



**STATE OF NEW JERSEY**

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

In the Matter of Brooke Loftus,  
Senior Management Assistant,  
Department of Law and Public Safety

CSC Docket No. 2023-738

Examination Appeal

**ISSUED:** December 21, 2022 (RE)

Brooke Loftus 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 Senior Management Assistant.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Senior Management Assistant title effective February 26, 2022. Agency Services processed a qualifying examination for the appellant on June 21, 2022, to determine if she possessed the necessary qualifications for the subject title. The requirements for Senior Management Assistant are graduation from an accredited college or university with a Bachelor’s degree, and two years of experience in performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures. Additional experience could have been substituted for the education requirement on a year for year basis. The appellant was found not to possess the necessary qualifications. It is noted that she has not yet been returned to her permanent title, Personnel Assistant 2.

On her qualifying examination application, the appellant indicated that she possessed 10 college credits, which prorate to four months of experience. She also listed positions as a Senior Management Assistant, Personnel Assistant 2, Personnel Assistant 3, Personnel Assistant 4, Technical Assistant Personnel, Personnel Aide 1, Data Entry Operator 1, Data Entry Machine Operator, and Clerk

Typist. She was credited with four years, six months of applicable experience as a Senior Management Assistant, Personnel Assistant 2, Personnel Assistant 3, and Personnel Assistant 4 from January 2018 to June 2022. The appellant's remaining positions were inapplicable. Since the appellant lacked one year, two months of applicable experience, she did not pass the qualifying examination for the subject title.

On appeal, the appellant provides a resume with additional positions, Title Clerk and Sales Associate.

## CONCLUSION

*N.J.A.C.* 4A:4-7.8(c) provides, in pertinent part, regarding a demotional title change, that if the demotion is not to any title previously held on a permanent basis during current continuous service, then the employee shall be appointed pending examination. An employee who fails the examination shall be restored to his or her permanent title.

*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.

At the outset, it must be underscored that a qualifying examination requires the candidate to demonstrate on her application that she possesses the necessary experience for the subject title to effect a lateral transfer to the title. Additionally, 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).

A review of the appellant's application reveals that she does not meet the experience requirements for Senior Management Assistant. As to education, the appellant was credited for her 10 college credits. Next, when an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In her prior positions with the State, the appellant was credited for her experience as a Senior Management Assistant, and in the Personnel Assistant title series. Her remaining positions do not have complex administrative support work including the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures as the primary focus. 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 does not support that the primary foci of her remaining positions as listed on her qualifying examination and application and attachment included qualifying work. Even if the appellant were performing out-of-title work, the Civil Service Commission has found that there is no good cause to relax the rules 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. Nonetheless, the extra positions that the appellant provided on appeal are not qualifying.

Accordingly, Agency Services correctly determined that the appellant did not pass the subject qualifying examination. Therefore, she has failed to support her burden of proof in this matter and should be restored to her permanent title.

### 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 21<sup>st</sup> DAY OF DECEMBER, 2022



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