

CSC
B-45



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter Linda M. Santoro,
Secretarial Assistant 3 Non-
Stenographic (PS9433I), Department
of Corrections

Examination Appeal

CSC Docket No. 2015-2449

JUN 08 2015

ISSUED: JUN 09 2015 (BS)

Linda M. Santoro appeals the determination of the Division of Agency Services which found that she did not meet the requirements for the promotional examination for Secretarial Assistant 3 Non-Stenographic (PS9433I), Department of Corrections.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced November 21, 2014 closing date. Specifically, applicants were required to possess three years of experience in secretarial and administrative clerical work. The examination announcement also stipulated that the successful completion of a clerical training program with a minimum of 700 classroom training hours or 30 semester hour credits in secretarial science from an accredited college or university could be substituted for one year of the experience indicated above. Course work must include typing skills, methods, and procedures; other courses may include, but not be limited to, office procedures, word processing, and business English. Records indicate that the subject promotional examination was cancelled on February 26, 2015 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed an Associate's degree in Criminal Justice and that she served as a Principal Clerk from July 2005 through the closing date. However, Civil Service Commission records indicated that she possessed experience as a provisional Secretarial

Assistant 3 Non-Stenography (7/14 to the closing date), and Principal Clerk Bookkeeper (7/05 to 6/14). The Division of Agency Services concluded that the appellant only possessed five months of applicable experience as a provisional Secretarial Assistant 3, Non-Stenographic as of the closing date. Any secretarial or administrative clerical work responsibilities the appellant may have assumed while serving as a Principal Clerk Bookkeeper would constitute out-of-title work. Consequently, the Division of Agency Services did not accept this as qualifying experience and found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that she satisfies the subject requirements. In support of her appeal, the appellant's previous supervisor, James Farley, Business Manager, New Jersey State Prison, Department of Corrections, submitted a letter on the appellant's behalf indicating that, beginning in 2011, due to a staffing shortage in the business office, the appellant provided secretarial and administrative clerical support to the Business Manager by typing memos and other correspondence, answering phones, maintaining commissary catalogues and sending memos to inmates advising them of changes, keeping a log of inmate forms, and a variety of other clerical duties as assigned. The appellant asserts that it was because of her performance in this capacity that she was selected "as an assistant to the Associate Administrator."

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that, as of the November 21, 2014 closing date, the appellant only possessed five months of applicable experience as a provisional Secretarial Assistant 3 Non-Stenographic. On appeal, the appellant claims to have been performing appropriate duties, albeit out-of-title, while serving as a Principal Clerk Bookkeeper and her former supervisor submitted a letter on her behalf indicating the secretarial and administrative clerical duties she performed while serving in her previous capacity. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Secretarial Assistant 3 Non-Stenographic, the subject promotional examination has been cancelled due to a lack of qualified applicants, and this is not a competitive situation. Accordingly, accepting the appellant's out-of-title experience as a Principal Clerk Bookkeeper (2011 to the closing date), for eligibility

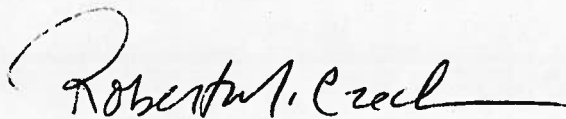
purposes only, will allow the appellant the opportunity to be considered for permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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 3RD DAY OF JUNE, 2015**



Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
And
Correspondence:**

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

**c: Linda M. Santoro
James J. Mulholland
Kelly Glenn
Joseph Gambino**

