



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matters of Patricia Lane and  
Cristina Rios, Secretarial Assistant 1,  
Non-Stenographic (PS1762K),  
Department of Children and Families

Examination Appeal

CSC Docket Nos. 2017-2478 and  
2017-2517

**ISSUED: APRIL 2, 2018**

**(ABR)**

Patricia Lane and Cristina Rios appeal the determinations of the Division of Agency Services (Agency Services), which found that they did not meet the experience requirement for the promotional examination for Secretarial Assistant 1, Non-Stenographic (PS1762K), Department of Children and Families. Since these appeals address similar issues, they have been consolidated herein.

The subject examination announcement was issued with a closing date of October 21, 2016. The examination was open to employees who possessed five years of experience in secretarial and administrative clerical work. The subject eligible list, containing two names, promulgated on January 26, 2017 and expires on January 25, 2020.

Lane stated on her application that she served provisionally as a Secretarial Assistant 1, Non-Stenographic from July 2016 to the closing date for the subject examination (October 2016); as a Head Clerk from December 2001 to August 2004 and from May 2005 to July 2016; as a Principal Clerk Typist from August 2004 to May 2005 and from June 2001 to December 2001; as a Senior Clerk Transcriber from November 1999 to June 2001; and as a Clerk Transcriber from July 1999 to November 1999. Lane indicated, in relevant part, that her duties as a Head Clerk from July 2010 to July 2016 included management of office operations, which encompassed scheduling and conference calls, as well as personnel and assignment tracking; completing quarterly updates to organization tables and position control reports; and preparing delegated executive correspondence. Lane also maintained that her duties in the titles of Head Clerk and Principal Clerk Typist from June

2001 to July 2006 included answering phones, filing, copying, scheduling appointments and maintaining office supplies. Agency Services credited Lane with four months of applicable experience based upon her provisional service in the title of Secretarial Assistant 1, Non-Stenographic. However, it determined that Lane's experience as a Head Clerk from July 2006 to July 2016 was not applicable experience because there was no indication that the primary focus of her duties in that title included secretarial work. Agency Services did not credit Lane's remaining experience as applicable experience because it determined that the relevant duties she performed were below the level and scope required for the subject examination. Therefore, Lane was deemed ineligible for the subject examination because she lacked an additional four years and eight months of applicable experience.

Rios stated on her application, in relevant part, that she served as a Head Clerk from November 2008 to the closing date for the subject examination (October 2016) and from September 2001 to August 2004; as a Principal Clerk Typist from June 2001 to September 2001, from August 2004 to August 2005 and from December 2006 to November 2008; as a Senior Clerk Transcriber from August 2000 to June 2001; and as a Clerk Transcriber from April 2000 to August 2000 with the appointing authority. She also indicated that she served as an Administrative Assistant with Goodwill Ability, Inc. from August 2005 to October 2006 and as an Office Assistant with Electronic Data Systems from July 1999 to March 2000. Rios indicated, in relevant part, that her duties as a Head Clerk included supporting the Assistant Program Director in the processing of adoption approval requests, compiling reports for statewide adoption finalizations and providing weekly updates utilizing internal data. With regard to her experience as a Senior Clerk Transcriber, as a Clerk Transcriber and as an Office Assistant, Rios indicated that her duties included scheduling appointments, handling incoming and outgoing mail, typing and answering telephones. Agency Services credited Rios with four years and eight months of applicable experience based upon her service as a Principal Clerk Typist and as an Administrative Assistant. Agency Services did not credit Rios' experience as a Head Clerk because there was no indication that the primary focus of her duties in that title included secretarial work. Agency Services did not credit Rios' experience as a Senior Clerk Transcriber, as a Clerk Transcriber, or as an Office Assistant because the relevant duties she performed in those positions were below the level and scope required for the subject examination. Therefore, Rios was deemed ineligible for the subject examination because she lacked an additional four months of applicable experience.

On appeal, Lane contends that she performed applicable duties as a Head Clerk from July 2010 to October 2016 and submits letters of support from the appointing authority and from her supervisor, Brian Ross, Assistant Commissioner, Legal, Regulatory and Legislative Affairs, Department of Children and Families.

On appeal, Rios maintains, in relevant part, that as a Senior Clerk Transcriber, she provided support to the Business Manager and notes that her duties in that position included scheduling conferences and meetings, transcribing meeting minutes, compiling monthly reports, answering phones, and performing clerical tasks. Rios also submits a copy of a Request for Evaluation dated August 28, 2015 from Agency Service, which found that she met the eligibility requirements for the title of Secretarial Assistant 3, Non-Stenographic.<sup>1</sup>

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

Initially, it is noted that Agency Services correctly determined that Lane and Rios were ineligible for the subject examination. However, the record evidences that the examination situation is not competitive since the subject eligible list only contains the names of two eligibles. As such, although Lane's and Rios' experience do not precisely mirror the requirements listed on the announcement, the Civil Service Commission is satisfied that the totality of their varied secretarial and administrative clerical experience warrants their admission to the subject examination. In that regard, it is noted that in order for experience to be accepted as secretarial and administrative clerical, duties performed in a particular position must be complex and involve independent judgment. *See In the Matter of Suzanne Bauerle, et al.* (MSB, decided October 9, 2002). Notably, while Lane's experience in the titles of Head Clerk and Principal Clerk Typist between December 2001 and July 2006 and Rios' experience as a Senior Clerk Transcriber, as a Clerk Transcriber, and as an Office Assistant could be considered secretarial in nature, their experience in those titles would not be considered administrative clerical work, as there is no indication that her duties involved complex and independent judgment. Conversely, although Lane's service as a Head Clerk from July 2010 to July 2016 and Rios' service in that title could be considered administrative clerical work, that service is not considered secretarial in nature. *See In the Matter of Rosemarie Baylies* (MSB, decided April 6, 2005) ("Secretarial work involves working for an executive, including scheduling appointments, giving information to callers, reading and routing incoming mail, locating files, typing, filing, greeting visitors and conducting them to the executive or appropriate person, arranging travel schedules, placing outgoing calls, recording minutes of staff meetings, making copies of printed matter, and preparing outgoing mail.") Therefore, based on the totality of the circumstances in this matter, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and permit Lane's and Rios' applications to be processed.

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<sup>1</sup> To be eligible for an examination for the title of Secretarial Assistant 3, Non-Stenographic, an applicant must possess three years of experience in secretarial and administrative clerical work.

In so doing, the remedy provided herein is limited to the facts of these cases and may not be used as precedent in any other matter.

**ORDER**

Therefore, it is ordered that this appeal be granted and the appellants' applications be processed.

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 27<sup>TH</sup> DAY OF MARCH, 2018



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