

STATE OF NEW JERSEY

In the Matters of Madeline Guzman and Dulcelina Pena, Public Information Assistant (PS8948P), Department of Law and Public Safety

CSC Docket Nos. 2020-303

2020-493

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeals

ISSUED: December 18, 2019 (RE)

The Department of Law and Public Safety (DLPS), on behalf of Madeline Guzman and Dulcelina Pena, appeals the determinations of the Division of Agency Services which found that they did not meet the experience requirements for the promotional examination for Public Information Assistant (PS8948P), DLPS. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination announcement was issued with a closing date of December 21, 2018. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in the collection, analysis, preparation and dissemination of information in a public relations and/or public information program in a public or private agency or organization. Possession of a Master's degree in Journalism, Public Relations, Communications, or English could be substituted for the one year of required experience. Applicants who did not possess the required education could substitute additional experience on a year for year basis. The appellants were found to be below the minimum requirements in experience. As the appellants were the sole applicants, the examination was cancelled on July 26, 2019.

On her application, Guzman indicated that she possessed 25 college credits which prorates to ten months of experience. As such, she needed four years, two months of required experience. On her application, she listed four positions: 1)

provisional Public Information Assistant from September 2016 to the closing date, December 2018; 2) Senior Clerk Transcriber from January 2004 to January 2016; 3) Clerk Transcriber from November 2001 to January 2004; 4) Administrative Assistant with Ruger Chemical and Amend Drug from May 2000 to January 2001. None of the experience was found to be applicable, and therefore she was found to be lacking four years, two months of experience.

Pena indicated that she possessed 36 college credits which prorates to one year, two months of experience. As such, she needed three years, ten months of required experience. She listed one position on her application, provisional Public Information Assistant from September 2016 to the closing date, December 2018. None of the experience was found to be applicable, and therefore she was found to be lacking three years, ten months of experience.

On appeal, the appointing authority indicates that the positions encumbered by both appellants have undergone classification reviews which identified the correct titles for the positions as Public Information Assistant. Additionally, Guzman and Pena underwent pre-qualification evaluations which found that they did not meet the requirements. However, it was found that Guzman had twelve years, eight months of out-of-title experience while serving as a Senior Clerk Transcriber, and Pena had fourteen years, three months of out-of-title experience while serving as a Principal Clerk Transcriber.

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. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that applicants for promotional examinations with open competitive requirements may not use experience 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, unless good cause is shown for an exception.

First, it is noted that Pena does not list more than her provisional Public Information Assistant title on her application. The online application process is automated and provides instructions to candidates on how to properly complete their applications. Also, the application states that, by clicking "yes," the applicant certified that the employment history was complete and accurate. The On-Line Application System User's Guide cautions applicants to carefully review the application to ensure that it is complete and accurate before submitting, and to complete the application in detail. It states that failure to complete the application properly may cause the applicant to be declared ineligible. The instructions under the experience portion of the application advise applicants to provide all employment information (not just current employment information), and if they

have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

Nonetheless, in the instant matter, the positions underwent position classification reviews and it was determined that the duties of both positions were properly classified as Public Information Assistant. The appellants are still serving in their provisional positions, and they each have at least the required years and months of out-of-title experience as listed in the pre-evaluation determinations. With the acceptance of this out-of-title work, the appellants each possess the required experience. The examination was cancelled, and based on the documentation submitted and under these circumstances, good cause exists to accept the appellants' out-of-title work experience to satisfy the requirements for the Public Information Assistant examination.

ORDER

Therefore, it is ordered that these appeals be granted, the examination cancellation be rescinded, and the appellants' applications be processed.

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 DECEMBER, 2019

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