



STATE OF NEW JERSEY

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

In the Matter of Marilyn Sanchez,
Technical Assistant Personnel
(PS5397P), Department of Law and
Public Safety

Examination Appeal

CSC Docket No. 2018-1549

ISSUED: APRIL 2, 2018 (SLK)

Marilyn Sanchez 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 Technical Assistant Personnel (PS5397P), Department of Law and Public Safety.

The examination at issue was announced with specific requirements that had to be met as of the July 21, 2017 closing date. Per the substitution clause for education, the requirements were four years of experience in technical, clerical personnel work involving the application of procedural rules, regulations, policies, and procedures. The appellant was the only employee who applied and she was deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified applicants.

On appeal, the appellant argues that along with her provisional experience and experience as a Personnel Aide 1, she accrued applicable experience as a Senior Clerk Typist.

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 the requirements for admittance to the examination or for credit in the examination process.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant had two years and nine months of applicable experience based on her provisional service in the subject title from April 2017 to the July 21, 2017 closing date and as a Personnel Aide 1 from November 2014 to April 2017. However, the appellant's applicable experience as a Senior Clerk Typist¹ from April 2008 to November 2014 was out-of-title. Therefore, the appellant lacked one year and three months of applicable experience. However, Jessica Chianese, Manager 2, Human Resources, Department of Law and Public Safety, confirmed that the appellant performed the required technical, clerical personnel work as a Senior Clerk Typist from April 2008 to November 2014 due to the hiring freeze, which left her section understaffed. Additionally, the examination was cancelled due to a lack of qualified candidates and the appellant continues to serve provisionally in the subject title. Accordingly, good cause is established to accept the appellant's 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, the cancellation of the examination be rescinded, and the appellant's 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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE DAY OF , 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

¹ The appellant also served as a Clerk Typist or Senior Clerk Typist from February 2005 to April 2008 and these experiences were not applicable.

Inquiries
and
Correspondence

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

c: Marilyn Sanchez
Jessica Chianese
Kelly Glenn
Records Center