



STATE OF NEW JERSEY

In the Matter of Lisette DeLeon, <i>et</i>	:	FINAL ADMINISTRATIVE ACTION
<i>al.</i> , Senior Unemployment Insurance	:	OF THE
Clerk (PS4392N), Department of	:	CIVIL SERVICE COMMISSION
Labor and Workforce Development	:	
	:	
	:	Examination Appeals
	:	
CSC Docket No. 2018-1759 <i>et al.</i>	:	
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ISSUED: JULY 24, 2018 (CSM)

Lisette DeLeon, June Gagliardi, Sun K. Devin Kropa-Smart, Randi Geller, O'Myra Maynes, Sharon Romano, Leana Vargas, and Marie Young appeal the validity of the promotional examination for Senior Unemployment Insurance Clerk (PS4392N), Department of Labor and Workforce Development. These appeals have been consolidated due to common issues presented.

By way of background, the subject examination was conducted on December 14, 2017 and consisted of 60 multiple choice questions. Candidates were required to achieve a minimum raw score of 39 to pass the examination. DeLeon achieved a raw score of 34 and Kropa-Smart achieved a raw score of 28. As such, they did not achieve passing scores. The remainder of the appellants passed the examination. A total of 18 employees applied for the subject examination that resulted in a list of 9 eligibles with an expiration date of January 3, 2021.

On appeal, the appellants state that questions 31 to 50 were targeted directly toward unemployment insurance and none regarded disability, which is the position for which they were testing. In this regard, the appellants state that they are incumbents in the Unemployment Insurance Clerk Reemployment Call Center title and work in the disability call center. Therefore, they have absolutely no unemployment experience. As such, the appellants contend that the test gives their co-workers who transferred to their unit scope from unemployment offices an unfair advantage. Further, the appellants highlight that the Civil Service Act indicates that the public policy of this State is to select and advance employees based on their relative knowledge, skills, and abilities and since they work in a disability office, they did not have an equal opportunity for advancement. The appellants note that

a similar situation occurred in 2005 that resulted in a determination that ten disability related questions on a Senior Unemployment Insurance Clerk examination were biased toward employees from disability offices. Therefore, the appellants request that questions 31 to 50 be removed or that a retest be administered that contains proper disability related questions.

CONCLUSION

Initially, it is noted that a job analysis was conducted by Subject Matter Experts (SMEs), individuals who are most familiar with the duties of a Senior Unemployment Insurance Clerk. The results of this analysis identified the underlying Knowledge Skills and Abilities (KSAs) needed to successfully perform the duties of the title. Specifically, it was determined that information comparison, math, interpersonal relations, unemployment claims, report forms, and lead worker skills were areas to be tested for Senior Unemployment Insurance Clerk. The questions on the examination were created to test the identified KSAs.

The appellants maintain that the examination gave co-workers who transferred from unemployment offices an unfair advantage since the examination did not have any questions related to disability. As noted earlier, the job analysis identified the underlying KSAs needed to perform the duties of the *title*. A review of the job specification for Senior Unemployment Insurance Clerk reveals a key KSA for the position is knowledge of the provisions of the New Jersey Unemployment Compensation Act (UCX), the Unemployment Compensation Act of Federal Employees (UCFE), Disaster Unemployment Assistance (DUA), Trade Readjustment Act (TRA), Combined Wage Claim (CWC), Extended Benefits (EB), and interstate laws and procedures as they relate to unemployment claims allowances and other new programs intermittently administered by the federal government after a period of training. The job specification does not contain any KSAs indicating that incumbents in the title need specific knowledge regarding disability benefits.

As the appellants correctly point out, *N.J.S.A.* 11A:1-2(a) declares it to be the public policy of this State to select and advance employees on the basis of their relative KSAs. However, in order to achieve this statutory mandate, *N.J.S.A.* 11A:4-1(a) requires the Civil Service Commission to administer examinations which shall test fairly the KSA required to satisfactorily perform the duties of a title or group of titles. As such, since the job specification for Senior Unemployment Insurance Clerk does not require KSAs related to disability, it was appropriate not to include questions in this area on the subject examination. The appellants' argument that the disability related questions were thrown out of an examination in 2005 because they were biased towards employees from the disability offices is misplaced. In that matter, questions were removed from a number of Unemployment Insurance Clerk and Unemployment Insurance Clerk,

Reemployment Call Center examinations because the job analysis determined that they did not constitute any of the KSAs needed for an individual to possess in those titles. See *In the Matter of Senior Unemployment Insurance Clerk (PS2349N)*, et al. (MSB, decided September 7, 2005). Similarly, no disability related questions were included on the subject examination because they would not constitute any of the KSAs needed for an individual to possess in the Senior Unemployment Insurance Clerk title. Additionally, this agency does not write specialized exams for one particular position. Examinations are developed to measure the KSAs for the general duties of the title and the test content must fairly test all candidates who meet the requirements to be eligible to take the examination. Thus, it is imperative that examinations test KSAs related to the duties of a *title*, not the duties of *specific positions*. See *In the Matter of Donald Cole*, Docket No. A-5499-02T2 (App. Div. January 7, 2004). Therefore, the examination questions were appropriate for this title.

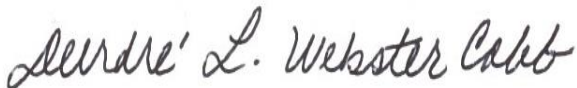
A thorough review of all material presented indicates that the appellants have not supported their burden of proof in this matter.

ORDER

Therefore, it is ordered that these appeals 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
18TH DAY OF JULY, 2018



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c:	Lisette DeLeon	(CSC Docket No. 2018-1759)
	June Gagliardi	(CSC Docket No. 2018-1761)
	Sun K. Devin Kropa-Smart	(CSC Docket No. 2018-1757)
	Randi Geller	(CSC Docket No. 2018-1760)
	O'Myra Maynes	(CSC Docket No. 2018-1756)
	Sharon Romano	(CSC Docket No. 2018-1758)
	Leanna Vargas	(CSC Docket No. 2018-1817)
	Marie Young	(CSC Docket No. 2018-1828)
	Michael Johnson	
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