



STATE OF NEW JERSEY

In the Matters of Senior Engineer
Transportation (PS8967T), Senior
Engineer Electrical (PS8963T) and
Senior Engineer Traffic (PS8966T),
Department of Transportation

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

Examination Appeals

CSC Docket Nos. 2019-2191, *et al.*

ISSUED: May 14, 2019 (RAM)

Various applicants request to be permitted to submit applications for the promotional examinations for Senior Engineer Transportation (PS8967T), Senior Engineer Electrical (PS8963T) and Senior Engineer Traffic (PS8966T), Department of Transportation (DOT), after the filing closing date because they applied for the incorrect examinations or were not employed in the announced unit scopes.

The promotional examinations for PS8967T, PS8963T and PS8966T were announced with a closing date of December 21, 2018. Applicants for the PS8967T, PS8963T and PS8966T examinations were required to be serving in the Capital Program Management Office in unit scope T505 as of the closing date. A total of 91 candidates were found eligible for the PS8967T examination; a total of four candidates were found eligible for the PS8963T examination; and a total of 65 candidates were found eligible for the PS8966T examination.¹ Several appellants erroneously applied for the promotional examination for Senior Engineer Transportation (PS8961T), which was open to employees serving in Maintenance and Operations in unit scope T222. One appellant erroneously applied for the promotional examination for Senior Engineer Electrical (PS8956T), while other appellants applied for the Senior Engineer Traffic (PS8957T), which were open to employees serving in Transportation System Management in unit scope T220. It is noted that the examinations for PS8967T and PS8966T have not yet been scheduled. However, an eligible list for PS8963T promulgated on March 28, 2019 with a roster of four eligibles and an expiration date of March 27, 2022. It is also noted that only on-line applications were accepted for the subject announcements.

¹ Appellant Sara Ramirez, who filed for the wrong examination, has been provisional in the Senior Engineer Transportation title since January 5, 2019.

The Division of Agency Services' (DAS) review of the appellants' applications and employment records revealed that the appellants were not employed in the unit scopes for the announcements to which they applied. Therefore, they were deemed ineligible for the examinations.

On appeal, the appellants generally state that they inadvertently applied for the wrong examination symbol. They intended to apply for the examination that was announced for their unit scope. Further, the appellants indicate they inadvertently applied for the wrong symbol due to the similarity of the positions and titles, confusion because the titles were the same with different symbol numbers, various personal events, academic responsibilities, finalizing plans to leave the country shortly before the closing date, a scrolling error, and an honest mistake as they were filing for multiple promotional examinations. In addition, the appellants submit various documents in support of their appeals, including an email dated November 29, 2018, advising them that they may be eligible for the PS8967T examination in unit scope T505 and an email dated January 17, 2019, recommending one of the appellants to the position sought.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides, in pertinent part, that applicants for promotional examinations be currently serving in the announced unit scope in a title to which the examination is open and meet all other requirements contained in the announcement.

N.J.A.C. 4A:4-6.3(b) states, in pertinent part, that the appellant has the burden of proof in examination and selection appeals.

In the matter at hand, the appellants are not eligible for the subject promotional examinations because they did not submit an application by the closing date for their assigned unit scopes. It is noted that the examination announcements advised all applicants to make sure that they are assigned to the unit scope indicated on the announcement, and if they did not know their unit scope assignment, to contact the Human Resources Office at DOT. It also indicated that if an application was filed for a specific announcement and the applicant is not assigned to the indicated unit scope on the announcement, the applicant would be found ineligible for the examination. Further, all the subject announcements advised applicants that only on-line applications would be accepted. In that regard, when filing for a specific promotional announcement utilizing the on-line application system, the first screen that appears *before* an applicant can proceed to fill out their application consists of a large red STOP sign and indicates:

You must work for:

Department: TRANSPORTATION
Unit: [Specific unit scope for announcement]

to meet the first eligibility requirement of this announcement.

If you do not meet this requirement and choose to file an application, you will be found ineligible and your application fee will not be refunded.

Finally, after completing the on-line application, applicants are sent an automatic e-mail confirming that their application has been received by this agency and listing, among other things, the title name, *promotional symbol*, closing date, and jurisdiction for the promotion.

Notwithstanding all of the information provided to the appellants regarding the importance of filing promotional applications for the appropriate unit scopes, for various reasons, the appellants erroneously applied for promotional opportunities in unit scopes to which they are not assigned. None of the explanations provided by the appellants are sufficient enough to overcome the various warnings that were provided regarding applying for the examination in their unit scope. Indeed, while the Civil Service Commission (Commission) has granted remedies for this type of situations in the past, it is absolutely clear in this case that all of the appellants were provided fair notice to ensure that they were serving in the correct unit scope before they could proceed with the application process. *See In the Matter of Supervising Family Service Specialist 2 (PS6691K), et al.* (CSC, decided July 17, 2013). The disregard of the numerous warnings will not be rewarded by the Commission by allowing the appellants to take the proper examination in their correct unit scope. A significant number of applicants filed for the correct examinations. Furthermore, the Senior Engineer Electrical (PS8963T) examination resulted in a complete eligible list. It is axiomatic that an individual applying for a higher-level position to know what position he or she is applying for before submittal of an application. Thus, while it is unfortunate that the provisional appellant erroneously applied for a title not in her unit scope, it is her responsibility to ensure her application is correct before submittal. Accordingly, based on the foregoing, these appeals are denied.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 9th DAY OF MAY, 2019

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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c: Appellants listed in Attachment "A"
Michele Shapiro, Director, Human Resources
Kelly Glenn
Records Center

Attachment (A)

Department of Transportation

Title	Symbol	Unit Scope
Senior Engineer Transportation	PS8967T	T505

- Ketler Cajuste, Assistant Engineer Transportation (CSC Docket No. 2019-2375)
- Touhidul Choudhury, Assistant Engineer Transportation (CSC Docket No. 2019-2238)
- Prakash Darji, Assistant Engineer Transportation (CSC Docket No. 2019-2343)
- Priyanka Das, Assistant Engineer Transportation (CSC Docket No. 2019-2342)
- Jasminkumar Inamdar, Assistant Engineer Materials (CSC Docket No. 2019-2214)
- Sara Ramirez, Senior Engineer Transportation (CSC Docket No. 2019-2191)
- Eric Souders, Assistant Engineer Transportation (CSC Docket No. 2019-2376)

Title	Symbol	Unit Scope
Senior Engineer Electrical	PS8963T	T505

- Mario Dominguez, Assistant Engineer Electrical - (CSC Docket No. 2019-2124)

Title	Symbol	Unit Scope
Senior Engineer Traffic	PS8966T	T505

- Touhidul Choudhury, Assistant Engineer Transportation (CSC Docket No. 2019-2869)
- Jasminkumar Inamdar, Assistant Engineer Materials (CSC Docket No. 2019-2919)