

B-27



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Keri Fearon and  
Miranda Salvatore, Senior Clerk  
(PS8589J), Rowan University

Examination Appeals

CSC Docket Nos. 2015-565 and 2015-  
594

ISSUED: **NOV 12 2014** (SLK)

Keri Fearon and Miranda Salvatore appeal the determinations of the Division of Selection Services (Selection Services) that they were below the minimum requirements in experience for the promotional examination for Senior Clerk (PS8589J), Rowan University. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the April 21, 2014 closing date (see attached). Three employees applied for the subject examination that resulted in a list of one eligible. The list expires on August 20, 2017 and has not yet been certified.

On Ms. Fearon's application, she indicated that she was a Clerk from October 2013 to the April 21, 2014 closing date. Personnel records indicate that she began provisionally serving in the subject title in April 2014. Selection Services credited Ms. Fearon with seven months of experience based on her experience as a Clerk, but determined that she lacked five months of the required experience as no other experience was indicated on her application.

On Ms. Salvatore's application, she indicated that she was a Clerk from October 2013 to the April 21, 2014 closing date. Personnel records indicate that she began provisionally serving in the subject title in April 2014. Selection Services credited Ms. Salvatore with seven months of experience based on her experience as a Clerk, but determined that she lacked five months of the required experience as no other experience was indicated on her application.

On appeal, both Ms. Fearon and Ms. Salvatore assert that they have more than enough experience to satisfy the requirements for the title under test. They provide that they each have 12 years of administrative experience including years of experience as Accounts Payable Clerks for prior employers. The appellants each outline their duties as a Clerk and claim that they have greater responsibilities than are required for the position of Clerk. Ms. Fearon and Ms. Salvatore also submit resumes which include both State service and other prior experience. The appellants argue that their experience, based on the job specification definitions and examples of work for Senior Clerk as well as other titles such as Technical Assistant or Program Assistant, indicate that they are overqualified for these positions.

### 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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Based on their applications, Selection Services correctly determined that Ms. Fearon and Ms. Salvatore only had seven months of applicable experience as of the April 21, 2014 closing date. However, the appellants were provisionally appointed to the title under test after the closing date and gained the additional experience to satisfy the clerical experience requirement. Moreover, the record evidences that the list is incomplete as it only contains the name of one eligible. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept Ms. Fearon's and Ms. Salvatore's provisional experience after the closing date and admit them to the subject examination. Accordingly, admitting the appellants to the subject examination will provide the appointing authority with a complete eligible list so that it can make permanent appointments. Nevertheless, the appellants are cautioned that on any future applications, they must include all experience they wish to be considered.

### ORDER

Therefore, it is ordered that these appeals be granted, and Keri Fearon's and Miranda Salvatore's applications 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 6<sup>th</sup> DAY OF NOVEMBER, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

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and  
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Henry Maurer  
Director  
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Attachment

c: Keri Fearon  
Miranda Salvatore  
Eileen Scott  
Dan Hill  
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE  
**PROMOTIONAL ANNOUNCEMENT**



**\$25.00 PROCESSING FEE REQUIRED**  
 Make Check/Money Order Payable to NJCSC

<b>SYMBOL: PS8589J</b> <b>TITLE: SENIOR CLERK</b> <b>ISSUE DATE: April 01, 2014</b> <b>TITLE CODE: 20043/DRRXR4</b> <b>DEPARTMENT: HIUG/STATE COLLEGES &amp; UNIVERSITIES</b> <b>UNIT SCOPE: J250 Rowan University</b>		<b>WEIGHT CODE: *</b> <b>SALARY: \$28,690.00 - \$39,872.00</b> <b>CLOSING DATE: April 21, 2014</b> <b>CLASS CODE: 09</b>	
<b>APPLICATIONS MAY BE OBTAINED          FROM AND MUST BE RETURNED TO:</b>		<b>ONLY ON LINE APPLICATIONS          WILL BE ACCEPTED          FOR THIS ANNOUNCEMENT</b>	
<p><b>Open to employees in the non-competitive division who are currently serving in a title to which the announcement is open and have completed their working test period as of the closing date in the following title(s), and meet the requirements listed below:</b></p> <p style="text-align: center;"><b>Clerk</b></p> <p><b>Experience:</b> One (1) year of experience in general clerical work.</p> <p><b>License:</b> 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. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.</p> <p><b>NOTE:</b> As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.</p>			
<p style="text-align: center;"><b>IMPORTANT INFORMATION</b></p> <p>1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.</p> <p>2. <b>YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.</b> Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.</p> <p>3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.</p> <p>4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title <b>SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.</b></p> <p>5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. <b>PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.</b></p> <p>6. <b>SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!</b> You can now file an application for this examination online. Visit the Civil Service Commission website at <a href="http://info.csc.state.nj.us/epoa">http://info.csc.state.nj.us/epoa</a>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. You can now complete and submit your application and payment online to the Civil Service Commission and you will receive an immediate receipt confirmation!</p> <p>7. <b>SPECIAL NOTE TO ALL APPLICANTS</b> Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, <b>YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.</b></p>			

DPF-256A \* Revised 03/09