



**STATE OF NEW JERSEY**

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

In the Matter of Diane Koval,  
Administrative Assistant 3  
(PS1038T), Motor Vehicle  
Commission

Examination Appeal

CSC Docket No. 2021-351

**ISSUED: FEBRUARY 5, 2021 (HS)**

Diane Koval appeals the determination of the Division of Agency Services (Agency Services), which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Administrative Assistant 3 (PS1038T), Motor Vehicle Commission (MVC).

The subject examination was announced with a closing date of December 23, 2019 and was open to employees who possessed a Bachelor's degree and one year of experience in a business or government agency providing administrative support services and/or coordinating work activities. Applicants who did not possess the required education could substitute, in addition to the required experience, applicable experience on a year for year basis, with 30 semester hour credits being equal to one year of experience. The examination resulted in an eligible list of one name that promulgated on September 24, 2020 and expires on September 23, 2023. The list has not been certified.

On her application, the appellant did not indicate possession of the required education. Therefore, pursuant to the substitution clause for education, the appellant needed five years of experience. The appellant did list possession of 24 semester hour credits. She also listed her experience, in relevant part, as a Secretarial Assistant 1, Non-Stenographic with the MVC from February 2018 to December 2019; Legal Secretary with Angelini Viniar & Freedman from April 2007 to September 2011; and Legal Assistant with Mattleman, Weinroth & Miller from September 2003 to November 2007. The appellant indicated that her major duties as a Legal Secretary included the following: typing dictation for three attorneys; handling phone calls;

initiating conference calls; following up on all incoming and outgoing mail; data entry of client information via Access; entering all time for attorneys into billing screen using Verdict 10 software; assisting with various types of estate planning documents; witnessing client signatures and/or notarizing for finalization; drafting complaints, summonses and various correspondence to courts for eviction proceedings and collections; typing exams, syllabus and assignments for Senior Partner/Professor; and assisting paralegal with backflow work/projects to meet deadlines. The appellant indicated that her major duties as a Legal Assistant included the following: providing administrative support for two attorneys in the family law department of a large pre-paid law firm that handled a significant volume of clients; handling 10 phone lines and assisting clients; coordinating attorney calendar and scheduling meetings and other activities; typing and proofing petitions, orders, briefs, complaints, subpoenas, letters, memoranda, interrogatories and answers to interrogatories; preparing correspondence for contested and uncontested divorce; acting as secretary/backup receptionist; typing dictation for eight attorneys; preparing and proofing various legal documents and agreements; drafting and maintaining Case Information Statements (family law software); and documenting all comments and notes for each case (Novell).

Agency Services credited the appellant with the equivalent of nine months of experience based on the 24 semester hour credits she possessed. It also credited the appellant with one year and 11 months of experience based on her experience as a Secretarial Assistant 1, Non-Stenographic, an approved bridge title. Her experience in the Legal Secretary and Legal Assistant positions was not credited as it primarily focused on secretarial clerical work. Therefore, Agency Services deemed the appellant ineligible since she lacked two years and four months of experience and thus, per the substitution clause for education, did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission (Commission), the appellant maintains that she possesses sufficient experience.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. Nevertheless, the Commission finds that it is now appropriate to admit her. In this regard, the record evidences that the examination situation is not competitive since the resulting eligible list promulgated with only one name. And although the appellant's experience as a Legal Secretary and Legal Assistant does not precisely mirror the requirements listed on the announcement, the Commission is satisfied that the totality of her varied

secretarial clerical work in these positions warrants her admission to the subject examination. Moreover, the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, based on the totality of the circumstances in this matter, good cause exists to admit the appellant to the examination. This remedy is limited to the facts of this case and may not be used as precedent in any other matter.

### ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed for prospective employment opportunities.

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 3<sup>RD</sup> DAY OF FEBRUARY 2021

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
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