



**STATE OF NEW JERSEY**

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

In the Matter of Linette Baez, Driver  
Improvement Analyst 3, Motor  
Vehicle Commission

Examination Appeal

CSC Docket No. 2019-3228

**ISSUED:** September 12, 2019 (RE)

Linette Baez, a permanent Supervisor 2, MVC in the Motor Vehicle Commission, appeals the determination of the Division of the Agency Services (Agency Services), which found that she was below the minimum requirements in experience for a qualifying examination for Driver Improvement Analyst 3.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Driver Improvement Analyst 3 title effective March 30, 2019. Agency Services processed a qualifying examination for the appellant, to determine if she possessed the necessary qualifications for the subject title. The requirements for Driver Improvement Analyst 3 are graduation from an accredited college or university with a Bachelor's degree, and three years of experience in reviewing, analyzing, and evaluating material dealing with the application of rehabilitative programs, laws, regulations, policies, and procedures affecting probationary and problem drivers. Applicants who did not possess the required education could substitute additional experience on a year for year basis. The appellant has not yet been returned to her permanent title, Supervisor 2, MVC.

On her qualifying examination application, the appellant listed positions as Driver Improvement Analyst 3, Supervisor 2, MVC, two positions as Supervisor 1, MVC, Supervisor 3, MVC, Support Services Representative 1, Support Services Representative 2, two positions as Senior Data Entry Machine Operator, two positions as Senior Clerk Typist, and Clerk Typist. In its determination dated April 26, 2019, Agency Services determined that none of her experience was applicable, and she was found to be lacking seven years of applicable experience per the

substitution clause for education. As she did not meet the minimum requirements, she did not pass the qualifying examination for the subject title.

On appeal, the appellant argues that, she has been reviewing, analyzing, and updating accounts since 2003, and has worked in several units. Her Director submits a letter of support, stating that the appellant has a diverse experience background, and she reviews, analyzes and updates accounts and provides training and assistance to staff. She states that the appellant has been a supervisor for many years, stays current with customer service and leadership techniques, and recognizes legislation that affects the Surcharge Administration and Refund Unit.

## CONCLUSION

*N.J.A.C.* 4A:4-7.6(c) provides, in pertinent part, that if the nature of the work, education and experience qualifications of both titles are dissimilar for a lateral title change, then the employee shall be appointed pending examination.

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

At the outset, it must be underscored that a “Qualifying Examination” requires the candidate to demonstrate on her qualifying examination application that she possesses the necessary experience for the subject title in order to effect a lateral transfer to the title. Additionally, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. See *In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004).

A review of the appellant’s application reveals that she does not meet the experience requirements for Driver Improvement Analyst 3. When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. Additionally, the appellant works in the Surcharge Administration and Refund Unit, which does not have an objective of driver improvement. A Driver Improvement Analyst conducts difficult personal interviews and special investigations, supervises assigned staff, acts as liaison to municipal court personnel in order to ensure compliance with Title 39, and assists the court in all matters concerning Division of Motor Vehicle laws, rules, and procedures. The focus of the appellant’s position is to supervise staff and activities of the Surcharge Administration and Refund Unit which includes reconciling, analyzing and reviewing accounts for the driver control fees and refunds, the general refund unit and the toll authority unit. She maintains records, conducts investigations of service complaints and problems, and takes other actions to ensure the proper functioning of these units.

Thus, the majority of her duties do not evidence that she primarily performs the duties required to establish eligibility for Driver Improvement Analyst 3. Each position can have only one primary focus. The duties performed the majority of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. The description of duties listed on appeal does not support that the primary focus of the appellant's Driver Improvement Analyst 3 position was reviewing, analyzing, and evaluating material dealing with the application of rehabilitative programs, laws, regulations, policies, and procedures affecting probationary and problem drivers. The duties of her remaining positions are also clearly inapplicable as they also do not match the required experience. Therefore, the appellant lacks seven years of qualifying experience, and the appellant's position appears to be properly classified by her permanent title, Supervisor 2, MVC. Therefore, the appointing authority is directed to immediately return the appellant to her permanent title.


Agency Services correctly determined that the appellant did not pass the subject qualifying examination. Therefore, she has failed to support her burden of proof in this matter.

### **ORDER**

Therefore, it is ordered that this request be denied, and the matter of the appellant's provisional position classification be referred to Agency Services for review

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 10<sup>th</sup> DAY OF SEPTEMBER, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c. Linette Baez  
Dana Foraker  
Kelly Glenn  
Records Center