



STATE OF NEW JERSEY

In the Matter of Anika Andrews,	:	FINAL ADMINISTRATIVE ACTION
Executive Assistant 3 (S0982A),	:	OF THE
Statewide	:	CIVIL SERVICE COMMISSION
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CSC Docket No. 2021-280	:	Examination Appeal
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ISSUED: NOVEMBER 27, 2020
(SLK)

Anika Andrews appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the residency requirements for the open competitive examination for Executive Assistant 3 (S0982A), Statewide.

The subject open competitive examination had a closing date of October 21, 2019 and was open to residents of New Jersey. A total of 94 candidates applied for the subject examination. The test has yet to be administered.

On her application, the appellant indicated that she was a resident of Pennsylvania. Additionally, she indicated that she has been employed with the Department of Environmental Protection since November 2001 in addition to other prior employment. Agency Services determined that she was not eligible because she did not meet the residency requirement.

On appeal, the appellant argues that she is exempt from residency requirements since, under the New Jersey First Act, which was effective September 1, 2011, if an individual already works for the State and does not live in New Jersey, they are not required to move to New Jersey. She believes that since she has been employed by the State since November 2001 and has continuously lived in Pennsylvania since February 2007, that she is “grandfathered” and not subject to the residency requirement of the New Jersey First Act. She maintains that out-of-state residents are afforded both interviews and promotional opportunities regularly. She states under the New Jersey First Act, an out-of-state candidate can accept

employment as the candidate is given one year to either file for an exemption or move into the State.

The appellant further asserts that living outside of New Jersey does not in any way impair her ability to perform the duties of the subject title and she asserts that the requirement is arbitrary and punitive to out-of-state residents. She presents that she currently works as an Environmental Specialist and states that she regularly performs duties that fall under the Executive Assistant 3 title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)1 provides that an applicant shall be a resident of the State except when a different residency requirement is specified by law or provided by the Chairperson or designee or it appears that there is an inadequate number of qualified residents available for the title. *N.J.A.C.* 4A:4-2.11(e) provides, unless otherwise specified, residency requirements shall be met by the announced closing date for the examination. *N.J.A.C.* 4A:4-6.3(b) provides, in pertinent part, that the appellant shall have the burden of proof in examination appeals.

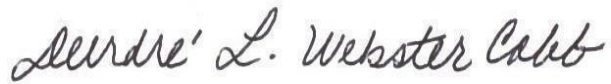
In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination as the subject open competitive announcement indicated that the examination was only open to New Jersey residents as of the October 21, 2019 closing date, and the appellant is a Pennsylvania resident. Further, as there were 94 candidates for the subject examination, the exception under *N.J.A.C.* 4A:4-2.3(b)1 was not met. Regarding the appellant's argument that she is exempt from the New Jersey residency requirement as she was "grandfathered" from this requirement, her exemption from the New Jersey First Act **only applies to her current State position**. *See in the Matter of Michael Velardi* (CSC, decided August 15, 2013). Additionally, concerning her assertion that she had one year under the New Jersey First Act to move to New Jersey if she was appointed to the position, that provision does not apply as the subject announcement **required** New Jersey residency as of the October 21, 2019 closing date, and therefore, she was ineligible under *N.J.A.C.* 4A:4-2.3(b)1. Moreover, it is noted that in State service, promotional examinations do not require any particular residency, and therefore, are not subject to the New Jersey First Act. Finally, with respect to the appellant's statement that she regularly performs duties that fall under the Executive Assistant 3 title, if she believes that Executive Assistant 3 duties are the primary focus of current position, she may file for a request for a classification review.

ORDER

Therefore, it is ordered that this appeal 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 24TH DAY OF NOVEMBER 2020



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