

STATE OF NEW JERSEY

In the Matter of Morgan Carlson, Clerk Typist 1 Evidence Handling (S0818W), Statewide

CSC Docket No. 2019-3118

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: June 13, 2019 (RE)

Morgan Carlson appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the minimum requirements in experience for the open-competive examination for Clerk Typist 1 Evidence Handling (S0818W), Statewide.

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The subject examination had a closing date of July 23, 2018 and was open to residents of New Jersey who had one year of experience in clerical work including the receipt, verification, recording and storage of evidence. Nine candidates appeared on the eligible list, which was certified twice. Two appointments were made, and three candidates were removed for not responding to the certification. Two provisional incumbents, including the appellant, remain.

The appellant listed four positions on her application: Legal Secretary, National Crime Database Public Records Researcher, Waitress and Internship with the Atlantic County Prosecutor, part-time, 14 hours per week. The appellant was credited with two months of experience in the fourth position, and she was appropriately found to be lacking ten months of applicable experience.

On appeal, the appellant states that she has been a provisional in the subject title since July 2017. Additionally, the appellant provides a resume with applicable duties for her provisional position. She argues that her provisional experience, and her experience as a Legal Secretary and National Crime Database Public Records Researcher fulfill the announced requirements.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. *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. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

A review of the appellant's application reveals that the decision by Agency Services, denying the appellant's admittance to the subject examination since she does not possess the required experience, was correct, as she did not list her position as a provisional in the subject title. Her experience as a Legal Secretary and National Crime Database Public Records Researcher is inapplicable as these positions did not include the receipt, verification, recording and storage of evidence. However, the list has four remaining eligibles, and there are two provisional incumbents in the subject title. Thus, the Commission anticipates that the list will be incomplete. The appellant has been serving as a provisional appointee since July 2017. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) to accept the appellant's amendment to her application on appeal and admit her to the examination for prospective appointment consideration.

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 12th DAY OF JUNE, 2019

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