



### STATE OF NEW JERSEY

In the Matter of Yesenia Rivera, Senior Data Control Clerk (M0053S), Jersey City

CSC Docket Nos. 2014-3211

# FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

Corrected Decision

ISSUED: \$EP 1 9 2014 (SLK)

Yesenia Rivera appeals the determination of the Division of Selection Services (Selection Services) that she was below the minimum requirements in experience for the open competitive examination for Senior Data Control Clerk (M0053S), Jersey City.

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The examination at issue was announced with specific requirements that had to be met as of the January 28, 2014 closing date (see attached). A total of 42 individuals applied for the subject examination which resulted in a list of 15 eligibles that expires on June 11, 2017. Certification OL140827, which has a disposition due date of September 16, 2014, was issued containing the names of six eligibles and has not yet been disposed.

Ms. Rivera indicated on her application that she was provisionally serving in the title under test from September 30, 2013 to the January 28, 2014 closing date and a Project Coordinator for Black Dog Construction from October 2009 to July 2013. Selection Services credited Ms. Rivera with five months applicable experience based on her provisional experience in the subject title, but determined her other experience was not applicable as it commented that clerical or data processing was not the primary function. Consequently, it determined that she lacked one year and seven months of applicable experience.

On appeal, Ms. Rivera submits letters from previous employers which highlight some of her job duties and experience in data entry in a supervisory role. She presents that in her current position with the appointing authority, she is responsible for entering data in order to receive approval and reimbursement for State and Federal grants. Further, she highlights that she also analyzes data and generates reports for the Director to review. Additionally, she states that she is responsible for overseeing the data entry of employee attendance. She also indicates that she has taken steps to further her knowledge in the area of finance administration with career development courses at Rutgers.

## CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. N.J.A.C. 4A:4-2.1(g) provides that Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. Further, N.J.A.C. 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Selection Services correctly determined that the appellant did not meet the required experience as she did not specifically indicate on her original application that her primary function for her former employer was to perform clerical or data processing duties. In accordance with N.J.A.C. 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. Furthermore, N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See In the Matter of Diana Begley (MSB, decided November 17, 2004). Although the information on her original application did not precisely mirror the requirements, Ms. Rivera clarified her application by submitting a letter from her former employer that demonstrates that she has performed clerical duties for over four years. Specifically, her former employer's letter clarified that the appellant primarily managed clerical tasks in her former position including preparing correspondence and sorting and filing documents. In other words, prior to her provisional appointment in the title under test, the appellant had performed the duties consistent with those required to establish eligibility for the title under test. Under these circumstances, the Commission finds that the totality of her experience warrants her admission to the subject examination. However, this remedy is limited to the unique facts in this situation and shall not be used as precedent in any other proceeding.

# **ORDER**

Therefore, it is ordered that this appeal be granted, the appellant's application be processed, and if she achieves a high enough score, her name be added to the outstanding certification for current employment opportunities.

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 3<sup>rd</sup> DAY OF SEPTEMBER, 2014

Robert M. Czech Chairperson

Civil Service Commission

Inquiries

and

Correspondence

Henry Maurer

Director

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Civil Service Commission Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

#### Attachment

c: Yesenia Rivera Robert Kakoleski Dan Hill Joseph Gambino



# Job Announcements

Symbol: M0053S Title: SENIOR DATA CONTROL CLERK

Issue Date: 01/07/2014

Jurisdiction: JERSEY CITY

Num. of Positions: 1

Application Fee: \$25.00

Closing Date: 01/28/2014

Salary: \$9,500.00 - \$40,803.00 Per Year

Workweek: 37.50 Hours per week

#### **OPEN TO RESIDENTS OF:**

1) Jersey City; 2) Hudson County

#### **REQUIREMENTS:**

**EXPERIENCE:** Two (2) years of clerical or data processing experience.

**NOTE:** Satisfactory completion of a course of study in electronic data processing at a recognized college or university or accredited school of programming may be substituted for one year of work experience. If education is used to meet requirement, please submit a copy of your transcript with your application. Failure to do so will result in ineligibility.

Foreign transcripts must be evaluated by a recognized evaluation service. Please submit a copy of your evaluation with your application. Failure to do so will result in ineligibility.

**LICENSE:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform the essential duties of the position.

#### **IMPORTANT INFORMATION:**

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.

2. Online applications must be completed and submitted by the closing date listed above.

- You must complete your application in detail. Your score may be based on a comparison of your background
  with the job requirements. Failure to complete your application properly may lower your score or cause
  you to fail.
- 4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
- 5. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
- 6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
- 7. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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