



STATE OF NEW JERSEY

In the Matter of Sydney Rodrigues,
Assistant Secretary,
Board/Commission (PM4321C),
City of Elizabeth

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

CSC Docket No. 2022-988

Examination Appeal

ISSUED: JUNE 20, 2022 (RAM)

Sydney Rodrigues appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the promotional examination for Assistant Secretary, Board/Commission (PM4321C), City of Elizabeth.

By way of background, the announcement for the subject examination was issued on August 1, 2021 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title and who possessed one year of clerical experience involving the organization of office clerical processes and procedures or as a secretary to an executive or administrative officer in a public or private organization as of the August 23, 2021 closing date. It is noted that the appellant was the only applicant who filed for the subject examination. Consequently, the examination had been cancelled, effective October 20, 2021, due to a lack of qualified applicants.

On her application, the appellant listed her work experience as an Alcoholic Beverage Control (ABC) "Clerk" from January 2018 to August 2021 in the Department of ABC, City of Elizabeth. She indicated, in part, that she works with the ABC Board Secretary and ABC Board in enforcing rules and regulations.

Upon a review of the appellant's application, Agency Services deemed that the experience the appellant listed on her application as an ABC Clerk did not indicate clerical experience involving the organization of office clerical processes and procedures, nor was the appellant a secretary to an executive or administrative

officer. Thus, it was determined that the appellant lacked the one year of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant states she has been employed with the Department of ABC, City of Elizabeth, since January 2018. She has worked directly under the ABC Secretary assisting in clerical duties, such as, reviewing applications, permits, renewals, and transfers involving liquor licenses. The appellant further indicates that she keeps track of fees and administrative charges and the history of license transfers to new managers. She also updates the agency's database and disseminates resolutions to various departments and all interested parties. In support of her claim, the appellant submits a letter from the Business Administrator, verifying that, prior to her provisional appointment in 2021, she had been performing the duties of the subject title for over two years. It is noted that agency records indicate that the appellant has been serving as an Assistant Secretary, Board/Commission, provisionally pending promotional examination procedures, in the Department of ABC, City of Elizabeth, since January 1, 2021. Prior to that appointment, she served in the department as a Keyboarding Clerk 1 from January 16, 2018 to December 18, 2019, and as a Keyboarding Clerk 2 from December 19, 2019 to December 31, 2020.

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. 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 determined that the appellant was not eligible for the subject examination based on the review of her application. As such, it found that the appellant lacked the one year of required experience as of the October 21, 2020 closing date. However, a review of agency records indicates that the appellant possessed eight months of provisional experience in the subject title prior to the examination closing date. The record also indicates that the appellant continues to serve provisionally in the subject title. Furthermore, the appointing authority supports this appeal. The appointing authority indicates that prior to the appellant's provisional appointment to the Assistant Secretary, Board/Commission title in January 2021, the appellant was performing the duties of the title for over two years.

Under these circumstances, the Commission finds that, notwithstanding that the appellant may have been performing out-of-title duties prior to her provisional appointment in 2021,¹ the fact remains that, for examination eligibility purposes, the

¹ *N.J.A.C.* 4A:4-2.6(c) states, except when permitted by the Chairperson or designee for good cause, applicants for promotional examinations with open competitive requirements may not use experience

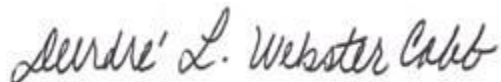
appellant has been performing the duties of the title under test since January 2021 and she now possesses enough applicable experience based on this service. Moreover, absent accepting the appellant's provisional experience after the closing date, no other eligible candidate can be appointed. As previously noted, the subject examination had been cancelled. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept the appellant's provisional experience after the closing date and admit her to the 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).

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant'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 15TH DAY OF JUNE 2022



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gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

Records Center