



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Patricia Romano,
Administrative Secretary (PM0504C),
Jefferson

CSC Docket No. 2022-82

Examination Appeal

ISSUED: SEPTEMBER 7, 2021 (SLK)

Patricia Romano appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Administrative Secretary (PM0504C), Jefferson.

The subject examination's closing date was January 21, 2021. The experience requirements were five years of experience in the capacity of a secretary to an executive or administrative official in a public or private organization. The appellant was the only candidate and the examination was cancelled due to a lack of qualified candidates.

On her application, the appellant indicated that she was provisionally serving in the subject title from January 2005 to the January 21, 2021 closing date although she did indicate that she was also a Clerk 3, Keyboarding Clerk 2, and Keyboarding Clerk 1 during this time. Personnel records indicate that the appellant was provisionally serving in the subject title from August 2020 to the January 21, 2021 closing date, a Clerk 3 from January 2020 to August 2020, a Contract Administrator 1 from January 1, 2020 to January 20, 2020, a Clerk 3 from November 2008 to January 1, 2020, a Keyboarding Clerk 2 from October 2005 to November 2008, and a Keyboarding Clerk 1 from January 2005 to October 2005. Agency Services credited the appellant for having six months of experience based on her provisional service in the subject title, but determined that she lacked four years and six months of experience.

On appeal, the appellant asserts that she has been performing the required duties out-of-title since 2015, when she was working for the then-Director of Public Works and Township Engineer, who managed a department of at least 20 employees and she submits a January 1, 2016, performance evaluation from him to demonstrate that she was performing out-of-title duties. Thereafter, she indicates she began working for the subsequent Township Engineer performing all the duties that she currently performs while provisionally serving in the subject title except communicating with elected officials. Additionally, she submits a June 2021 letter from the Township Engineer who clarifies that the appellant performed the duties of the subject title for him from April 2006 to October 2007 and March 2012 to April 2013, and then she performed the required duties while he ran the engineering department from January 2016 to the present.

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.

N.J.A.C. 4A:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject title as she did not clearly indicate that she was performing secretarial duties outside of her provisional service in the subject title. Additionally, the appellant did not provide any confirmation from the appointing authority with her application that she performed out-of-title duties. However, on appeal, the appellant submits a letter from the Township Engineer which clarifies and confirms that while he was an administrative official in charge of the engineering department, the appellant was performing out-of-title secretarial duties for him since 2016 as well as other previous times due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title and the examination was cancelled due to a lack of qualified candidates. Accordingly, in this matter, the Commission finds good cause under *N.J.A.C.* 4A:4-2.1(g) and *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's clarified and verified out-of-title experience, for eligibility purposes only, and admit her to the examination.

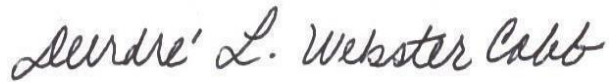
This determination is limited to the instant matter and does not provide precedent in any other matter.

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 1ST DAY OF SEPTEMBER, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris 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: Patricia Romano
Debra Millikin
Division of Agency Services
Records Center