



**STATE OF NEW JERSEY
FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Brandy R. Chavez,
Administrative Secretary (PM0012B),
Morristown

CSC Docket No. 2021-663

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Eligibility Appeal

ISSUED: APRIL 12, 2021 (BS)

Brandy R. Chavez appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the requirements for the promotional examination for Administrative Secretary (PM0012B), Morristown.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced closing date of January 21, 2020. Specifically, all applicants had to possess five years of experience in the capacity of a secretary to an executive or administrative official in a public or private organization. The examination announcement also stipulated that the successful completion of a 2-year program in secretarial science at an accredited college or university could be substituted for two years of the above experience. Agency records indicate that the subject promotional examination was cancelled due to a lack of qualified applicants.

The appellant filed an application on which she experience as a provisional Administrative Secretary (August 2014 to the closing date)¹ and Keyboarding Clerk 2 (April 2013 to July 2014). Agency Services concluded that the appellant only possessed two years and eight months of provisional experience as an Administrative Secretary as of the closing date. The remaining two years and 10

¹ Records indicate that the appellant’s actual career service titles for this period were Keyboarding Clerk 2 (August 2014 to May 2017) and provisional Administrative Secretary (June 2017 to the closing date).

months the appellant claimed she was serving provisionally in the subject title, her actual title was Keyboarding Clerk 2. Agency Services found that any responsibilities she assumed while serving in this capacity would be considered out-of-title work and, therefore, she was not credited for this experience. As a result, Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that she satisfies the subject requirements. The appellant argues that she performed appropriate duties while serving as a Keyboarding Clerk 2. In support of her appeal, the appellant submits a July 21, 2017 classification review letter which determined that her correct classification should be Administrative Secretary. As a result, the appellant was appointed provisionally Administrative Secretary effective June 24, 2017.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission (Commission) may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the closing date, the appellant possessed two years and eight months of applicable experience as a provisional Administrative Secretary. On appeal, the appellant asserts that she satisfied the subject requirements and performed appropriate duties while serving as a Keyboarding Clerk 2. She submitted a classification determination in support of her appeal supporting her claim that she performed appropriate duties as a Keyboarding Clerk 2. However, such responsibilities would be considered out-of-title work for an individual serving as a Keyboarding Clerk 2. Out-of-title work in civil service employment generally cannot be used to establish eligibility for a promotional examination announced with open-competitive requirements. *See N.J.A.C.* 4A:4-2.6(c). Therefore, Agency Services concluded that she was ineligible for the subject promotional examination.

Although the appellant lacked the requisite amount of experience as of the closing date, the Commission notes that she continues to successfully serve as a provisional Administrative Secretary, she now has an additional one year and three months of applicable experience. Coupled with her out-of-title experience as a Keyboarding Clerk 2, this would give her in excess of the five years that she needs

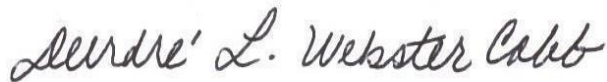
to qualify for the subject promotional examination. Since this is not a competitive situation (*i.e.*, the promotional examination cancelled due to a lack of qualified candidates), under these circumstances, the Commission accepts the appellant's out of title work and also time served after the closing date to allow this appellant the opportunity to be tested and a permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed as soon as possible.

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 7TH DAY OF APRIL, 2021



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