



STATE OF NEW JERSEY

In the Matter of Lizbeth Murray, *et al.*,
Clerk 3 (M0569B),
Newark School District

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

CSC Docket Nos. 2022-159, *et al.*

Examinations Appeals

ISSUED: MARCH 25, 2022 (RAM)

Lizbeth Murray, Jasmine Parker, and Bernadette Lopez¹ appeal the determinations of the Division of Agency Services (Agency Services) which found that they did not meet the experience requirements for the open competitive examination for Clerk 3 (M0569B), Newark School District, due to incomplete applications. These appeals have been consolidated due to common issues presented.

By way of background, the announcement for the subject examination was issued on September 1, 2020 and was open to candidates who met the residency requirement as of the September 21, 2020 closing date and possessed two years of experience in clerical work, one year of which must have been performing duties at or equivalent to a Clerk 2 level. It is noted that 301 applicants have been admitted to the subject examination, which has not yet been administered.

Agency Services' review of the appellants' applications found that they did not list any work experience on their applications and did not submit their resumes. Therefore, they were found to be lacking the two years of applicable experience as of the September 21, 2020 closing date.

On appeal to the Civil Service Commission (Commission), Ms. Murray submits her resume to support her claim that she is eligible for the Clerk 3 (M0569B)

¹ Agency records indicate that Messes. Murray, Parker, Lopez have been serving in the title of Clerk 3, pending open competitive examination procedures, with the Newark School District since August 25, 2020, September 8, 2020, and October 28, 2019, respectively.

examination and requests that the Commission reconsider her eligibility for the subject examination.

On appeal, Ms. Parker states that after she received the notice of ineligibility for the Clerk 3 (M0569B) examination, she contacted this agency and was advised that she was found ineligible as she did not submit any work history. Ms. Parker further indicates that she remembers attaching her resume, but she was not sure if a technical error occurred on her end as to why her resume was not attached with her application. Ms. Parker presents her resume along with her appeal and requests that it be reviewed in order to determine her eligibility for the subject examination. She also submits her unofficial college transcripts.²

On appeal, Ms. Lopez submits her resume for review. She requests that the Commission reconsider her eligibility and allow her to take the subject examination so that she may keep her current position as a Clerk 3 with the Newark School District.

It is noted that the appellants' resumes were forwarded to Agency Services for review. Agency Services indicates that the appellants would have met the eligibility requirements for the subject examination prior to the closing date had they submitted their work history.

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.

Agency Services correctly determined that the appellants were ineligible for the subject examination because they failed to include any employment information on their applications nor did they submit resumes prior to the September 21, 2020 closing date. However, upon a review of the appellants' resumes submitted on appeal, Agency Services indicates that the appellants would have met the eligibility requirements for the subject examination prior to the closing date.

Thus, the Commission finds that, for examination eligibility purposes, the appellants possessed the applicable experience for the subject examination at the time of the announcement. *See N.J.A.C.* 4A:4-2.3(b)2. Moreover, the appellants are serving provisionally in the subject title and the examination has not yet been

² It is noted that there was no substitution clause for experience, where education could be substituted for experience.

administered. Under these circumstances, the Commission concludes that good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and to accept the work experience of the appellants. Moreover, to allow the appellants to be admitted to the subject examination would minimally increase the candidate pool. Therefore, they 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).

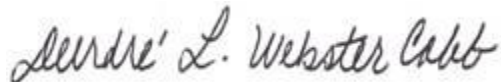
The Commission cautions the appellants that, in the future, they should ensure that any applications are fully and completely filled out as a failure to do so will be cause for rejection from the selection process. It is noted that the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

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 23RD DAY OF MARCH, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Lizbeth Murray (CSC Docket No. 2022-159)
Jasmine Parker (CSC Docket No. 2022-194)
Bernadette Lopez (CSC Docket No. 2022-349)
Yolanda Mendez
Division of Agency Services
Records Center