



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Cristina Coelho and
Luz Rodriguez, Technical Assistant 1,
Labor (PS4419N), Department of
Labor & Workforce Development

Examination Appeals

CSC Docket Nos. 2017-3885 and
2017-3913

ISSUED: OCT 06 2017 (SLK)

Cristina Coelho and Luz Rodriguez appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Technical Assistant 1, Labor (PS4419N), Department of Labor & Workforce Development. 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 February 21, 2016 closing date (see attached). A total of three employees applied for the examination and one was determined eligible.

The Division of Agency Services (Agency Services) credited Ms. Coelho with one year and seven months of experience based on 11 months for her 27 college credits and eight months for her provisional service in the subject title from June 2016 to the February 21, 2016 closing date, but determined that she lacked two years and five months of the required experience. Agency Services credited Ms. Rodriguez with two years and one month of experience based on nine months for her 22 college credits, nine months for her provisional service in the subject title from June 2016 to the February 21, 2017 closing date, and seven months as a Principal Clerk Typist from December 2015 to June 2016, but determined that she lacked one year and 11 months of experience.

On appeal, Ms. Coelho submits a letter from Robert E. Gaines, Director, Division of Wage and Hour Compliance, who states that her provisional experience

in the subject title since June 2016, her prior experience as a Technical Assistant 3 from November 2013 to June 2016 and as a Principal Clerk Typist from 2005 to November 2013, and her college credits and other classes provide her the background needed to perform the duties for the subject title. Additionally, Ms. Coelho and Ms. Rodriguez submit letters from their current supervisor, Ruth-Jessica Rosado, Supervisor License & Permits, Division of Wage and Hour Compliance, Public Works Contractor Registration (PWCR), who describes how both appellants are performing the required duties while provisionally serving in the subject title and how their prior work experience in the PWCR section provided them the background to successfully perform these duties.

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. In accordance with *N.J.A.C.* 4A:4-2.1(g), the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties performed in a given position that expands or enlarges on information previously submitted is considered clarifying. *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.

Initially, Agency Services correctly determined that the appellants did not meet the required experience requirements. However, on appeal, Ms. Coelho presents clarifying information from her supervisors to establish that her Technical Assistant 3 duties are applicable. Additionally, while Ms. Rodriguez's work as a Senior Clerk Typist and Clerk Typist was out-of-title, the appointing authority verified that she performed the required duties in those positions. Therefore, the Commission accepts the clarification of Ms. Coelho's duties and, given that the subject list is incomplete and Ms. Rodriguez continues to serve provisionally in the subject title, good cause is established to accept Ms. Rodriguez's out-of-title work, for eligibility purposes only, in order to admit them to the subject examination.

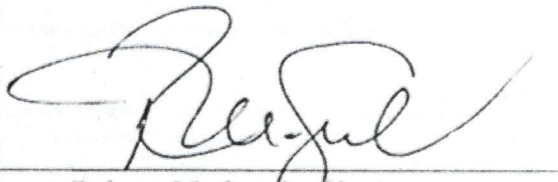
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that these appeals be granted and Cristina Coelho's and Luz Rodriguez'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 4th DAY OF OCTOBER, 2017





Robert M. Czedh, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
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Civil Service Commission
Written Record Appeals Unit
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Attachment

c: Cristina Coelho, 2017-3885
Luz Rodriguez, 2017-3913
Mary Fitzgerald
Kelly Glenn
Records Center

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| NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE PROMOTIONAL ANNOUNCEMENT |  New Jersey Civil Service Commission | Click here to file Online  Print \$25.00 PROCESSING FEE REQUIRED Make Check/Money Order Payable to NJCSC |
| SYMBOL: PS4419N | WEIGHT CODE: * | SALARY: \$36,158.00 - \$50,645.00 |
| TITLE: TECHNICAL ASSISTANT 1 LABOR | CLOSING DATE: February 21, 2017 | CLASS CODE: 14 |
| ISSUE DATE: February 01, 2017 | DEPARTMENT: LAA/LABOR & WORKFORCE DEVELOPMENT | |
| TITLE CODE: 65353/NYRXR4 | UNIT SCOPE: N995 Office of Wage and Hour Compliance | |
| Visit www.state.nj.us/csc And select "Job Announcements" to view this announcement and to file an application | | |
| Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s): | | |
| Technical Assistant 2 Labor | | |
| Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below: | | |
| Education: Successful completion of 60 college credits is required. You must indicate the total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process. | | |
| Experience: Two years of experience in a public or private agency involved in assisting professional staff with the gathering, assembling, interpreting and recording of factual data of a complex or technical nature. | | |
| Additional College credits may be substituted for the above experience on a year for year basis (30 credits equal one year). | | |
| Applicants who do not possess the required 60 semester hours may substitute additional experience as indicated above on a year for year basis. | | |
| License: 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. | | |
| IMPORTANT INFORMATION | | |
| <ol style="list-style-type: none"> 1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement. 2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. 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. 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. 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 SHALL BE SEPARATED FROM THE PROVISIONAL TITLE. 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 Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. 6. SPECIAL NOTE TO ALL APPLICANTS 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, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED. 7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY. 8. Application fees submitted via personal check or money order must be postmarked within five (5) business days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process. | | |

DPF-256A * Revised 03/09