

	STATE OF NEW JERSEY
In the Matter of Kimberly Byrd,	: FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

**Examination** Appeal

CSC Docket No. 2018-1539

Public Safety

Agency Services Representative 3 (PS5589P), Department of Law and

ISSUED: APRIL 2, 2018 (SLK)

Kimberly Byrd 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 Agency Services Representative 3 (PS5589P), Department of Law and Public Safety.

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The examination at issue was announced with specific requirements that had to be met as of the August 21, 2017 closing date. The requirements were three years of experience providing information and support to customers or clients, responding to technical inquiries and/or complaints regarding products, services or programs, or collecting payments in a government or office setting. The appellant was the only employee who applied and she was deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified applicants.

Personnel records indicate that the appellant was provisionally serving in the subject title from August 2016 to the August 21, 2017 closing date, a Principal Clerk Transcriber from October 2004 to August 2016, and served in various other clerical positions from June 1990 to October 2004. Agency Services determined that the appellant lacked three years of the required experience.

On appeal, the appellant states that during the entire time she served as a Principal Clerk Transcriber she performed the required customer service duties and was not performing clerical duties. Further, the appellant's supervisor, Jonathan Eisenmenger, Executive Director, confirmed that the appellant has been performing the required duties out-of-title for the past 10 years due to staff attrition and the hiring freeze.

## 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, 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. Specifically, the appellant's applicable experience as a Principal Clerk Transcriber was out-of-title. However, Mr. Eisenmenger confirmed that the appellant performed the required customer service duties for the past 10 years while serving as a Principal Clerk Transcriber due to staff attrition and the hiring freeze. Additionally, the examination was cancelled due to a lack of qualified candidates and the appellant continues to serve provisionally in the subject title. Accordingly, good cause is established to accept the appellant's out-of-title work experience for eligibility purposes only, and admit her to the subject examination.

## ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded, and the appellant'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 27<sup>th</sup> DAY OF MARCH, 2018

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Deirdre L. Webster Cobb Acting Chairperson Civil Service Commission

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