

## STATE OF NEW JERSEY

In the Matter of Yakema Coleman, Social Worker (PC4941C), Passaic County Board of Social Services

CSC Docket No. 2023-445

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Reconsideration

ISSUED: September 21, 2022 (SLK)

Yakema Coleman requests reconsideration of *In the Matter of Yakema Coleman* (CSC, decided June 15, 2022) where the Civil Service Commission (Commission) denied her appeal of the determination of the Division of Agency Services (Agency Services) that she lacked the required amount of permanent status in a title to which the Social Worker (PC4941C), Passaic County Board of Social Services, examination was open.

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The examination at issue was announced open to employees in the competitive division who currently serve in the title of Social Service Technician and who had an aggregate of one year of continuous permanent service as of the November 22, 2021, closing date in that title. A total of 24 employees applied to the subject examination and 12 were admitted. The test was administered on September 8, 2022, and the list has not yet promulgated.

A review of personnel records indicates that the Coleman's permanent title as of the closing date was Human Services Specialist 1. Therefore, Agency Services determined that Coleman was not eligible for the subject examination because she was not permanent in a title to which the examination was open. In its prior decision, the Commission found the appellant's appeal untimely, and regardless, agreed that she was properly found ineligible by Agency Services for the reasons expressed.

On reconsideration, Coleman presents that in the Commission's prior decision, it incorrectly indicated that her movement from Social Service Technician to Human Services Specialist 1 was a promotion and not a lateral transfer. Additionally, she provides that the prior decision stated that personnel records did not indicate that she was currently provisionally serving in the subject title and, instead, indicated that she is currently serving as a Human Service Specialist 1. However, she submits a letter from a Personnel Officer for the appointing authority, who indicates that Coleman was provisionally appointed in the subject title, effective June 1, 2022. The Personnel Officer also indicates that Coleman was laterally moved from Social Service Technician to Human Service Specialist 1 on October 29, 2012, and she served as a Human Service Specialist 1 until May 31, 2022.

## 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)1 provides that applicants for promotional examinations shall have one year of continuous service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

In this matter, Coleman failed to meet the standard for reconsideration as she has not submitted new or additional information not presented at the original proceeding, which would change the outcome, nor has she presented that clear material error occurred. In the prior decision, the Commission found her appeal untimely. Coleman has not addressed this finding on reconsideration or submitted any evidence that indicates that the Commission's finding in this regard was incorrect. Therefore, her request for reconsideration is denied as an appeal found to be untimely cannot be reconsidered without first reversing that finding.

Regardless, regarding the reconsideration merits, the subject examination was open to employees in the competitive division who were currently serving in the title of Social Service Technician and who had an aggregate of one year of continuous permanent service as of the November 22, 2021, closing date in that title. Therefore, even if Coleman was provisionally appointed to the subject title effective June 1, 2022, this has no relevance to the determination that she was not permanent as a Social

Service Technician as of the closing date. Similarly, whether Coleman's movement from Social Service Technician to Human Service Specialist 1 in 2012 was a promotion or lateral movement, this has no relevance to the determination that she was not serving as a Social Service Technician as of the closing date.<sup>1</sup>

## ORDER

Therefore, it is ordered that reconsideration be denied.

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 21<sup>ST</sup> DAY OF SEPTEMBER, 2022

## Dolores Gorczyca

Dolores Gorczyca Presiding Member Civil Service Commission

Inquiries and Correspondence

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c: Yakema Coleman Talisa Coleman Agency Services Records Center

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<sup>&</sup>lt;sup>1</sup> Coleman's County and Municipal Personnel System (CAMPS) record does not indicate that she is provisionally serving in the subject title. Further, it also indicates that her movement to Human Services Specialist 1 was a promotion and not a lateral movement. It is noted that Social Service Technician and Human Services Specialist 1 both are class code 12 titles, which indicates that this was a lateral movement. If there are errors in Coleman's CAMPS record, the appointing authority is directed to correct them. Regardless, any such errors do not impact this decision.