



In the Matter of Rachel Collado,  
Clerk 2, Bilingual Spanish and  
English (PC4789C), Middlesex  
County Board of Social Services

**STATE OF NEW JERSEY**

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

CSC Docket No. 2022-1591

Examination Appeal

**ISSUED: MAY 23, 2022 (RAM)**

Rachel Collado<sup>1</sup> appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the promotional examination for Clerk 2, Bilingual Spanish and English (PC4789C), Middlesex County Board of Social Services.

By way of background, the announcement for the subject examination was issued on November 1, 2021 and was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date and was serving in the in-line title of Clerk 1 or Clerk 1, Bilingual in Spanish and English, and who possessed one year of experience in clerical work as of the November 22, 2021 closing date. It is noted that there were three applicants, including the appellant, who applied for the subject examination and were provisional in the subject title. However, the appellant was found to be ineligible. As a result, an incomplete list promulgated on December 30, 2021, and expires on December 29, 2024. A certification (PL220018) was issued on January 7, 2022, and the two eligible candidates were appointed from the eligible list effective January 24, 2022.

<sup>1</sup> Agency records indicate that the appellant has been serving provisionally pending promotional examination procedures in the subject title since October 23, 2020. Prior to that position, she served permanently as a Clerk 1, Bilingual in Spanish and English, from October 1, 2019 to October 22, 2020. She previously held a temporary appointment in that title effective April 1, 2019.

On her application, the appellant failed to list any work experience, nor did she submit a resume. Thus, Agency Services found she was ineligible for the subject examination. Moreover, the appellant remains provisional in the subject title.

On appeal to the Civil Service Commission (Commission), the appellant lists the clerical duties she performed as a Clerk 1, Bilingual in Spanish and English, within the appointing authority's Call Center, such as providing information regarding the agency's programs, informing clients on the status of their cases, and resolving client complaints. The appellant also notes that she was hired in April 2019.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination as she did not indicate any work experience on her application, nor did she submit a resume. Thus, it found that she lacked the one year of required clerical experience. However, a review of agency records indicates that the appellant was previously permanently appointed as a Clerk 1, Bilingual in Spanish and English, in October 2019, performing the required duties, and later appointed provisionally to the Clerk 2, Bilingual in Spanish and English title, effective October 23, 2020. The record also indicates that the appellant continues to serve provisionally in the subject title. Thus, the appellant met the experience requirements as of the closing date.

Therefore, the Commission finds good cause exist to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and will accept the appellant's clerical work experience on appeal. Absent accepting the appellant's work experience, no other eligible candidate can be appointed. As previously noted, the subject eligible list is now exhausted. Therefore, the appellant should be admitted to the subject examination. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998).

Finally, the Commission notes that the appellant's remedy is based on the particular circumstances of this matter and does not provide precedent in any other matter. Moreover, the appellant is cautioned that, for future examination

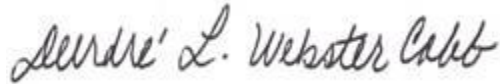
announcements, she should ensure that applications are fully and completely filled out, with past and present work experience, as failure to do so will be cause for rejection from the selection process.

### ORDER

Therefore, it is ordered that this appeal be granted, and the appellant be admitted to the subject examination for prospective employment opportunities only.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 18<sup>TH</sup> DAY OF MAY, 2022



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