

B-31



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Lillian Dutton,
Technical Assistant 3, Department of
Law and Public Safety

CSC Doc. No. 2017-5

ISSUED: JUN 26 2017 BS

The Division of Agency Services (Agency Services), on behalf of the Department of Law and Public Safety, requests that Lillian Dutton's out-of-title work experience in the title of Clerk Typist be accepted to qualify her for a prospective promotional examination for Technical Assistant 3.

By way of background, Agency Services conducted a classification review of Ms. Dutton's position and determined that it would be appropriately classified as Technical Assistant 3, effective March 6, 2016. However, Ms. Dutton's permanent non-competitive title of Clerk Typist is unrelated to the competitive title of Technical Assistant 3. Therefore, absent rule relaxation procedures, her appointment would have to be recorded as provisional, pending open competitive examination procedures. See *N.J.A.C. 4A:4-1.1(c)2*.

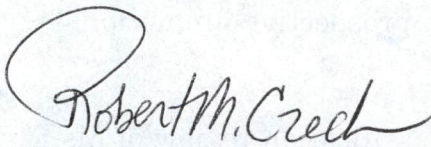
Subsequently, Agency Services reviewed the credentials of Ms. Dutton's credentials and determined that although she did not meet the open-competitive requirements for Technical Assistant 3, if her out-of-title experience while serving as a Clerk Typist was accepted, she would satisfy the subject requirements. The appointing authority has verified that the out-of-title duties were assigned to Ms. Dutton due to business necessity. Although *N.J.A.C. 4A:4-2.6(c)* does not permit, except for good cause, applicants for promotional examinations to use out-of-title work experience to satisfy the requirements for admittance to the examination, acceptance of out-of-title work experience in this case would provide Ms. Dutton and other qualified eligibles the opportunity to compete for a permanent appointment in a position that is properly classified. There are ten employees eligible to file for the prospective promotional examination in this unit scope. Although there was an

existing open-competitive eligible list for Technical Assistant 3 (S0114R), it expired on December 25, 2016. There are no regular or special re-employment lists. Accordingly, good cause exists to provisionally appoint Ms. Dutton pending promotional examination procedures to the title of Technical Assistant 3, effective March 5, 2016, and also to accept her out-of-title work experience as qualifying for prospective promotional examination for Technical Assistant 3.

Therefore, it is ordered that this request be granted. Lillian Dutton is to provide a copy of this decision with the promotional application that she submits upon examination announcement. In addition, the Division of Agency Services shall also accept applicable and documented out-of-title work experience from other promotional examination applicants.

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 21ST DAY OF JUNE, 2017



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c: Lillian Dutton
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