



STATE OF NEW JERSEY

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

In the Matter of Daniel Molina,
Head Sewing Worker (PS1551K),
Department of Human Services

Examination Appeal

CSC Docket No. 2021-658

ISSUED: MAY 24, 2021 (RE)

Daniel Molina appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the experience requirements for the promotional examination for Head Sewing Worker (PS1551K), Department of Human Services.

The subject examination announcement was issued with a closing date of January 21, 2020. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who were serving in the title of Sewing Worker **or** to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who were serving in the title of Head Laundry Worker **or** who were serving in any competitive title and met the open competitive requirements. These requirements included two years of experience as a sewing worker which shall have included responsibility for cutting out, sewing and altering garments and linens. The appellant was found to be below the minimum requirements in experience. As no candidates were admitted, the examination was canceled on November 28, 2020.

The appellant listed experience in the following positions on his application: provisional Head Sewing Worker, two positions as Head Laundry Worker, and Senior Laundry Worker. He was credited with five months of experience in his provisional position from September 2019 to the closing date, January 2020. As such, he was found to be lacking one year, five months of required experience.

On appeal, the appellant states that he had performed sewing tasks while in his Senior Laundry Worker title. He indicates that he began sewing worker duties in 2018, when he was reassigned to the Sewing Department. He states that he completed a six-week sewing course and he led a team of four employees in various sewing tasks, which he lists.

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. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless could cause is shown for an exception.

Initially, the appellant was correctly deemed to be ineligible for the subject examination since he lacked the minimum requirements in experience as out-of-title work is not accepted for promotional examinations. As such, his out-of-title work while in the title Head Laundry Worker could not be credited.

Also, acceptable experience has the announced experience requirement as the primary focus. Ancillary duties that are not the primary focus are not acceptable. As such, the appellant's sewing duties while in the Senior Laundry Worker title do not qualify, as that position did not have responsibility for cutting out, sewing and altering garments and linens as the primary focus.

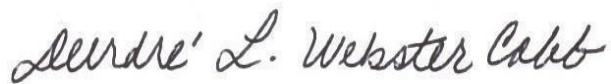
Nonetheless, the appellant indicated that he was working out of title since June 2018 on his application. The appointing authority has indicated that the appellant commenced out-of-title duties in July 2018, an additional one year, one month, while in the title Head Laundry Worker. In his appeal, the appellant listed duties performed since July 2018, and those duties match that of a Head Sewing Worker. The examination was not competitive, with no admitted candidates, and the appellant remains in his provisional position as a Head Sewing Worker. He has accrued at least an additional six months of experience since the January 2020 closing date. Thus, based on the documentation submitted and under these circumstances, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and *N.J.A.C.* 4A:4-2.6(c) and accept the appellant's additional experience beyond the closing date, and to accept his out-of-title work, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and appellant's application be processed.

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 19TH DAY OF MAY, 2021



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