



STATE OF NEW JERSEY

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

In the Matter of
Lawanda Ports-Hughes and Jennifer
Rodriguez, Program Specialist 3
(M0563B), Newark School District

Examination Appeals

CSC Docket Nos. 2021-1922 and
2021-1979

ISSUED: SEPTEMBER 7, 2021

Lawanda Ports-Hughes and Jennifer Rodriguez appeal the decision of the Division of Agency Services (Agency Services) which found that they did not meet the experience requirements for the open competitive examination for Program Specialist 3 (M0563B), Newark School District.

The subject examination announcement was issued with a closing date of August 21, 2020. The examination was open to residents of Newark City and New Jersey who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor’s degree, and three years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating agency programs and services. Applicants who did not meet the announced educational requirement could substitute experience as indicated on a year for year basis. A Master’s degree from an accredited college or university in a discipline appropriate to the position could be substituted for one year of experience. The appellants were found to be below the minimum requirements in experience. Twelve candidates appear on the eligible list, which has been certified once, but no appointments have yet been made.

Ports-Hughes indicated that she possessed a Bachelor’s degree, and a Master’s degree that was in a discipline appropriate to the position, Business Administration, and therefore the appellant was required to possess two years of applicable experience. On her application and resume, she listed experience in eight positions: Program Specialist 3, two positions as Teacher’s Assistant, Parent Liaison, temporary clerical assignments, Untitled position with Armark

Distribution Center, Receptionist for a law department, and Counselor/Intern with her university. Official records indicate that, prior to her provisional appointment, the appellant was a Teacher's Aide and School Clerk. The title Parent Liaison is not a Civil Service title. During the time that the appellant indicated she was a Parent Liaison, her regular appointment was Teacher's Aide. The appellant was credited with one year, nine months in the first position, and was found to be lacking three months of experience.

Ports-Hughes indicated that she possessed a Bachelor's degree, and a Master's degree that was not in a discipline appropriate to the position, Public Health, and therefore the appellant was required to possess three years of applicable experience. On her application and resume, she listed experience in five positions: Program Specialist 3, Research Project Coordinator 2 with Rutgers University, Director of Operations with New Jersey Working Families, Program Associate with Center for Health Care Strategies, and Research Associate (part-time, 25 hours per week) with her university, Rutgers University. The appellant was credited with eight months in the first position and two years of prorated experience in the fifth position, and was found to be lacking four months of experience.

On appeal, Ports-Hughes clarifies her experience and argues that she has accrued applicable experience in her position as a Parent Liaison, and that she possesses a Master's degree in Business Administration. As additional support, Ports-Hughes provides a letter from Dr. Shakirah Harrington, Assistant Superintendent, South West Leadership Team, further clarifying that Ports-Hughes' experience as a Parent Liaison for seven years, and highlighting the fact that she performed a significant number of duties aligned with the responsibilities of the title under test.

Rodriguez also clarifies her varied experiences that she indicated on her original application and argues that her Master's degree in Public Health which should be accepted. The appellant provides a list of duties that she performed in the past and an appendix of documents as further evidence of her qualifications. She supplies a resume with an additional position not originally listed on her application. Michele Thornton, Director of the Office of Federal Programs and Grants, highlights Rodriguez's provisional experience and maintains that her resume shows that she possesses the required years of experience position.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

Initially, Agency Services correctly determined that both appellants were not eligible for the subject examination. As of the announced closing date Ports-Hughes lacked three months of the required experience and Rodriguez lacked four months of the required experience. Under *N.J.A.C.* 4A:4-2.1(g), the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See *In the Matter of Diana Begley* (MSB, decided November 17, 2004).

On appeal, the appellants clarify their experience in positions that they indicated on their applications, explaining their various duties involving planning, monitoring, coordinating, implementing modifyiing and/or evaluating agency programs and services. Further, there are multiple vacancies and provisional appointments and there are only twelve eligibles on the list. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). As such, under these unique circumstances, good cause exists to accept the appellants clarification of their experience and admit them to the subject examination for prospective appointment opportunities only.

ORDER

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

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 SEPTEMBER, 2021

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