



STATE OF NEW JERSEY

In the Matter of Rosa Toth, Taxpayer  
Service Representative 2 (PS7137U),  
Department of Treasury

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-184

Examination Appeal

ISSUED: OCT 03 2014 (SLK)

Rosa Toth appeals the determination of the Division of Selection Services (Selection Services) which found that she was below the minimum requirements in experience for the promotional examination for Taxpayer Service Representative 2 (PS7137U), Department of Treasury.

The examination at issue was announced with specific requirements that had to be met as of the February 21, 2014 closing date (see attached). A total of eight individuals applied for the subject examination and four were deemed eligible. Two individuals were appointed on Certification PS140891 and one individual was appointed on Certification PS140892. The list expires on July 2, 2017.

On Ms. Toth's application, she did not list any college credits. Therefore, she needed to demonstrate six years of applicable experience. She indicated that she was serving provisionally in the subject title from January 2012 to the February 21, 2014 closing date. Personnel records also indicate that the appellant was a Technical Assistant 1 Treasury from September 2005 to January 2012, a Technical Assistant 2 Treasury from October 2004 to September 2005, a Technical Assistant 3 from October 2001 to October 2004, and an Intermittent Technical Assistant 3 from February 2001 to October 2001. Selection Services credited Ms. Toth with two years and two months of experience based on her provisional experience in the title under test, but determined that she lacked three years and 10 months of experience as no other experience was submitted on her application.

On appeal, the appellant presents that she has served as a Technical Assistant 2 or higher title for more than eight years starting in October 2004. In these positions, Ms. Toth indicates that she has provided State tax information of a complex technical nature to taxpayers and tax professionals. Further, the appellant states that she has reviewed complex accounts for purposes of adjusting and ensuring accuracy of accounts, approving refunds, and issuing bills in these titles. Also, Ms. Toth maintains that she has provided assistance to taxpayers by helping to prepare business and income tax returns and answering taxpayer questions. Additionally, the appellant highlights that she has received and processed payments, overseen work and provided guidance to lower level staff, and prepared monthly reports and statistics as assigned by her supervisor. Ms. Toth asserts that she was provisionally appointed to the subject title after a classification review and argues that she meets the requirements by substituting her experience for education.

### CONCLUSION

*N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Selection Services correctly determined that the appellant was not eligible for the subject examination as she only listed her provisional experience on her application and did not list any of her other experience with the appointing authority. On appeal, Ms. Toth indicates that since October 2004, first as a Technical Assistant 2 Treasury, then as a Technical Assistant 1 Treasury, and now serving in the subject title, she has provided technical tax information and assistance to taxpayers and their representatives. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Selection Services can make the initial determination whether to admit or reject an applicant. Selection Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes several circumstances present that provide good cause to permit the appellant to amend her application in this particular matter. In this regard, the Commission is satisfied that Ms. Toth's experience providing technical tax information and advice to taxpayers and their representatives as far back as October 2004 warrants her admission to the subject examination. Additionally, the list is incomplete as three of the four eligibles have been appointed and the appellant continues to serve provisionally in the subject title. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f)


and admit Ms. Toth to the subject examination. It is noted that this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, 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 1<sup>st</sup> DAY OF OCTOBER, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

c: Rosa Toth  
Douglas Ianni  
Dan Hill  
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE  
**PROMOTIONAL ANNOUNCEMENT**



**\$25.00 PROCESSING FEE REQUIRED**  
 Make Check/Money Order Payable to NJCSC

SYMBOL: <b>PS7137U</b>	WEIGHT CODE: *
TITLE: <b>TAXPAYER SERVICE REPRESENTATIVE 2</b>	SALARY: <b>\$50,644.00 - \$71,699.00</b>
ISSUE DATE: <b>February 01, 2014</b>	CLOSING DATE: <b>February 21, 2014</b>
TITLE CODE: <b>51323/BXRXR7</b>	CLASS CODE: <b>21</b>
DEPARTMENT: <b>TYA/TREASURY</b>	
UNIT SCOPE: <b>U798 TAXATION/Regional Taxpayer Service Offices</b>	

APPLICATIONS MAY BE OBTAINED  
 FROM AND MUST BE RETURNED TO:

**ONLY ON LINE APPLICATIONS  
 WILL BE ACCEPTED  
 FOR THIS ANNOUNCEMENT**

**Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):**

**Taxpayer Service Representative 3**

**Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:**

**Education:** Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute, in addition to the required experience indicated below, applicable experience on a year for year basis, with thirty (30) semester hour credits being equal to one (1) year of experience.

**Experience:** Two (2) years of experience in a public or private agency providing technical tax information and assistance to taxpayers, their representatives, and/or other interested parties to aid in comprehending and complying with provisions of various tax laws.

**License:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

**NOTE:** As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.**
6. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination online. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. You can now complete and submit your application and payment online to the Civil Service Commission and you will receive an immediate receipt confirmation!
7. **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, **YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.**

DPF-256A • Revised 03/09