



STATE OF NEW JERSEY

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

In the Matter of
Lauren Russell-Pank,
Data Entry Operator 2 (PC2573W),
Middlesex County

Examination Appeal

CSC Docket No. 2019-3589

ISSUED: September 12, 2019 (RE)

Lauren Russell-Pank appeals the determination of the Division of Agency Services which found that she did not meet the minimum requirements in experience for the promotional examination for Data Entry Operator 2 (PC2573W), Middlesex County.

The subject examination had a closing date of December 21, 2018 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Data Entry Operator 1 and who met the announced requirement of one year of experience in the operation of an electronic data entry input device and/or alphanumeric keyboard to transcribe data into data processing equipment or computer. The appellant was found to be ineligible based on a lack of experience. As there were no admitted applicants, the examination was canceled on June 22, 2019.

On her application, the appellant listed one position, Retail Sales. She was found to be lacking one year of applicable experience. Official records indicate that the appellant was provisionally appointed to Data Entry Operator 2 in July 2018, and prior to that, was in the titles Data Entry Operator 1, Data Entry Machine Operator, and Keyboarding Clerk 1.

On appeal, the appellant argues that she was under stress, and did not include all her information, and she provides a list of duties for her provisional position in the subject title. In support of the appeal, the Tax Board Administrator indicates

that the appellant has been in her provisional position for a while and he believes that she meets the qualifications.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

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:1-1.2(c) states that the Civil Service 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.

Initially, the appellant was correctly found ineligible for the subject examination. As *N.J.A.C.* 4A:4-2.1(f) specifically provides that examination applications may only be amended prior to the filing date, information regarding additional experience provided on appeal usually cannot be considered. However, in this case, the examination was cancelled, the appellant continues to serve provisionally in the title under test, and she has accrued over one year of experience as a Data Entry Operator 2 since her appointment. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional experience in her provisional position and beyond the closing date, and admit her to the examination. The appellant is cautioned to include all employment positions on future applications.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, 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 10th DAY OF SEPTEMBER, 2019



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