



B-8

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carmen Caines,
Principal Audit Account Clerk
(PS1334K), Department of Children
and Families

Examination Appeal

CSC Docket No. 2017-1894

ISSUED: JUN 09 2017 (SLK)

Carmen Caines appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the promotional examination for Principal Audit Account Clerk (PS1334K), Department of Children and Families.

The examination at issue was announced with specific requirements that had to be met as of the July 21, 2016 closing date (see attached). A total of two employees applied for the subject examination and one was deemed eligible. The one eligible was appointed on Certification PS161632.

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:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced 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 the requirements for admittance to the examination or for credit in the examination process. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant only indicated on her application that she provisionally served in the subject title from May 2016 to the July 21, 2016 closing date and did not list any other experience. On appeal, the appellant indicates that, as a Senior Clerk Typist from March 2007 to May 2016, she performed the required duties. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the Civil Service Commission (Commission) notes several circumstances present that provide good cause to permit the appellant to amend her application in this particular matter. In this regard, Linda Dobron, Executive Director, Office of Human Resources, confirms that the appellant has been performing the required duties, out-of-title¹, as far back as March 2007. Therefore, the Commission is satisfied that her experience warrants her admission to the subject examination. Additionally, the eligible list is incomplete as there are currently no names on the list and the appellant continues to serve provisionally in the subject title. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f), and to accept Ms. Caines' out-of-title work experience for eligibility purposes only, and admit her to the subject examination.

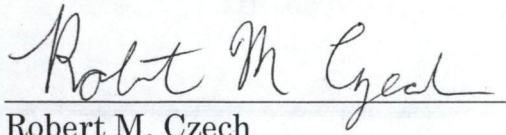
ORDER

Therefore, it is ordered that the appeal be granted, and Carmen Caines' 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.

¹ Ms. Dobron's confirming letter indicates that she disagrees with Agency Services' determination that the appellant, who was primarily performing the required duties for the subject examination as a Senior Clerk Typist, and not typing, was performing out-of-title duties because the job specification for the Senior Clerk Typist title indicates that incumbents perform typing and "other related clerical work." However, while performing some non-typing related clerical duties would not be considered out-of-title work, the primary duty of a Senior Clerk Typist is to perform typing duties. Therefore, as the appellant was primarily performing the required duties for the subject examination and not typing while serving as a Senior Clerk Typist, this would be considered out-of-title work.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 7th DAY OF JUNE, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Carmen Caines
Linda Dobron
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE

PROMOTIONAL ANNOUNCEMENT**\$25.00 PROCESSING FEE REQUIRED**
Make Check/Money Order Payable to NJCSCSYMBOL: **PS1334K**TITLE: **PRINCIPAL AUDIT ACCOUNT CLERK**ISSUE DATE: **July 01, 2016**TITLE CODE: **21634/GRRXR4**DEPARTMENT: **CFA/CHILDREN AND FAMILIES**UNIT SCOPE: **CF53 Fiscal**

WEIGHT CODE: *

SALARY: **\$34,628.00 - \$48,398.00**CLOSING DATE: **July 21, 2016**CLASS CODE: **13**

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):

Senior Audit Account Clerk

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:

Experience: Two (2) years of experience in work involving the preparation, review and verification of varied types of financial or statistical records for corrections, completeness and legality.

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

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.
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 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. 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.**

DPF-256A * Revised 03/09