

B-122



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Marie Louis-
McQueen, Keyboarding Clerk 2,
(PC0379S), Union County

Examination Appeal

CSC Docket No. 2014-3055

ISSUED: FEB 09 2015 (SLK)

Marie Louis-McQueen appeals the determination of the Division of Selection Services¹ (Selection Services) that she did not meet the experience requirement for the promotional examination for Keyboarding Clerk 2, (PC0379S), Union County.

The examination at issue was announced with specific requirements that had to be met as of the March 21, 2014 closing date (see attached). 46 employees applied for the examination that resulted in a list of 17 eligibles with an expiration date of July 2, 2017. It is noted that two permanent appointments were made from the subject list.

Ms. Louis-McQueen indicated on her application that she was a Clerk 1 from July 1990 to the March 21, 2014 closing date. Selection Services did not credit her with any applicable experience as it commented that although her primary duty is typing, it is out-of-title work.

On appeal, Ms. Louis-McQueen presents that she specifically stated on her application that she is responsible for typing volumes of NJ State IEVS wage match letters and subpoenas and ROI reports, all of which she created and typed on an alphanumeric keyboard. She also states that she performs other complex and non-routine clerical duties as described in her application. She maintains that she has been charged with these responsibilities for the past 20 years and therefore she fails to see how she can be rejected for not meeting the minimum experience

¹ Now known as the Division of Agency Services.

requirements. She also submits a sample document showing her use of keyboard and typing skills.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

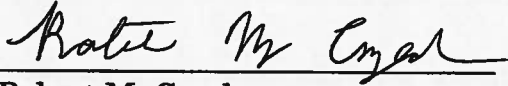
Initially, Selection Services determined that the appellant's primary duty was typing, but her experience was not applicable since it was out-of-title. However, it cannot be ignored that the job specification for Clerk 1 notes that keyboarding/typing duties may or may not be assigned, depending on the needs of the employing agency. Therefore, the Commission finds that the appellant's typing duties were not out-of-title. Further, the subject examination was announced to incumbents in a number of titles in the non-competitive division, including the appellant's title of Clerk 1. It would be inequitable to open the subject announcement to incumbents in the Clerk 1 title and then determine that any typing responsibilities assigned to an applicant would be considered out-of-title work, especially when the job specification indicates that it is appropriate for an appointing authority to assign typing responsibilities based on its needs. In this regard, any experience gained in non-competitive titles deemed by the Division of Agency Services to be related to a competitive title should be accepted as qualifying and would not be considered out-of-title work for eligibility purposes if the applicant indicates the required experience on his or her promotional application. This rationale is consistent with the dual purpose of the Civil Service system to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Accordingly, the Commission is satisfied that the appellant's Clerk 1 experience from July 1990 to the March 2014 closing date warrants her admission to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and Marie Louis-McQueen be scheduled for a make-up examination as soon as possible. If the appellant achieves a passing score, her name should be added to the eligible list and 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 4th DAY OF FEBRUARY, 2015**



**Robert M. Czech
Chairperson
Civil Service Commission**

**Inquiries
and
Correspondence**

**Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312**

Attachment

**c: Marie Louis-McQueen
Norman Albert
Kelly Glenn
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

| | |
|----------------------------|-----------------------------------|
| SYMBOL: PC0379S | WEIGHT CODE: * |
| TITLE: KEYBOARDING CLERK 2 | SALARY: \$37,166.00 - \$53,855.00 |
| ISSUE DATE: March 01, 2014 | CLOSING DATE: March 21, 2014 |
| TITLE CODE: 03256@/CRRVR4 | JURISDICTION CODE: N20000030 |
| JURISDICTION: UNION COUNTY | |
| DEPARTMENT: HUMAN SERVICES | |

RETURN COMPLETED APPLICATIONS TO: **ONLY ON LINE APPLICATIONS
WILL BE ACCEPTED
FOR THIS ANNOUNCEMENT**

Open to employees in the non-competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following in-line title(s) and who meet the requirements listed below:

Account Clerk
Clerk 1
Clerk Transcriber
Keyboarding Clerk 1 01268
Keyboarding Clerk 1 Bilingual in Spanish & English 01271
Telephone Operator

Experience: One (1) year of clerical experience operating an alphanumeric keyboard or typewriter to produce documents such as letters, memos, reports, charts, forms and other materials.

Note: Successful completion of a clerical training program with a minimum of 700 clerical training hours or 30 semester hour credits in secretarial science from an accredited college or university may be substituted for the experience requirement indicated above. Coursework must include keyboarding/typing skills, methods, and procedures; other courses may include, but not be limited to, office procedures, word processing, and business English. You must attach a copy of your transcript, or a list of the applicable courses and credits you have completed, to your application. If you attach a list of courses, you must provide the following information: course title, number of credits earned, name of accredited college/university, and course description. Failure to do so will result in rejection from the examination process.

Note: Applicants will be required to demonstrate proficiency in keyboarding or typing.

Note: A five-minute qualifying typing test (scored on a pass/fail basis) may be scheduled or administered during the interview process. If you have a current typing proficiency certificate you should attach a copy to your application. Applicants who have taken a typing test administered by the Civil Service Commission(CSC) or an approved representative of the CSC and have been issued a scoring report indicating a passing score, or a proficiency certificate, are not required to be tested again. Candidates will be graded on a scale based on the number of errors made. The minimum acceptable typing speed is 40 net words per minute. Net words equals total words per minute minus errors. Keyboards will be provided.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

NOTE: As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. (i.e. Police, Fire, Corrections and Sheriff).
6. SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED! You can now file an application for this examination on-line. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. You can now complete and submit your application and payment on-line to the Civil Service Commission and you will receive an immediate receipt confirmation!

DPF-256A * Revised 03/09