



**STATE OF NEW JERSEY**

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

In the Matter of Madeline Rivera,  
Management Assistant (PS9731P),  
State Police

Examination Appeal

CSC Docket No. 2020-1403

**ISSUED: FEBRUARY 14, 2020 (SLK)**

Madeline Rivera appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Management Assistant (PS9731P), State Police.

The education requirements for the subject examination was possession of a Bachelor's degree. The experience requirements were one year of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures. Applicants who did not possess the required education could substitute additional experience on a year for year basis with 30 semester hours being equal to one year of experience. The requirements needed to be met by the May 21, 2019 closing date. A total of three employees applied for the subject examination and one was found eligible. The one eligible was appointed on certification PS191533. The list expires on November 6, 2022.

On the appellant's application, she indicated that she possessed a high school diploma and no college credits. Personnel records indicate that she was provisionally serving in the subject title from August 2018 to the May 21, 2019 closing date, a Senior Clerk Typist from June 2005 to August 2018, a Clerk Typist from August 2004 to June 2005, a Senior Clerk Typist from April 2004 to August 2004, and a Principal Clerk Transcriber from December 2003 to April 2004. Agency Services credited her with 10 months of experience based on her provisional service

in the subject title, but determined, per the substitution clause for education, that she lacked four years and two months of experience.

On appeal, the appellant argues that she has performed applicable out-of-title duties for 13 years. She further supplies a letter from the appointing authority verifying she has performed applicable out-of-title duties since June 2006.

### **CONCLUSION**

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional 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 with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

The record demonstrates that the appellant performed applicable out-of-title duties as a Senior Clerk Typist, as the appellant describes in detail how she performed the required duties in this title and the appointing authority confirms that she was performing the applicable duties in this title since June 2006 due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title and the eligible list is incomplete as it currently contains no names. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's out-of-title work experience for eligibility purposes only, and admit her to the examination.

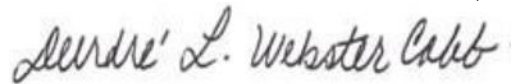
This determination is limited to the instant matter and does not provide precedent in any other matter.

### **ORDER**

Therefore, it is ordered that the appeal be granted, and Madeline Rivera's application be processed for prospective employment opportunities only.

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 12<sup>th</sup> DAY OF FEBRUARY, 2020



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