



STATE OF NEW JERSEY

In the Matter of Sylvia Pearce,
Environmental Specialist 3,
(PS9652G), Department of
Environmental Protection

CSC Docket No. 2020-1418

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

Examination Appeal

ISSUED: May 1, 2020 (RE)

Sylvia Pearce appeals her rank and score for the promotional examination for Environmental Specialist 3 (PS9652G), Department of Environmental Protection. The appellant received an unassembled examination score of 74.780, a seniority score of 5.000, and 3 points for her PAR rating, for a final average of 82.780, and ranked 15th on the resultant eligible list.

The examination was open to employees in the competitive division who were serving as an Environmental Specialist 2 and had an aggregate of one year of continuous permanent service as of the May 21, 2019 closing date. As the appellant was appointed as an Environmental Specialist 2 on February 2, 2008, she was eligible for the examination. Fifteen candidates appeared on the eligible list, which has not yet been certified.

This examination was processed as an unassembled examination (UE), *i.e.*, candidates were ranked on the eligible list based on an evaluation of their education and experience as listed on their applications. The unassembled examination standard conferred a base score of 70.000 for all eligible applicants. Additional credit was awarded for ten years of experience in environmental control work including field investigations, inspection, and preparing reports on the environment or the preparation or review of Environmental Impact Statements. It is noted that no credit was given for experience gained more than ten years prior to the examination closing date, in this case, June 2009. Also, two points were given for possession of a Master's degree in one of the Physical Sciences, Environmental Sciences/Studies, Chemical Sciences, Biological Sciences, Environmental Planning,

Physical Geography, Civil Engineering, Sanitary Engineering, Chemical Engineering, Environmental Engineering, Mechanical Engineering, Agricultural Engineering, Mining Engineering, Industrial Engineering, or Bio-Resource Engineering.

The appellant listed four positions on her application: three positions as Environmental Specialist 2, Site Remediation and Senior Environmental Specialist, Site Remediation. The appellant received credit for three years, seven months in the Environmental Specialist 2, Site Remediation position. For her remaining positions, she copied examples of work from the job specification as her duties. Thus, her UE score was 74.780 which reflected time from November 2015 to the May 2019 closing date.

On appeal, the appellant provides a revised set of duties in her own words for the period of time from June 2009 to October 2015, and attached a resume.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date for filing applications.

The Commission provides sufficient instructions to all applicants with respect to filling out examination applications. Instructions for completing the application state, “Carefully review your application to ensure that it is complete and accurate before submitting,” and “You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper.”

Simply quoting on an application the definition or examples of work contained in the job specification is not a sufficient basis on which to determine if a candidate’s *specific* duties matches the experience requirements of a title. An applicant who mimics a number of the characteristic tasks verbatim from the job specification does not establish that she is primarily engaged in or has experience in that type of work. Candidates must demonstrate that the duties they perform qualify them for admission to the examination. As such, experience which mimics the job specification cannot be credited in an unassembled examination. Further, as this is a competitive situation, with 15 candidates on the eligible list, her experience in her positions cannot be changed. Since the application for the announcement is considered the “test paper,” it is no more subject to later amendment than a multiple-choice test answer sheet. Accordingly, additional experience not included on original test papers cannot be considered in the appeal process. *See In the Matter of Alex Westner* (Commissioner of Personnel, decided August 11, 1997).

A thorough review of the record indicates that the decision of the Division of Agency Services is amply supported by the record, and appellant provides no basis to disturb that decision. The appellant has failed to meet 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 29TH DAY OF APRIL , 2020



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