandum, coordinate events, responds to inquiries, general office duties.

Based on this description, it is unclear if the appellant is performing duties of an Administrative Secretary. An incumbent in that title assists an administrative official of a department or autonomous government agency at a level no lower than department head, by performing varied, complex administrative secretarial, advanced clerical and program support functions of a general or specialized nature; relieves the administrative official of technical, as well as general administrative details; may supervise clerical operations and staff. Those duties include maintaining a calendar, schedule of appointments, and travel arrangements for the executive; preparing administrative correspondence, memoranda, and statements on behalf of an administrative official, as authorized; preparing meeting agendas, attending meetings and recording minutes; greeting and directing visitors and

screening and routing incoming calls; ordering supplies and office equipment; assisting in formulating policies and procedures *for the office and other clerical operations*. The Administrative Secretary is one of the highest functioning clerical positions in local government. Positions in this class perform highly specialized and responsible **secretarial and administrative clerical** work requiring experience and familiarity with departmental functions and procedures.

In this case, the appellant's duties do not appear to primarily be clerical in nature. Rather, the description of his duties suggests that he assists the Mayor in such things as the development of policies and procedures in the operation of the municipal government. In other words, the limited description of his duties that the appellant provided on his original application and in his appeal submissions suggests that he does not primarily perform the clerical duties associated with the Administrative Secretary classification. Given the variance between the described duties and his provisional title, Agency Services should perform a classification review of this position.

The appellant's remaining positions are inapplicable, as these positions were in law and legal counseling, or as a Managing Assistant Director, drafting specifications for Requests for Proposals in the Purchasing Department.

An independent review of all material presented indicates that the decision of the Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

### **ORDER**

Therefore, it is ordered that this appeal be denied, and the matter of the appellant's position classification be referred to Agency Services for review.

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 6<sup>th</sup> DAY OF NOVEMBER, 2019



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