



**STATE OF NEW JERSEY**

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

In the Matter of Shonda Woods,  
Clerk 3, Newark School District

CSC Docket No. 2021-816

Examination Appeal

**ISSUED: SEPTEMBER 7, 2021 (RE)**

Shonda Woods appeals the determination of the Division of the Agency Services (Agency Services), which found that she was below the minimum requirements in experience for a qualifying examination for Clerk 3.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Clerk 3 title effective July 1, 2019. Agency Services processed a qualifying examination for the appellant, dated November 11, 2020, to determine if she possessed the necessary qualifications for the subject title and determined that she did not meet the requirements for Clerk 3. The requirements for Clerk 3 are two years of experience in clerical work, one year of which must have been performing duties at or equivalent to the Clerk 2 level.

On her qualifying examination application, the appellant indicated the following positions: Clerk 3, Community Engagement Specialist, and Teacher Aide. The appellant was credited with one year, five months of experience while serving provisionally as a Clerk 3, and her remaining experience was not accepted. As she was found to be lacking seven months of required experience, she did not pass the qualifying examination for the subject title.

On appeal, the appellant indicated that she gained applicable experience while working out of title as a Parent Liaison. By letter dated February 8, 2021, staff responded that, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement or job specification. Additionally, a revised application is not

acceptable. 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 on positions not originally given but 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. Thus, when reviewing an appeal of a “fail” notice as a result of a qualifying examination, the Civil Service Commission must focus on the “test papers,” *i.e.*, the original application materials presented for review to determine if there was an error in scoring.

The appellant was informed that no out-of-title work was indicated on her examination. As she claimed on appeal that she was working out-of-title, she was also informed that out-of-title work is not considered for a qualifying examination, and in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). There was no out-of-title work exhibited in the original application that indicated that the primary focus of any of her positions outside of her provisional position was the required experience. As a Community Engagement Specialist, she had positive interaction with parents, was fundraising, created flyers for school events and conducted education workshops. As a Teacher Aide, she assisted students, developed relationships, and assisted with school beautification. Each position can have only one primary focus, and the duties performed most of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. The description of duties did not support that the primary foci of the second two positions as listed on her qualifying examination were clerical work.

The appellant did not respond until June 18, 2021, and provides no explanation as to why she waited over four months to reply. At that time, she wrote an email reiterating that she performed out-of-title work as a Parent Liaison, a position she did not provide on her application, and as a Teacher Aide. The appointing authority adds that Parent Liaison is “the internal title that the District sues for the titles of Community Aide Schools and Senior Community Aide Schools.” It is noted that the appellant did not use either of these titles on her examination. Official records indicate that the appellant was a Teacher Aide from March 1998 to July 1, 2019, and a provisional Clerk 3 thereafter. The appellant provides another set of duties for Parent Liaison, a position for which the appellant has not provided dates of employment.

## 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:4-6.1(a)2 and (a)4 provide that a person may be denied examination eligibility or appointment when he or she is ineligible by law for employment in the title and/or has failed to pass examination procedures.

*N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

As to the merits of the appeal, the work, education and experience qualifications of Teacher Aide and Clerk 3 are dissimilar enough to warrant a qualifying examination. It must be underscored that a “Qualifying Examination” requires the candidate to demonstrate on her qualifying examination application that she possesses the necessary education and experience for the subject title to affect a demotional title change. As previously noted, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See Bashkim Vlashi, supra.* A Teacher Aide is responsible for providing direct aide to teachers or other certified staff members, and assisting in the classroom activities of school children. A Clerk 3 performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work. There was no out-of-title work exhibited by the appellant in the original application and resume that indicated that the primary focus of any of her positions outside of her provisional position was the required experience.

On appeal, the appellant presents a list of duties that contained some aspects of clerical work. However, each position can have only one primary focus. The duties performed most of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. The description of duties listed on appeal disregards the original duties and provides a different set of duties which are clerical in nature. It is disingenuous to rewrite an employment history to include out-of-title work upon notification of failure of a Qualifying Examination. Nonetheless, even if she had performed out-of-title work, 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.

In sum, the appellant did not meet the minimum qualifications at the time that she completed her qualifying examination in September 2020. However, as the appointing authority did not return the appellant to her permanent title after failing the examination, the appellant continues to serve provisionally as a Clerk 3

and now possesses enough applicable experience based on her provisional service. As such the appointing authority may submit another qualifying examination if it chooses, or separate the provisional within 30 days of receipt of this determination.

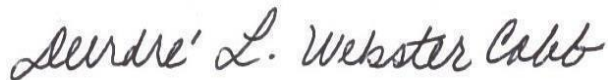
Therefore, the appellant has failed to support her burden of proof in this matter.

**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 1<sup>ST</sup> DAY OF SEPTEMBER, 2021



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