



Specifically, Ms. McQueen was credited with 11 months of provisional experience that she gained in the subject title. On appeal, Ms. McQueen provided a resume indicating that she possessed two years and three months of clerical experience from September 2017 to November 2019 as a Technician Clerk with the New Jersey Motor Vehicle Commission which was not originally listed on her application.

Ms. Vaughn-Carswell was credited with one year and two months of provisional experience she gained in the subject title. Agency Services determined that, in her position as a Family Advocate from April 2016 to July 2019, there were some aspects of clerical duties, but those duties were not the primary focus of her job function. It is noted that upon a review of these duties, Ms. Vaughn-Carswell performed some clerical duties for over three years equaling to one year of pro-rated general clerical experience.

Mr. DeOliveira was not credited for his work as a Community Engagement Specialist<sup>1</sup> from September 2019 to September 2020, as Agency Services determined that although Mr. DeOliveira performed some aspects of clerical duties, such duties were not the primary focus of his job function. Mr. DeOliveira also did not receive any credit in his position as a Teacher Para-professional from September 2016 to June 2019 since it was determined that there was no indication of clerical experience. On appeal, he maintains that he has the required two years of experience.

Mr. Pared was credited with six months of experience in his position as a Pre-Underwriter. Upon a re-review of his eligibility as a Per-Diem Aide with the Newark School District from March 2019 to June 2019, Agency Services determined that there were some aspects of clerical duties. It is noted that a review of agency records indicates that Mr. Pared possessed one year and two months of provisional experience in the subject title as of the examination closing date which he did not receive credit for since it was not listed on his application. He was appointed provisionally pending open competitive procedures effective August 5, 2019.

Ms. Rosario was credited with one year and two months of general experience for her part-time position as a Guest Service Associate. Ms. Rosario's experience as a part-time Student Team Leader was also credited and pro-rated to two years and 11 months of general experience. However, Agency Services determined that she lacked the required Clerk 2 level experience.

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<sup>1</sup> It is noted that the Newark School District appointed employees into "unaffiliated" titles and did not properly record their appointments with this agency. Upon referral of the matter to the Commission, the appointing authority was ordered to record the appointments. *See In the Matter of Newark School District* (CSC, decided August 16, 2017). At the time, the positions of individuals who were serving in the "unaffiliated" Community Engagement Specialist title were classified to Senior Community Aide Schools, a Civil Service title. The duties described by some of the appellants in the former title appear to be performing at or above the Clerk 2 level.

Ms. Colon was credited with one year and three months of provisional experience she gained in the subject title. However, she did not receive any credit for the positions she held with the Newark School District as a Community Engagement Specialist from October 2016 to June 2019, a Family Advocate from September 2013 to October 2016, a Personnel Aide from September 2010 to October 2013, a Substitute Teacher from February 2004 to June 2013, or a Technology Coordinator from January 2006 to June 2008, as Agency Services found no indication of clerical work in any of these positions. On appeal, Ms. Colon maintains that she has been performing the same Clerk 3 duties since her appointment as a Community Engagement Specialist.

Ms. Jones was not credited for her work as a per-diem Custodial Worker. Agency Services determined that she performed some aspects of clerical duties, but the primary focus of her job function was custodial. On appeal, Ms. Jones stated that for the last three years, she had been acting as an “interim” Clerk performing clerical duties for the Department of Custodial Services. Along with her appeal, Ms. Jones submitted a letter of recommendation from the Director of Custodial Services in support of her claim. Additionally, a review of her application revealed she worked part-time for two years and eight months in Clerical Support/Management & Business Operation as an intern which was not part of her college curriculum.<sup>2</sup>

Ms. Ramos was credited with three months of provisional experience she gained in the subject title. She was also credited with a total of three years and three months of general experience in her previous positions as a Bank Teller with Washington Mutual/JP Morgan Chase from 2007 to 2010 and with Hudson City Saving Bank from 2004 to 2006. Ms. Ramos did not receive any credit for her positions as a Para-professional/Personal Aide and Parent Volunteer with the Newark School District. Thus, Agency Services determined that she lacked the required Clerk 2 level experience.

In addition to the information provided by the individual appellants noted above, on appeal to the Civil Service Commission (Commission), the appellants generally state that it is their belief that they met the announced requirements for the subject examination prior to the closing date based on their provisional service in the subject title, clerical duties that they performed while in other positions that were not considered as clerical, and the submission of clarification and/or additional work experiences submitted along with their appeals.<sup>3</sup>

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<sup>2</sup> It is noted that Agency Services found discrepancies between the information Ms. Jones submitted on appeal versus her work history in the County and Municipal Personnel System (CAMPS). Therefore, it is directed that the appointing authority review and revise Ms. Jones’ CAMPS records to accurately reflect her employment history with the Newark School District.

<sup>3</sup> Some of the appellants provided their college transcripts. However, there was no substitution clause for experience, where education could be substituted for experience.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. Moreover, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

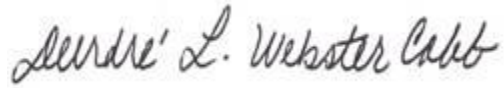
In this matter, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2, which provides that all requirements must be met by the closing date, for eligibility purposes, and admit the appellants to the subject examination based on the clarification of their duties and the totality of their clerical work experiences, which include duties at or above the Clerk 2 level, at the time of the announcement. Further, as noted previously, since the subject examination has not yet been administered and most of the appellants are serving provisionally in the subject title, the Commission finds good cause to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and to accept work not listed on the initial application after the closing date for those employees who mistakenly failed to do so. If such work experience had been listed, the appellants in question would have been found eligible. Finally, allowing the appellants to be admitted to the subject examination minimally increases the candidate pool. Therefore, based on all of the foregoing, the appellants should be admitted to the subject examination. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998).

## ORDER

Therefore, it is ordered that these appeals be granted, and the appellants' applications be processed for prospective employment opportunities only.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 23<sup>RD</sup> DAY OF MARCH, 2022



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Kristin Vaughn-Carswell (CSC Docket No. 2022-175)  
Daniel DeOliveira (CSC Docket No. 2022-282)  
Nelson Pared (CSC Docket No. 2022-283)  
Celeste Rosario (CSC Docket No. 2022-292)  
Yvette Colon (CSC Docket No. 2022-300)  
Chondequia Jones (CSC Docket No. 2022-336)  
Vanessa Ramos (CSC Docket No. 2022-494)  
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