



**STATE OF NEW JERSEY**

In the Matter of Ana Bernard Ocasio,  
Clerk 3 (PC3782D), Essex County

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

CSC Docket No. 2022-3222

**Examination Appeal  
CORRECTED DECISION**

**ISSUED:** August 22, 2023 (PS)

Ana Bernard Ocasio appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the requirements for the promotional examination for Clerk 3 (PC3782D) Essex County.

By way of background, the promotional examination for Clerk 3 (PC3782D), Essex County was open to, in pertinent part, employees in the competitive division who had an aggregate of one year of continuous permanent service and possessed two years or clerical experience, with one year at the Clerk 2 level, as of the closing date of March 2, 2022. The resultant list, containing 13 eligibles, promulgated on September 8, 2022 and expires on September 7, 2025. A review of personnel records indicated that the appellant had not received a regular appointment to the competitive division Keyboarding Clerk 2 title as of the closing date. As such, Agency Services determined that the appellant was not eligible for the subject examination since she was not permanent in a competitive division title as of the closing date.

On appeal, the appellant presents that she has been employed with Essex County since October 2011. She states that she was promoted to Keyboarding Clerk 2 on September 18, 2017, in a permanent capacity. In support of her appeal, she has provided documentation including a copy of a Personnel Action Form which was submitted to reflect her promotion to Keyboarding Clerk 2 in 2017.

A review of the record finds that the last certification of the eligible list for Keyboarding Clerk 2 (PC1867R) was issued to Essex County on May 11, 2017 (PL170593) with the names of six eligibles, including the appellant and was returned on November 2, 2017. In disposing of the certification, Essex County did not record the appointment of the appellant or Kanisha Mickens.

Upon contacting Essex County regarding this matter, the County indicates that “due to a communication error on the part of the County,” the appellant and Mickens “were not appropriately recorded on the Certification of Eligibles when the list was sent to Civil Service for disposal.” The County indicates that it “had sought to amend the date of disposal of November 2, 2017, but failed to adequately record the correct disposal information.” The County adds that the appellant and Mickens “have completed their probationary periods and according to their department heads have been and continue to be exemplary officers.” The County requests that “their service time be correctly recorded to allow them to revive the list and appoint them appropriately.”<sup>1</sup>

## CONCLUSION

*N.J.A.C.* 4A:4-3.4 provides, in pertinent part, that an expired eligible list may be revived to correct an administrative error.

As noted previously, the appellant and Mickens appeared on the certification for Keyboarding Clerk 2 (PC1867R) (PL170593). However, due to administrative error, their appointments were not recorded when Essex County returned the certification. Furthermore, the County indicates that these individuals have successfully completed their respective working test periods and continue to serve as exemplary employees.

Therefore, based on the foregoing, it is appropriate to revive the list for Keyboarding Clerk 2 (PC1867R), Essex County, and to grant retroactive dates of permanent appointment to the appellant and Mickens, effective September 18, 2017.

With respect to eligibility for the promotional examination for Clerk 3 (PC3782D), Essex County, this examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service and met the experience requirements as of the closing date of March 2, 2022. As noted previously, the appellant and Mickens have been performing the duties of Keyboarding Clerk 2 in Essex County since 2017 and, by virtue of the above, have been afforded permanent appointments in that title as of September 18, 2017. Thus, as of the March 2, 2022, closing date, they had met the requisite eligibility requirements.

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<sup>1</sup> Mickens, who applied for the subject test, did not appeal the issue of her eligibility.

**ORDER**

Therefore, it is ordered that the eligible list for Keyboarding Clerk 2 (PC1867R), Essex County, be revived and Ana Bernard Ocasio and Kanisha Mickens be recorded as permanently appointed to the Keyboarding Clerk 2 title effective September 18, 2017. It is also ordered that Ana Bernard Ocasio and Kanisha Mickens be admitted to the Clerk 3 (PC3782D), Essex County, promotional examination 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 19<sup>TH</sup> DAY OF JULY, 2023



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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Ana Bernard Ocasio  
Kanisha Mickens  
Jacqueline Jones  
Division of Agency Services  
Records Center