

experience was accepted and he was found to be lacking one year of required experience. As he did not meet the minimum requirements, he did not pass the qualifying examination for the subject title.

On appeal, the appellant indicates that he has four years of experience in the Crime Scene unit, handling Identification Officer duties. He states that he processed crime scenes, collected and filed fingerprints, collected DNA, took photographs, prepared reports, took blood swabs and logged in the evidence. He also provided a list of training. In a follow-up to his appeal, he argues that his out-of-title work should be accepted. In support, he refers to the directions of the appointing authority. These are located on the top left side of the Application for Qualifying Examination and state:

Appointing Authority: By signing and submitting this application, you are affirming that the applicant's representation of his or her job duties while employed by your agency are true and accurate to the best of your knowledge and that any out-of-title work duties listed on this application were performed by the applicant and assigned out of business necessity. Your affirmation also serves as your request that the Civil Service Commission consider the applicant's out of title work experience when evaluating his or her eligibility for the title sought. Any false representations regarding out-of-title work will result in denial of the application.

CONCLUSION

N.J.A.C. 4A:4-7.8(c) provides, in pertinent part, that if the nature of the work, education and experience qualifications of both titles are dissimilar for a demotional 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.

A review of the appellant's application reveals that he does not meet the experience requirements for Identification Officer. The appellant signed the application certifying that it was true, complete and correct to the best of his knowledge and belief. Also, instructions indicated that if he held different positions with the same employer, each position should be listed separately. Although he failed to follow instructions, the list of duties provided also did not include taking, filing, and searching of fingerprints. On his initial application, the appellant indicated that his duties as an Identification Officer were to oversee complex crime scene investigations, including homicides, sexual assaults, armed robberies, and home invasions, and he was responsible for processing the scenes. His prior two positions as Police Officer, and his untitled positions also did not include the required experience. A prior application shows that those positions were Supervisor of custodial staff, and Detention Officer.

A Public Safety Telecommunicator receives and responds to telephone or other electronic requests for emergency assistance, including law enforcement, fire, medical, or other emergency services and/or dispatches appropriate units to response sites wiring, relays, distribution panels and other electrical devices. The Identification Officer performs work involved in the identification of persons through the use of fingerprints, photography and DNA sample collection; serves as a member of the institutional Pre-Release Committee. The appellant states on appeal that he has one year of experience in taking, filing and searching of fingerprints in an organization using a standard alphanumeric system and he acquired this experience through training courses that he completed. The appellant's initial description of duties does not match the announced experience requirement, and experience is not gained through training courses. Also, there was no substitution of training courses for the required experience.

There was no out-of-title work exhibited by the appellant in the original application and resume that indicated the taking, filing, and searching of fingerprints in an organization using a standard alphanumeric system. Even if he had, the Commission has found that there is no good cause to consider out-of-title work on a qualifying examination because, unlike a promotional examination where good cause can be found to accept out-of-title work 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). Further, and more importantly, a qualifying examination is still an examination, and not an application to be considered for eligibility. The original application is the "test paper," and additional information provided on appeal is not considered. To do so would be tantamount to alteration of an answer sheet following the administration of an assembled examination.

Agency Services correctly determined that the appellant did not pass the subject qualifying examination. Therefore, he has failed to support his 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 1ST DAY OF JULY, 2020

Deirdre' L. Webster Cobb

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. Michael Cantone
Aondrette Williams
Agency Services
Records Center