



STATE OF NEW JERSEY

In the Matter of Yakema Coleman,
Social Worker (PC4941C), Passaic
County Board of Social Services

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

CSC Docket No. 2022-2035

Examination Appeal

ISSUED: JUNE 20, 2022 (SLK)

Yakema Coleman appeals the determination of the Division of Agency Services (Agency Services) that she lacked the required amount of permanent status in a title to which the Social Worker (PC4941C), Passaic County Board of Social Services, examination was open.

The examination at issue was announced open to employees in the competitive division who currently serve in the title of Social Service Technician and who had an aggregate of one year of continuous permanent service as of the November 22, 2021, closing date in that title. A total of 24 employees applied to the subject examination and 12 were admitted. The test has not yet been scheduled. Therefore, the list has not promulgated.

A review of personnel records indicates that the appellant’s permanent title as of the November 22, 2021, closing date was Human Services Specialist 1. Therefore, Agency Services determined that the appellant was not eligible for the subject examination because she was not permanent in a title to which the examination is open.

On appeal, the appellant presents that she has been employed by the appointing authority for 23 years. She highlights that she was a Social Service Technician for 14 years and she has been a Human Services Specialist 1 for the past

nine years. The appellant states that prior to her lateral transfer¹, she was informed that the Social Service Technician title did not have any promotional opportunities and was going to become obsolete. She indicates that the last Social Worker examination was held in 2002. The appellant asserts that her Bachelor's degree, knowledge obtained while serving as a Social Service Technician and a Human Services Specialist 1, and career record enhances her candidacy for the subject title. She states that she is currently provisionally serving in the subject title.²

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is state, an appeal must be filed within 20 days after either the appellant has notice or should reasonable have known of the decision, situation, or action being appealed.

N.J.A.C. 4A:4-2.6(a)1 provides that applicants for promotional examinations shall have one year of continuous service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

Initially, it is noted that in a March 16, 2022, letter, this agency informed the appellant that there was no basis for her appeal and the matter would be closed. However, the appellant did not request that this matter be re-opened until May 26, 2022, which is well after 20 days from when she knew that the matter would be closed.³ Therefore, her appeal is untimely. *See In the Matter of Joe Moody, Jr.* (CSC, decided January 15, 2020).

Regarding the merits, as the appellant's permanent title as of the November 22, 2021, closing date was Human Services Specialist 1 and the subject examination was only open to those who had one year of continuous permanent service as a Social Service Technician as of the closing date, Agency Services correctly determined that the appellant was not eligible for the subject examination. The fact that the appellant previously served as a Social Service Technician, and the reasons why she changed titles, was not relevant because she was not serving in the required title as of the closing title. Further, although there is no record that the appellant is currently

¹ Personnel records indicates that the appellant's movement from Social Service Technician to Human Services Specialist 1 was a promotion and not a lateral transfer.

² Personnel records do not indicate that the appellant is provisionally serving in the subject title. Instead, personnel records indicate that the appellant is currently serving as a Human Services Specialist 1.

³ On May 26, 2022, the appellant's sister contacted this agency regarding an unrelated matter. She also indicated that the appellant had called this agency to discuss March 16, 2022, letter that indicated that her matter would be closed, and she was awaiting her phone call to be returned. However, the appellant's sister did not indicate when the appellant called, and this agency has no record of the appellant calling prior to May 26, 2022.

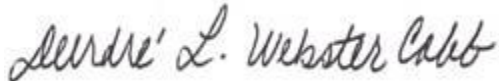
provisionally serving in the subject title as the appellant claims, even if she was, this would be irrelevant regarding the determination of her eligibility for the subject examination, as this would not change that she was not permanent in the title to which the examination was open as of the closing date. Similarly, the appellant's education and experience are irrelevant to the determination that she was not permanent in the title to which the examination was open as of the closing date.

ORDER

Therefore, it is ordered that this appeal be denied.

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 15TH DAY OF JUNE 2022



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