



STATE OF NEW JERSEY

In the Matter of Lavinia Boyd, Senior
Clerk Typist, Northern State Prison

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2019-2507

Examination Appeal

ISSUED: APRIL 22, 2019 (SLK)

Lavinia Boyd, represented by Duwaine Walker, Staff Representative, Communications Workers of America Local 1040, petitions the Civil Service Commission (Commission) to retake the typing test for a qualifying examination for Senior Clerk Typist.

By way of background, the appellant was an Agency Services Representative 1 (Salary Range A08) from November 2010 to September 2016 and an Agency Services Representative Trainee from October 2009 to November 2010 for the Division of Consumer Affairs, Department of Law and Public Safety. Thereafter, she was a provisional Principal Clerk Typist (Salary Range R12) from September 2016 to July 2018 for Northern State Prison, Department of Corrections. In *In the Matter of Lavinia Boyd* (CSC, decided April 4, 2018), the Commission denied her appeal of the Division of Agency Services' (Agency Services) determination that she did not meet the experience requirements for the promotional examination for Principal Clerk Typist (PS5357I). Additionally, the Commission referred her position for a classification review by Agency Services as it did not appear that she was primarily performing the duties of that title. Subsequently, in a June 27, 2018 determination, Agency Services found that the appellant was performing the duties of a Senior Clerk Typist (Salary Range A08). Accordingly, she was provisionally appointed in this title subject to a qualifying examination, effective July 21, 2018, and continues to serve in this title. As part of the qualifying examination process, the appellant needed to pass a typing test. The typing test is:

A five-minute qualifying typing test (scored on a pass/fail basis) that is scheduled or administered during the qualifying examination process. Applicants who have taken a typing test administered by the Commission or an approved representative of the Commission and have been issued a scoring report indicating a passing score, or a proficiency certificate, are not required to be tested again until the proficiency score has expired (five years from date of test). Candidates are graded on a scale based on the number of errors made. A minimum acceptable typing speed is 40 net words per minute. Net words equal total words per minute minus errors. Keyboards are provided.

Thereafter, on November 19, 2018, the appellant took the typing test that was administered by the appointing authority. The appointing authority indicated to Agency Services that there were some issues with the test administration. Therefore, Agency Services allowed the appellant to take the test three additional times on that date and her net scores were 0, 0 and 5 words per minute. As the appointing authority indicated that there were issues with the test, Agency Services again allowed the appellant to re-take the test. Subsequently, on December 17, 2018, she took the typing test two more times, which were administered by the appointing authority, and her net scores were 8 and 16 words per minute. As a net score of 40 words per minute is needed to pass, on February 13, 2019, Agency Services issued a determination that the appellant failed her qualifying examination for Senior Clerk Typist as she did not pass the typing test.

In her request, the appellant states that during the period she was taking her typing examination, her ability to concentrate was impaired due to a personal situation outside the workplace. She indicates that she communicated that she was under duress and was unable to give this task her undivided attention.

CONCLUSION

N.J.A.C. 4A:4-1.1 provides that regular appointments to titles to the competitive division of the career service shall be subject to an examination process and successful completion of a working test period

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A candidate typically only has one chance to pass a typing test. In the appellant's case, she was given five opportunities to take the examination, and unfortunately, received non-passing scores on all attempts. Further, these special accommodations were provided as the appointing authority indicated that there were some difficulties administering the test. However, the appellant is not arguing that there were issues with test administration, which were on two separate occasions

nearly one month a part. Instead, she explains that she was unable to concentrate due to personal issues. However, this is not an adequate reason to allow the appellant to re-take the typing test a sixth time, on a third separate date, as this would provide the appellant with an unfair advantage over others who were required to meet the qualifications for the position.

A review of the appellant's personnel record indicates that her permanent title is Agency Services Representative 1 (Salary Range A08). This is primarily a customer service title. However, in the appellant's current position, as confirmed by Agency Services' classification review, she is primarily performing clerical duties at the Senior Clerk level.

The definition section of the job specification for Senior Clerk (Salary Range A08) states:

Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.

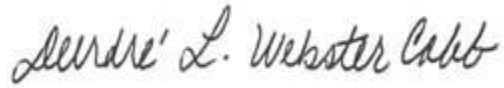
Further, a review of the Examples of Work for this job specification indicates that incumbents in this title may do typing which is uncomplicated, does not require skill or speed, and which is of a nature reasonable to be expected of employees in a business office. Therefore, the Commission finds that under these circumstances, the most appropriate classification for the appellant's position is Senior Clerk. Additionally, the appellant may still perform typing duties while serving in this title if typing is not her primary function and the assigned tasks are not at the level of skill or speed that is required in a typing title.

ORDER

Therefore, it is ordered that this petition be denied. Further, the appellant's permanent title shall be reclassified as Senior Clerk.

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 APRIL, 2019



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