



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Marilyn Leaty-
Nieves, Supervisor of Accounts
(PM0371U), Plainfield

Examination Appeal

CSC Docket No. 2016-4119

ISSUED: **NOV 16 2016** (SLK)

Marilyn Leaty-Nieves appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the promotional examination for Supervisor of Accounts (PM0371U), Plainfield.

The examination at issue was announced with specific requirements that had to be met as of the February 22, 2016 closing date (see attached). A total of five employees applied for the subject examination and each was deemed ineligible. Accordingly, the examination was cancelled due to a lack of qualified applicants.

On her application, Ms. Leaty-Nieves indicated that she was provisionally serving in the subject title from October 2015 to the February 22, 2016 closing date, a Keyboarding Clerk 4, Bilingual in Spanish and English from June 2006 to October 2015, a Secretarial Assistant from June 2000 to June 2006, a Keyboarding Clerk 2, Bilingual in Spanish and English from August 1998 to June 2000, and an Accounts Payable Specialist for A.C.T. International from July 1996 to August 1998. Personnel records indicate that she was provisionally serving in the subject title from July 2015 to the February 22, 2016¹ closing date, a Keyboarding Clerk 4, Bilingual in Spanish and English from February 2006 to July 2015, a Secretarial Assistant from January 2001 to February 2006, a Secretarial Assistant, Bilingual in

¹ Personnel records indicate that her position was returned to her permanent title, Keyboarding Clerk 4, Bilingual in Spanish and English, in June 2016.

Spanish and English from August 2000 to January 2001, and a Keyboarding Clerk 2, Bilingual in Spanish and English from August 1998 to August 2000. Agency Services credited her with eight months of experience based on her provisional service in the subject title, but determined that she lacked four years and four months of experience.

On appeal, Ms. Leaty-Nieves states that she has more than nine years of the required experience. She describes how she performed the required duties as a Keyboarding Clerk 4, Bilingual in Spanish and English. She also represents that she performed the required duties as an Accounts Payable Specialist for A.C.T. International. She submits a letter from Rick Smiley, City Administrator, who confirms that she was performing the required duties out-of-title as a Keyboarding Clerk 4, Bilingual in Spanish and English since early 2010 due to the appointing authority's downsizing of its staff and limited resources due to budgetary constraints.

CONCLUSION

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, such as a documented affirmative action basis, 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.

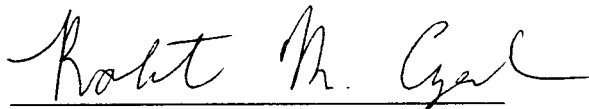
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with eight months of experience based on her provisional service in the subject title, but she lacked four years and four months of the required experience needed to establish eligibility. Any relevant experience the appellant gained as a Keyboarding Clerk 4, Bilingual in Spanish and English would be out-of-title-work. However, Mr. Smiley confirmed that she has been performing the required out-of-title duties as a Keyboarding Clerk 4, Bilingual in Spanish and English since early 2010 due to its limited resources and budgetary constraints. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted and Ms. Leaty-Nieves' 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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Marilyn Leaty-Nieves
Rick Smiley
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



[Click here to file Online](#) Print
\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PM0371U	WEIGHT CODE: *
TITLE: SUPERVISOR OF ACCOUNTS	SALARY: \$59,070.00 - \$78,483.00
ISSUE DATE: February 01, 2016	CLOSING DATE: February 22, 2016
TITLE CODE: 03969/ BXRVR0	JURISDICTION CODE: N20120001
JURISDICTION: PLAINFIELD	
DEPARTMENT: GENERAL GOVERNMENT	

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s):

Assistant Supervisor of Accounts 00755

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Experience: Five (5) years of experience involving the operation and maintenance of a system of accounts.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. (i.e. Police, Fire, Corrections and Sheriff).
6. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.

DPF-256A * Revised 03/09