



STATE OF NEW JERSEY

In the Matter of Patty Rodriguez
 Personnel Officer (PC4406C),
 Passaic County Sheriff's Office

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

CSC Docket No. 2022-1314

Examination Appeal

ISSUED: MAY 23, 2022 (RAM)

Patty Rodriguez¹ appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements, per the substitution clause for education, for the promotional examination for Personnel Officer (PC4406C), Passaic County Sheriff's Office.

By way of background, the announcement for the subject examination was issued on August 1, 2021 and was open to employees in the competitive division who were serving in the title of Assistant Personnel Officer and had an aggregate of one year of continuous permanent service as of the August 23, 2021 closing date **or** to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title as of the closing date and possessed a Bachelor's degree from an accredited college or university and three years of supervisory personnel experience including the review of classification problems and wage studies, handling personnel problems, and coordination of the training needs of the jurisdiction. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis, with 30 semester hour credits being equal to one year of experience. It is noted that the appellant was the only applicant who filed for the subject examination. Consequently, the examination had been cancelled, effective November 27, 2021, due to a lack of qualified applicants.

¹ Agency records indicate that the appellant has been serving as a Personnel Officer, provisionally pending promotional examination procedures, since February 1, 2019.

On her application, the appellant did not indicate possession of a Bachelor's degree but noted that she completed 16 college credits and various training courses. She listed her work experience at the Passaic County Sheriff's Office as a Personnel Officer from March 2014 to the examination closing date, a Clerk 2 from May 2012 to March 2014, a Clerk 1 from March 2011 to May 2012, a Personnel Clerk from June 2003 to March 2011, and a Clerk Typist from September 1997 to June 2003. Moreover, the appellant indicated supervisory experience in her Personnel Officer, Clerk 2, and Personnel Clerk positions.

Upon review of the appellant's application, Agency Services noted that the appellant did not indicate possession of a Bachelor's degree. Therefore, pursuant to the substitution clause, the appellant needed seven years of experience. The appellant possessed 16 college credits and was credited with six months of experience. Additionally, the appellant was credited with two years and seven months of experience (February 2019 to August 2021) she gained provisionally in the subject title prior to the closing date. Upon further review of the appellant's application, it was noted that the appellant had combined the time period and duties of her provisional title with the titles of Clerk 2 and Clerk 3 from March 2014 to the August 2021 (seven years and six months) closing date. Additionally, the appellant may have been performing out-of-title duties prior to her provisional appointment. This possible out-of-title experience, however, was not considered for eligibility purposes by Agency Services as the appointing authority did not submit any supporting documentation regarding this work performed by the appellant. Moreover, the primary focus of the appellant's other work experience was not that of the required experience. Therefore, the appellant was deemed to have lacked three years and 11 months of experience as of the August 23, 2021 closing date.

On appeal to the Civil Service Commission (Commission), the appellant presents a letter from the Executive Undersheriff² of the Passaic County's Sheriff's Office, her direct supervisor, clarifying and listing the duties that she has been performing. The Executive Undersheriff confirms that, while the appellant was appointed provisionally pending promotional examination to the subject title, effective February 1, 2019, she has been performing the duties of a Personnel Officer since March 2014.

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:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

² The Executive Undersheriff is an authorized appointing authority representative of the Sheriff.

In this matter, the Commission finds good cause to accept the out-of-title work experience that the appellant gained prior to the examination closing date. The authorized appointing authority representative has confirmed the appellant's out-of-title duties since March 2014. Thus, with that experience and the two years and seven months of experience the appellant gained provisionally in the subject title and the six months of experience credited as a result of college credits completed, the appellant has more than a sufficient amount of relevant experience to meet the announced examination requirements. Absent accepting the appellant's out-of-title work experience, no other candidate can permanently be appointed to the subject position as the examination was cancelled. Lastly, it is noted that the appellant continues to serve provisionally in the subject title.

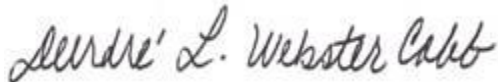
Thus, based on all of the foregoing, the appellant should be admitted to the subject examination. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancements opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998).

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant'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 18TH DAY OF MAY, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Patty Rodriguez
Richard Berdnik
Division of Agency Services
Records Center