

**STATE OF NEW JERSEY** 

In the Matter of Maria Borrani, Senior Clerk Transcriber, Woodbridge Township	::	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket No. 2021-1642	:	Examination Appeal
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		<b>ISSUED: JULY 26 2021</b> (RE)

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Maria Borrani appeals the determination of the Division of Agency Services (Agency Services) which found that she was below the minimum requirements in experience for the qualifying examination for Senior Clerk Transcriber, Woodbridge Township.

The appellant was provisionally appointed, pending qualifying demotional examation, to the title of Senior Clerk Transcriber, Bilingual in Spanish and English, effective June 29, 2020 The requirements for the subject title are one year of experience in the transcription of dication using recording equipment. The appellant listed three positions on her Application for Qualifying Examination, provisional Senior Clerk Transcriber, Municipal Deputy Court Administrator, and Assistant Violations Clerk Typing. She was credited with eleven months of applicable experience in her provisional position, and found to be lacking one month of required experience. Therefore, the appellant did not pass the qualifying demotional examination.

On appeal, the appellant states that she transcribed court recordings as needed while in her postiions as Municipal Deputy Court Administrator, and Assistant Violations Clerk Typing. She also submits duties for additional positions which were not listed on her qualifying examination. She argues that she has over two years of experience in transcribing documents. Official records indicate that she has been returned to her Municipal Deputy Court Administrator title.

## CONCLUSION

*N.J.A.C.* 4A:4-7.8(c) states, in pertinent part, that the employee shall be appointed pending examination and satisfactory completion of the working test period. An employee who fails the examination or is released at the end of the working test period shall be restored to his or her permanent title, unless disqualified for further employment.

*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.

At the outset, qualifying experience has the required experience as the primary focus. As this is a qualifying examination, a revised application is not acceptable. The qualifying examination is still an examination, and not an application to be considered for eligibility. As the original application is the "test paper," additional information on positions not originally given but provide on appeal cannot be considered.

Based on the duties provided on the qualifying examination, the appellant's positions as a Municipal Deputy Court Administrator, and Assistant Violations Clerk Typing did not have the required experience as the primary focus, as the appellant did not indicate any transcribing duties. In her appeal, the appellant stated that she performed transcription while in these positions. Based on a review of the duties, transcription was not the primary focus, but was an ancillary duty. However, the appellant was in these titles for over seven years, from February 2013 to her June 29, 2020 appointment as a Senior Clerk Transcriber, Bilingual in Spanish and English. Although her transcription duties were not the primary focus of her positions as a Municipal Deputy Court Administrator and Assistant Violations Clerk did not have transcription as their primary focus, the Civil Service Commission is satisfied that the totality of her transcription experience in these titles for over seven years equates to at least one month of the required experience and warrants her passing the qualifying portion of this demotional examination. Lastly, the position is likely misclassified as a Municipal Deputy Court Administrator. For these reasons, good cause exists to relax N.J.A.C. 4A::4-7.8(c) and find that the appellant passed the qualifying examination, and, if she has not already done so, she should be tested for the Bilingual Communicative Ability Test (BiCAT).

This shall not be used as precedent in any other matter.

## ORDER

Therefore, it is ordered that this appeal be granted.

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 21<sup>ST</sup> DAY OF JULY, 2021

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Deirdré L. Webster Cobb Chairperson Civil Service Commission

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