

B-45



STATE OF NEW JERSEY

In the Matter of Deborah Zuczek,
Clerk 3 (PM1620R), Elizabeth

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

DOP Docket No. 2014-2069

Examination Appeal

ISSUED: OCT 06 2014 (JET)

Deborah Zuczek appeals the determination of the Division of Selection Services (Selection Services) that she did not meet the experience requirement for the promotional examination for Clerk 3 (PM1620R), Elizabeth.

The promotional examination was announced with a closing date of July 22, 2013 and was open to individuals in the competitive division who possessed one year of continuous permanent service and met the requirements. The requirements were two years of experience in clerical work; one year of which must have been performing duties at or equivalent to the Clerk 2 level. The announcement resulted in three applicants who were eligible for the examination. One certification was issued and no appointments were made.

A review of the appellant's application reveals that she served as a provisional Clerk 3 from October 2012 to the closing date, as a Data Entry Machine Operator from October 2005 to September 2012, and as a Secretary from September 2004 to April 2005. The appellant also indicated that she served as a General Manager from March 2000 to October 2004, as a Summer Program Supervisor from July 1992 to August 2004, and as a Teaching Assistant from September 1998 to February 2002. Selection Services credited her with one year and six months of experience for her work as a provisional Clerk 3 and as a Secretary, but it did not find any of her other experience applicable. Accordingly, Selection Services determined that the appellant was ineligible for the examination since she lacked six months of applicable experience.

On appeal, the appellant argues, among other things, that she is qualified for the examination. In support, the appellant submits a letter from Bridget S. Zellner, Business Administrator, City of Elizabeth, indicating that the appellant performed the applicable duties of the subject title while serving in the positions of Data Entry Machine Operator and Secretary.

Official personnel records indicate that the appellant continues to serve provisionally in the subject title. Agency records also reflect that subsequent to the closing date of the subject examination, the appointing authority made another provisional appointment to Clerk 3. As such, there are now two provisional appointees to the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the 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.

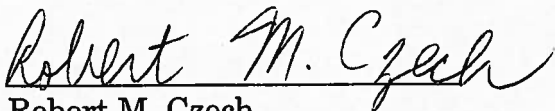
Initially, Selection Services correctly determined that the appellant was not eligible for the subject examination since performing clerical duties at the level of a Clerk 2 is out-of-title work for incumbents in the Data Entry Machine Operator title. However, the appointing authority provided a letter indicating that the appellant performed such duties out-of-title since April 2005. Further, the appellant continues to serve as a provisional Clerk 3. In prior matters, the Civil Service Commission has generally accepted out-of-title experience where there is evidence that the already promulgated list is incomplete or the number of eligibles awaiting the examination would likely yield an insufficient number of eligibles. Although neither is precisely the case in this matter, it cannot be ignored that the appointing authority subsequently made another provisional appointment to the Clerk 3 title in October 2013. In other words, the eligible list is now incomplete. Under these circumstances, good cause exists to accept the appellant's out-of-title work for eligibility purposes only and to admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted 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 1st DAY OF OCTOBER, 2014



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