



STATE OF NEW JERSEY

In the Matter of Cecilia Santos,
Depart of the Treasury

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-3228

Request for Administrative Relief

ISSUED: **SEP 19 2014** (CSM)

The Division of Classification and Personnel Management (CPM), on behalf of the Department of the Treasury (Treasury) requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Cecilia Santos to be provisionally appointed, pending promotional examination procedures, to the competitive title of Personnel Aide 2.

By way of background, Ms. Santos is currently permanent in the non-competitive title of Clerk Typist. As a result of a classification review of her position, CPM determined that the duties and responsibilities of Ms. Santos' position would be appropriately classified by the competitive title of Personnel Aide 2 effective November 2, 2013. However, since her permanent title of Clerk Typist is in the non-competitive division, an appointment to Personnel Aide 2 would have to be recorded as provisional, pending open competitive examination procedures. Thereafter, the appointing authority requested that the Division of Selection Services (Selection Services) review Ms. Santos' credentials to determine if she met the open competitive requirements for Personnel Aide 2. In its May 27, 2014 decision, Selection Services determined that Ms. Santos would meet those requirements if her out-of-title work experience as a Clerk Typist were accepted.

In support of its instant request, CPM presents that, given the findings of the classification study and the fact that Selection Services determined that Ms. Santos possesses the necessary qualifications, albeit out-of-title to establish eligibility, a rule relaxation would permit the provisional appointment of Ms. Santos to a title which properly classifies his responsibilities. It also provides verification from

Treasury that Ms. Santos performed the required out-of-title duties due to business necessity since December 2012.

It is noted that there is no special reemployment or promotional list in Ms. Santos' unit scope for the Personnel Aide 2 title.

N.J.A.C. 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the non-competitive 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) states that when a promotion is to be made from the non-competitive division of the career service to a related title in the competitive division of the career service, 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 non-competitive titles and possessing the complete open competitive requirements; or
2. Serving in all related non-competitive titles and possessing the complete open competitive requirements.

N.J.A.C. 4A:4-2.5(d)5 states that in extraordinary circumstances, another appropriate title scope may be set.

N.J.A.C. 4A:4-2.6(c) provides that 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, unless good cause is shown for an exception.

Finally, *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.

CONCLUSION

In the present matter, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-1.1(c) in order to allow Ms. Santos to be provisionally appointed, pending promotional examination procedures, to the competitive title of Personnel Aide 2, with an effective date November 13, 2013. As a result of such an appointment, it is also appropriate to relax the provisions of *N.J.A.C.* 4A:4-2.5(d) to announce the promotional examination to incumbents serving in the unrelated non-competitive title of Clerk Typist who demonstrate that they meet the complete open competitive

requirements. It is also ordered that any promotional announcement issued for Personnel Aide 2 in Ms. Santos' unit scope be announced open to competitive division employees who meet the complete open competitive requirements and any title scope deemed appropriate by Selection Services. Finally, good cause has been presented to accept Ms. Santos' out-of-title work in order to qualify her for any upcoming promotional examination for the Personnel Aide 2 title.

ORDER

Therefore, it is ordered that this request be granted. It is also ordered that Ms. Santos' applicable out-of-title experience be accepted on a year-for-year basis for a prospective promotional examination for the subject title. Ms. Santos is to provide a copy of this decision with the promotional application that she submits upon examination announcement. In addition, the Division of Selection Services shall also accept applicable and documented out-of-title work experience from other promotional examination applicants.

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 17TH DAY OF SEPTEMBER, 2014



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