



STATE OF NEW JERSEY

In the Matter of Romina Acosta and
Doreen Gramling, Institutional Trade
Instructor 2, Clothing (S0823W)

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2019-2529 and
2019-2395

Examination Appeals

ISSUED: March 13, 2020 (RAM)

Romina Acosta and Doreen Gramling appeal the determination of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the open competitive examination for Institutional Trade Instructor 2, Clothing (S0823W). These appeals have been consolidated due to common issues presented.

By way of background, the announcement for the subject examination was issued on July 1, 2018 and was open to New Jersey residents and then to residents of the United States, who possessed three years of experience as an instructor in clothing production, knitting, needle trades industry and/or shoe manufacturing. In addition, the examination was open to residents who possessed three years of journey level experience in clothing production, knitting, needle trades industry and/or shoe manufacturing in a commercial setting as of the July 23, 2018 closing date. A license or a certificate of journeyman or equivalent status from a trade union or similar association in a field could be substituted for one year of general or journey level experience. It is noted that only three candidates applied for the subject examination and they were found ineligible. As a result, the pending examination was cancelled effective February 6, 2019.

Agency Services reviewed Ms. Acosta's application and found that she was employed as an Assistant with P&A Sports Wear for approximately four years, from March of 2000 to July of 2004. However, based on a 20-hour work week, Agency Services credited her with two years and seven months of experience, determining that she lacked five months of the required experience as of the closing date. The other experiences listed on Ms. Acosta's application were deemed not applicable.

A review of Ms. Gramling's application found that she listed only one position on her application, which was her provisional position of Institutional Trade Instructor 2, Clothing. Agency Services credited her with three months of experience in this position from April 2018 to June 2018. She was found to be lacking two years and nine months of applicable experience as of the closing date.

On appeal to the Civil Service Commission (Commission), Ms. Acosta challenges Agency Services' evaluation of her four years of work experience at P&A Sports Wear. Thus, she requests admittance to the subject examination.

In her appeal, Ms. Gramling states that she has nearly 20 years as a professional seamstress, and therefore, she qualifies for the examination. In support of her claim, she submits additional documentation that includes copies of tax records, payment checks for services, and a business flyer advertising her services.

It is noted that Ms. Acosta has been serving provisionally pending open competitive examination procedures (PAOC) in the subject title with Mountainview Correctional Facility since April 14, 2018. Similarly, Ms. Gramling has been serving PAOC with Edna Mahan Correctional Facility since April 28, 2018.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. Moreover, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Regarding Ms. Acosta, Agency Services correctly determined that she was ineligible for the subject examination because she did not meet the experience requirement as of the July 23, 2018 closing date since she lacked five months of full-time experience. However, a review of agency records indicates that Ms. Acosta was appointed provisionally to the Institutional Trade Instructor 2, Clothing title, effective April 14, 2018, and she continues to serve provisionally in that title. The Commission finds that, for examination eligibility purposes, she has been performing the duties of the title since that date. Thus, Ms. Acosta now possesses enough applicable experience based on this service. Under these circumstances and given the fact that the examination was cancelled due to a lack of qualified candidates, the Commission finds that good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accepts Ms. Acosta's provisional experience after the closing date. Therefore, she should be admitted to the subject examination.

Regarding Ms. Gramling, although she was provisional in the Institutional Trade Instructor 2, Clothing title at the time of the announcement, Agency Services correctly determined that she lacked the two years and nine months of applicable experience as of the closing date since she did not list any other position on her application. It is noted that the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Nevertheless, along with her appeal, Ms. Gramling submits supporting documentation indicating that she possesses more than the required applicable experience listed on the announcement. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Further, as noted previously, Ms. Gramling continues to serve provisionally in the title and the subject examination was cancelled. Therefore, the Commission finds good cause to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* and will accept the additional documentation submitted along with her appeal and admit Ms. Gramling to the subject examination. The Commission cautions Ms. Gramling that, in the future, she should ensure that any applications are fully and completely filled out as her failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

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

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 12th DAY OF MARCH, 2020



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