

STATE OF NEW JERSEY

In the Matter of Yenise Valdez, Assistant Municipal Clerk (PM2303T), City of Camden

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

3399 CSC Docket No. 2016-8159

Examination Appeal

NOV 1 0 2016

ISSUED:

(WR)

Yenise Valdez appeals the determination of the Division of Agency Services (Agency Services) which found that she was below the minimum requirements in experience for the promotional examination for Assistant Municipal Clerk (PM2303T), City of Camden.

The subject examination was announced with a closing date of November 21, 2015 and was open to applicants who possessed five years of clerical experience involving responsibility for maintaining records of business transactions and office activities requiring a knowledge of office systems and procedures, two years of which shall have been in a supervisory capacity. Candidates were permitted to substitute college credits for non-supervisory work experience on the basis of 30 credits being equal to one year of experience. The record indicates that the examination was cancelled as the appellant was the only applicant.

On her application, the appellant indicated that she possessed 64 college credits and had served in the subject title provisionally pending promotional examination procedures from September 2015 through the closing date; as a Data Control Clerk from July 2007 to September 2015; as a Clerk Typist from January 2003 to July 2007; and as a Clerk from March 1999 to January 2003. Agency Services only credited her experience in the subject title. In particular, it determined that her experience as a Data Control Clerk, while relevant, constituted out-of-title work. Pursuant to the substitution clause, the appellant could substitute her 64 college credits for two years of the indicated experience. However, she still lacked two years and nine months of the indicated experience, one year and nine months of which was to be applicable supervisory experience, and was therefore ineligible.

On appeal, the appellant highlights her 64 college credits and the duties she performed as a Data Control Clerk. She also contends that after the Deputy Clerk resigned in 2011, she assumed those duties. Specifically, she indicates that she prepares city council meeting agendas by organizing, typing and distributing agenda items to council members; processes, records and files resolutions and ordinances; and processes various types of applications. Further, she states that she trains, instructs, and assigns responsibilities to new employees and manages office staff. She contends that this experience, while out-of-title, nevertheless satisfies the experience requirement. In support of her appeal, the appellant submits a letter from her supervisor, Luis Pastoriza, the Municipal Clerk, who verifies that the appellant performed relevant out-of-title duties since 2011.

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 eligibility requirements or for credit in the examination process.

It is noted that the appellant's 64 college credits provide her with two years of experience, and she had three months of provisional experience as of the closing date. Therefore, pursuant to the substitution clause, she needed to possess two years and nine months of experience, one year and nine months of which were in a supervisory capacity. However, the appellant, supported by her supervisor. indicated on appeal that she performed relevant duties as a Data Control Clerk since 2011. Specifically, she states that she assumed the duties of the Deputy Clerk by preparing for city council meetings; processing, recording and filing resolutions and ordinances; and processing various types of applications. Further, she trained. instructed, and assigned responsibilities to new employees and managed office staff. Accepting her supervisor's verification that the appellant performed the appropriate duties as of the closing date for the subject promotional examination, the appellant possessed, per the substitution clause, the required five years of applicable However, all but two years and three months of the appellant's experience she accumulated before her provisional appointment in the subject title constitutes out-of-title work. In this case, the appellant provides, in relevant part, a detailed description of the applicable out-of-title experience gained while employed as a Data Control Clerk after 2011. Additionally, the subject examination was cancelled, as the appellant was the only applicant. Moreover, the appellant continues to serve provisionally in the subject title. Accordingly, good cause exists to accept the appellant's out-of-title work experience and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted and Yenise Valdez's application be processed for prospective appointment 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 10th DAY OF NOVEMBER, 2016

Robert M. Czech Chairperson

Civil Service Commission

Inquiries and Correspondence

Director Division of Appeals and Regulatory Affairs Written Record Appeals Unit Civil Service Commission P.O. Box 312 Trenton, NJ 08625-0312

c: Yenise Valdez
Robert Corrales
Kelly Glenn
Record Center

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