

STATE OF NEW JERSEY

In the Matter of Christine Kukoda, Keyboarding Clerk 3 (PM2125V), Hamilton Township FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

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Examination Appeal

CSC Docket No. 2018-1618

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ISSUED: OCTOBER 3, 2018 (WR)

Christine Kukoda appeals the determination of the Division of Agency Services (Agency Services) which found that she was below the minimum requirements in experience for the promotional examination for Keyboarding Clerk 3 (PM2125V), Hamilton Township.

The subject examination was announced with a closing date of August 21, 2017 and was open, in pertinent part, to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title who had two years of clerical experience operating an alphanumeric keyboard or typewriter to produce documents such as letters, memos, reports, charts, forms, and other materials; one year of which must have been performing duties at or equivalent to the Keyboarding Clerk 2 level. Records indicate that the eligible list, which promulgated on November 23, 2017 and expires on November 22, 2020 was exhausted, as the only eligible was appointed, effective November 27, 2017.

On her application, the appellant listed as having worked in the subject title provisionally since May 2017 as her only experience. Agency Services credited the appellant with only four months experience and consequently determined that the appellant was ineligible for the subject examination.

On appeal, the appellant contends that she has been performing typing duties for the appointing authority since October 2013 in the titles of: Clerk, Senior

Clerk and Senior Clerk Typist.¹ She submits a letter of support from Louis Guarino, Personnel Officer, who states that typing has been "a significant portion" of the appellant's duties since April 2015.

2

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. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *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, Agency Services correctly determined that the appellant was not eligible for the subject examination as she did not indicate any experience on her application other than her provisional experience in the subject title. However, the appellant has demonstrated on appeal that she has more than the required experience. Nevertheless, the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although N.J.A.C. 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes circumstances present that provide good cause to permit the appellant to amend her application in this particular matter. Specifically, the list has been exhausted as the only eligible was appointed to the subject title. Additionally, the appellant continues to serve provisionally in the subject title. The Commission notes that the dual purpose of the Civil Service system is 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). In this regard, the Commission finds that the appellant has demonstrated that she has the required experience, which, based on the circumstances presented, warrants her admission to the subject examination. Accordingly, good cause is established to relax the provisions of N.J.A.C. 4A:4-2.1(f) and admit the appellant.

¹ Agency records indicate that the appellant served as a Clerk 1 from October 21, 2013 to April 28, 2015, a Clerk 2 from April 28, 2015 to June 5, 2017 and has served provisionally as a Keyboarding Clerk from June 5, 2017 to the present.

The Commission cautions the appellant that, in the future, she should ensure that any applications are fully and completely filled out as her failure to do so will be cause for rejection from the selection process.

Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, and Christine Kukoda'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 3rd DAY OF OCTOBER, 2018

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Commissioner

Civil Service Commission

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