



STATE OF NEW JERSEY

In the Matter of Julie Pietropinto,  
Administrative Secretary (PC4203C),  
Morris County

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

CSC Docket No. 2023-1

Reconsideration

**ISSUED: JULY 25, 2022 (SLK)**

Morris County, represented by Stephen E. Trimboli, Esq., on behalf of Julie Pietropinto, requests reconsideration of *In the Matter of Julie Pietropinto* (CSC, decided May 18, 2022) where the Civil Service Commission (Commission) denied her appeal of the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the for the promotional examination for Administrative Secretary (PC4203C), Morris County.

By way of background, the subject examination’s closing date was July 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. Successful completion of a two-year program in secretarial science at an accredited university could have been substituted for two years of experience. Pietropinto was the only applicant. Agency Services credited Pietropinto with 10 months of experience based on her provisional service in the subject title, but determined that she lacked four years and two months of experience. Specifically, Agency Services found that if Pietropinto was performing the required duties while serving in clerical titles, her duties would be out-of-title. Therefore, the examination was cancelled due to a lack of qualified candidates.

On appeal, the Division of Appeals and Regulatory Affairs (DARA) reached out to Morris County via email on November 9, 2021, and had followed-up with emails on January 4, 2022, January 27, 2022, March 3, 2022, March 8, 2022, and April 20,

2022<sup>1</sup> to confirm Pietropinto's out-of-title work, but it did not receive the requested confirmation. Therefore, the Commission found that there was no good cause to accept Pietropinto's out-of-title experience for the subject examination and her appeal was denied.

On reconsideration, Morris County asserts that there has been clear, material error. It notes that the Commission's decision indicated that DARA reached out to it on January 4, 2022, January 27, 2022, March 3, 2022, and March 8, 2022 and DARA never received the requested confirmation of Pietropinto's out-of-title work. However, Morris County presents that it did submit a letter to DARA on March 3, 2022, explicitly confirming Pietropinto's relevant out-of-title work from January 2016 through October 2020. Further, it argues that any confusion with respect to said submission was not Pietropinto's fault and should not be held against her. Morris County's appointing authority submits a certification stating that she sent the March 3, 2022, letter and attaches said letter.

### CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) provides that a request for reconsideration must show the following:

1. The new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

*N.J.A.C.* 4A:2-1.4(c) provides that the appellant has the burden of proof.

*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.

Initially, the Commission is perplexed by Morris County's actions in this matter. If Morris County sent its confirmation of Pietropinto's out-of-title work in a March 3, 2022, letter, it is unclear when DARA reached out to Morris County on March 8, 2022, and April 20, 2022, indicating that it still had not received said

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<sup>1</sup> This agency's April 20, 2022 email indicated that if a response was not received by April 29, 2022, the matter would be presented to the Civil Service Commission based upon the existing record. A contact for the appointing authority acknowledged receiving this email and indicated that the message was forwarded to the appointing authority, but a response was never received.

confirmation, why Morris County did not respond by attaching the confirmation. As such, Morris County has not presented legitimate reason why it could not have ensured that this agency received the confirmation prior to the Commission issuing its decision. As such, the Commission's decision was not in error based on the existing record.

Regardless, on reconsideration, Morris County provides the document which confirms that Pietropinto had been performing the required duties for the required time, albeit out-of-title. Moreover, Pietropinto continues to serve provisionally in the subject title and the examination was cancelled due to a lack of qualified candidates. Accordingly, in this matter, based on these circumstances and for strictly equitable reasons as it was Morris County's responsibility, and not Pietropinto's to provide confirmation of her out-of-title work, the Commission finds good cause under *N.J.A.C. 4A:4-2.6(c)* to accept Pietropinto's verified out-of-title experience, for eligibility purposes only, and admit her to the examination.

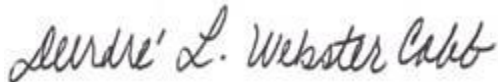
This determination is limited to the instant matter and does not provide precedent in any other matter.

### ORDER

Therefore, it is ordered that this reconsideration is granted, the cancellation of the examination announcement be rescinded and Julie Pietropinto'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 20<sup>TH</sup> DAY OF JULY 2022




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