



STATE OF NEW JERSEY

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

In the Matter of Andrea Tumillo,
Assistant Field Representative Wage
And Hour Compliance (PS9722N),
Department of Labor and Workforce
Development

Examination Appeal

CSC Docket No. 2020-1350

ISSUED: January 16, 2020 (RE)

Andrea Tumillo appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the experience requirements, per the substitution clause for education, for the promotional examination for Assistant Field Representative Wage And Hour Compliance (PS9722N), Department of Labor and Workforce Development.

The subject examination announcement was issued with a closing date of May 21, 2019, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title and met the announced requirements. These requirements included successful completion of two years (60 credit hours) at an accredited college **and** one year of experience in a large public or private organization in the investigation and inspection of violation of regulatory laws or regulations. Applicants who did not possess the required 60 semester hours could substitute one year of the indicated experience for each 30 credit hours they were lacking. Applicants who did not possess the required one year of experience may substitute an additional 30 semester hours. It was found that appellant failed to satisfy the experience requirement per the substitution clause for education. One candidate appears on the eligible list, which has been certified, but no appointments have yet been made.

The appellant indicated that she has no college credits. As such, she needs three years of applicable experience. The appellant listed the following positions on her application: provisional Assistant Field Representative Wage and Hour Compliance, Investigator Student Loans (overlaps with positions 1 and 3, part-time,

20 hours per week) with Robert Half Account Temps Agency, Unemployment Insurance Clerk, Senior Clerk, and Clerk. She was credited with nine months of experience in her provisional position, and her part-time experience as Investigator Student Loans prorated to eight months. Her remaining experience was found to be inapplicable, and the appellant lacks one year, seven months of applicable experience.

On appeal, the appellant argues that she meets the minimum requirements for the position. She provides an employment background and states that her experience in her provisional position, as an Investigator Student Loans, and as an Unemployment Insurance Clerk should be applicable.

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.

The appellant was deemed to be ineligible for the subject examination since she lacked the minimum experience. She was credited for nine months in her provisional position, and her part-time position as an Investigator Student Loans pro-rated to eight months of experience. Thus, she had one year, five months of experience, and was lacking one year, seven months. Qualifying experience has the announced experience as the primary focus. The amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). Also, each position has only one primary focus, and positions cannot have two primary foci. *See In the Matter of Julio Vega* (CSC, decided November 21, 2018).

Thus, in this case, either the appellant's Unemployment Insurance Clerk experience was clerical in nature *or* it had the investigation and inspection of violation of regulatory laws or regulations as the primary focus. The appellant's application reveals mainly clerical duties. On appeal, the appellant maintains that her duties were, in fact, investigative in nature. A holistic review of the appellant's duties indicate that they were clerical, and any investigation and inspection of violation of regulatory laws or regulations was ancillary to the primary clerical tasks. As such, this experience is inapplicable. Her remaining experience was clerical as well. The appellant lacks one year, seven months of qualifying experience as of the May 2019 closing date.

An independent review of all material presented indicates that the decision of Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal 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 15th DAY OF JANUARY, 2020



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: Andrea Tumillo
Tennille McCoy
Kelly Glenn
Records Center