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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Chantae Ramos,  
Department of the Treasury

CSC Docket No. 2015-586

Administrative Appeal

ISSUED: APR 02 2015 (JET)

The Division of Agency (Agency Services), on behalf of the Department of the Treasury, requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Chantae Ramos to be provisionally appointed, pending promotional examination procedures, to the competitive title of Technical Assistant 3.

By way of background, Ramos was appointed to the non-competitive title of Clerk effective January 10, 2005. Further, Ramos submitted a classification request and the Agency Services determined that the proper classification of her position effective September 21, 2013 is Technical Assistant 3. In addition, based on a pre-qualification evaluation of July 9, 2014, it was determined that Ramos possesses nine years and seven months of applicable out-of-title work experience. The appointing authority now requests to appoint Ramos as a provisional Technical Assistant 3 pending promotional examination procedures. However, since she is currently serving in the non-competitive title of Clerk, Ramos would be unable to be provisionally appointed pending promotional examination procedures since Technical Assistant 3 is an unrelated, above entry-level competitive title.

In this matter, Agency Services presents that it is in support of the appointing authority's request to appoint Ramos as a provisional Technical Assistant 3. Further, a classification evaluation determined that the correct classification for Ramos' position is Technical Assistant 3, and she continues to perform those duties on an out-of-title basis. She also possesses nine years and seven months of out-of-title work experience. It is noted that there are no current special reemployment or promotional eligible lists for the subject title. However,

there are currently two provisional employees serving as a Technical Assistant 3 who were unsuccessful in passing the examination for Technical Assistant 3.

### CONCLUSION

*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) provides:

When a promotion is to be made from the non-competitive division to a related title in the competitive division, 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;
2. Serving in all related non-competitive titles and possessing the complete open competitive requirements;
3. All competitive division titles at specified class code levels below the announced title, with or without all or part of the open competitive requirements and all titles as described in (d)1 or 2 above;
4. Competitive division employees who meet complete open competitive requirements and all titles as described in (d)1 or 2 above; or
5. In extraordinary circumstances, the Commission may set another appropriate title scope.

*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.

Additionally, *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.

In the present matter, the record reflects that Clerk and Technical Assistant 3 are not related titles. However, Ramos was assigned out-of-title duties as a Technical Assistant 3 due to the needs of the appointing authority. Further, a

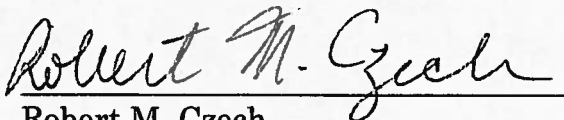
classification review has determined that the proper classification of Ramos' position is Technical Assistant 3. Therefore, for equitable considerations, it is appropriate to relax the provisions of *N.J.A.C. 4A:4-1.1(c)* and *N.J.A.C. 4A:4-2.5(d)* and authorize Ramos' provisional appointment, pending promotional examination procedures, to Technical Assistant 3 effective September 21, 2013. It is also appropriate to accept Ramos' out-of-title work for a prospective, promotional examination for the subject title. Additionally, a promotional examination shall be announced open in Ramos' unit scope to employees in the unrelated non-competitive title of Clerk who meet the complete open competitive requirements. In order to eliminate any adverse impact on other potentially eligible employees within the unit scope, the promotional examination shall also be announced open to employees deemed appropriate by Agency Services in accordance with *N.J.A.C. 4A:4-2.5(d)*. Further, Agency Services shall accept any documented, out-of-title work, from other applicants for the announcement issued as a result of this order.

### ORDER

Therefore, it is ordered that this request be granted and the provisional appointment of Chantae Ramos be authorized, pending promotional examination procedures, to the competitive title of Technical Assistant 3 effective September 21, 2013. Additionally, it is ordered that a promotional examination be announced in the appropriate unit scope in accordance with this decision. Chantae Ramos is to provide a copy of this decision with her promotional application upon announcement of the examination.

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 1<sup>st</sup> DAY OF APRIL, 2015



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