



STATE OF NEW JERSEY

In the Matter of Lina Sanchez, Clerk
3 (PC4384C), Union County

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

CSC Docket No. 2022-810

Examination Appeal

ISSUED: JANUARY 21, 2022 (SLK)

Lina Sanchez appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Clerk 3 (PC4384C), Union County.

The subject examination’s closing date was August 23, 2021. The experience requirements were two years of experience in clerical work; one year of which must have been performing duties at or equivalent to the Clerk 2 level. A total of six employees applied and three were found eligible. Certification PL211176 was issued containing the names of the three eligibles plus an eligible from a special reemployment list and its disposition is due January 4, 2022. The list expires on September 29, 2024.

On the appellant’s application, she did not indicate any experience. Personnel records indicate that she was provisionally serving in the subject title from June 2020 to the August 23, 2021 closing date, a Clerk 2 from May 2019 to June 2020, a Keyboarding Clerk 1 from October 2017 to May 2019, and a Clerk 1 with Elizabeth from July 2014 to August 2017. Although the subject application did not contain any experience, Agency Services reviewed the appellant’s application for the Clerk 2 (PC2505W), Union County promotional examination, which had an October 22, 2018 closing date. Based on this review, it credited the appellant with having met the general clerical experience requirement, but determined that she lacked one year of clerical experience at the Clerk 2 level.

On appeal, the appellant submits her Bachelor's degree and describes in detail her clerical duties at the Clerk 2 level since May 2019 through the present and her clerical duties as a Clerk 1 from October 2017 to May 2019.

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:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible as she did not list any experience on her application. However, on appeal, the appellant describes how she performed clerical duties at the Clerk 2 level since May 2019 while either serving provisionally in the subject title or as a Clerk 2, which provides her both the required general and Clerk 2 clerical experience by the subject examination's August 23, 2021 closing date. Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend her application. Specifically, agency records indicate that there are currently four employees provisionally serving in the subject title. Therefore, the subject list is incomplete based on the number of anticipated permanent positions that are expected to be filled in the subject title. Additionally, the appellant continues to successfully serve in the subject title. Further, the Commission notes that 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). In this regard, the Commission finds that the appellant has demonstrated that she has the required experience for the subject title by the closing date, which, based on the circumstances presented, warrants her admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit the appellant.

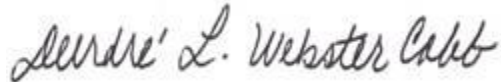
The Commission cautions the appellant that, in the future, she should ensure that any applications are fully and completely filled out as her failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, 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 19TH DAY OF JANUARY, 2022



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