

B-97



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Evette Robinson,
Department of the Treasury

Request for Administrative Relief

CSC Docket No. 2017-454

ISSUED: DEC 13 2016 (RE)

The Division of Agency Services (DAS) on behalf of the Department of the Treasury, requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Evette Robinson to be provisionally appointed, pending promotional examination procedures, to the competitive title of Senior Clerk.

By way of background, Ms. Robinson was appointed to the noncompetitive title of Data Entry Operator 1 effective May 18, 2013. Ms. Robinson filed a classification appeal, maintaining that her duties were inconsistent with that title. DAS conducted an audit of Ms. Robinson's position and found that the duties that she performed were consistent with the duties of a Senior Clerk, a competitive title, and that the effective date of reclassification would be September 19, 2015. Ms. Robinson was subsequently promoted to Data Entry Operator 2, effective May 28, 2016.

In the instant matter, DAS requests a rule relaxation to permit Ms. Robinson's provisional appointment pending promotional examination procedures to the Senior Clerk title. Since Ms. Robinson's current permanent title of Data Entry Operator 2 is noncompetitive, Ms. Robinson would otherwise be subject to open competitive examination procedures. DAS submits documentation that Ms. Robinson's credentials were reviewed and she meets the requirements for the Senior Clerk title.¹ Moreover, DAS indicates that there is no promotional list or

¹ The open competitive requirement for Senior Clerk is one (1) year of experience in general clerical work.

pending announcement within her unit scope, Revenue and Enterprise Services/Front End Processing (U835). Therefore, DAS maintains that good cause has been presented to justify relaxation of *N.J.A.C.* 4A:4-1.1(c) for Ms. Robinson.

CONCLUSION

N.J.A.C. 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the noncompetitive division of permanent employees who meet the open competitive requirements to: 1) a related entry level title in the competitive division; or 2) in appropriate situations, to a related above-entry level title in the competitive division.

N.J.A.C. 4A:4-2.5(d) provides:

When a promotion is to be made from the noncompetitive division to a related title in the competitive division, the examination shall be open to all permanent employees who meet one of the following:

1. Serving in the next lower or next two lower in-series noncompetitive titles and possessing the complete open competitive requirements;
2. Serving in all related noncompetitive titles and possessing the complete open competitive requirements;
3. All competitive division titles at specified class code levels below the announced title, with or without all or part of the open competitive requirements and all titles as described in (d)1 or 2 above;
4. Competitive division employees who meet complete open competitive requirements and all titles as described in (d)1 or 2 above; or
5. In extraordinary circumstances, the Commission may set another appropriate title scope.

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, Ms. Robinson's position was reclassified to Senior Clerk and for equitable considerations, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) and *N.J.A.C.* 4A:4-2.5(d) and authorize the provisional appointment of Ms. Robinson pending promotional examination procedures. The information that DAS presents supports the relaxation of the foregoing provisions. There is no promotional list or pending examination announcement for the subject title. Additionally, Ms. Robinson meets the requirements for the Senior Clerk title.

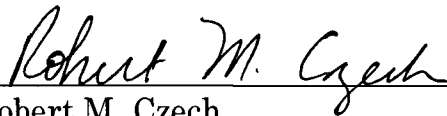
Therefore, a promotional examination announcement shall be issued pursuant to *N.J.A.C.* 4A:4-2.5(d)5. In this regard, the examination shall be announced open in Ms. Robinson's unit scope to employees in the unrelated noncompetitive title of Data Entry Operator 2, who meet the complete open competitive requirements. In order to eliminate any adverse impact on other potentially eligible employees within the unit scope, the promotional examination shall also be announced open to employees deemed appropriate by DAS in accordance with *N.J.A.C.* 4A:4-2.5(d).

ORDER

Therefore, it is ordered that this request be granted and the provisional appointment of Evette Robinson be authorized, pending promotional examination procedures, to the competitive title of Senior Clerk, effective September 19, 2015. Additionally, it is ordered that the promotional examination be announced in the appropriate unit scope in accordance with this decision. Evette Robinson is to provide a copy of this decision with her promotional application upon announcement of the examination.

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
THE 7th DAY OF DECEMBER, 2016



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and
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