



STATE OF NEW JERSEY

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

In the Matter of Sandra Avanzato,
Technical Assistant Personnel, Motor
Vehicle Commission

Examination Appeal

CSC Docket No. 2019-3278

CORRECTED

ISSUED: July 31, 2019 (RE)

Sandra Avanzato, a permanent Training Technician 1 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 Technical Assistant Personnel.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Technical Assistant Personnel title effective March 2, 2019. Agency Services processed a qualifying examination for the appellant, to determine if she possessed the necessary qualifications for the subject title and she failed. The requirements for Technical Assistant Personnel are possession of 60 semester hour credits from an accredited college or university, and two years of experience in technical, clerical personnel work involving the application of procedural rules, regulations, policies, and procedures. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis, with thirty semester hour credits being equal to one year of experience. The appellant has not yet been returned to her permanent title, Training Technician 1.

On her qualifying examination application, the appellant indicated that she possessed no college credits, and as such, was required to have four years of applicable experience. She listed positions as Technical Assistant Personnel, Training Technician 1, Training Assistant, Support Services Representative 1, two positions as Support Services Representative 2, two positions as Record Technician 3, Support Services Representative 3, and Clerk. In its determination dated May 3,

2019, Agency Services determined that, aside from three months in her provisional position, her remaining experience was inapplicable, and she was found to be lacking three years, nine months 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 worked in the Motor Vehicle Commission for 36 years, and has handled personnel tasks on a regular basis. Specifically, she states that she has had supervisory experience, handled personnel documentation, and has abided by and instituted policies and procedures. She provides an “updated” resume. Her Manager submits a letter stating that the changes made to the resume and the appellant’s arguments are supported.

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). Since a determination of eligibility equates to a candidate passing this type of examination, and generally resulting in the candidate’s PAQ appointment being changed to a permanent appointment (RAQ), it is imperative that the candidate unambiguously indicate on the application his or her experience. This information is crucial, because it is essentially equivalent to correct responses on a multiple-choice, or “assembled” examination. Thus, when reviewing an appellant’s submissions in an appeal of a “fail” notice as a result of a “Qualifying Examination,” the Civil Service Commission (Commission) must primarily focus on the “test papers,” *i.e.*, the original application materials presented to Agency Services for review, and determine if an error was made in the scoring of the test or other noncompliance with Merit System rule and law. *See In the Matter of John Herrmann* (MSB, decided January 11, 2006), *aff’d on reconsideration* (MSB, decided July 19, 2006) and *In the Matter of Kathleen Gandy* (MSB, decided July 13, 2005).

A review of the appellant’s application reveals that she does not meet the experience requirements for Technical Assistant Personnel. 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. A review of the job specification for Training Technician 1 indicates that incumbents are responsible for organizing and conducting basic, introductory training courses, classes and workshops to improve individual and/or organizational performance. On the original resume, the majority of the appellant's duties matched this objective. On appeal, the appellant has added new duties, some of which are out-of-title personnel work. Training Assistants assist in preparing training materials and other support services for training staff; assists in the conduct of training sessions. The original resume included in-title work, and the revised resume adds additional duties which are out-of-title. Nevertheless, performance of some out-of-title work does not establish that work as the primary focus, and a holistic view of the duties reveals that the required experience was not a primary focus. The revised duties have tailored the training positions to look like personnel work, which is clearly not the primary focus of those positions. Moreover, the Commission has found that there is no good cause to relax the rules to consider out-of-title work on a qualifying examination because, unlike a promotional examination where rules can be relaxed because an appointing authority is entitled to appoint from a complete list, there is no such entitlement for a qualifying examination. *See In the Matter of Drew Pangaldi, Construction Management Specialist 3, Department of Corrections (CSC, decided June 20, 2018)*. The duties of the appellant's remaining positions are also clearly inapplicable as they have clerical work as the primary focus, and did not involve personnel work. Therefore, the appellant lacks three years, nine months of qualifying experience.

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.

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 31st DAY OF JULY, 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. Sandra Avanzato
Dana Foraker
Kelly Glenn
Records Center