



STATE OF NEW JERSEY

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

In the Matter of Lance Williams,
Technical Assistant Personnel
(M0726D), Newark School District

CSC Docket No. 2023-589

Examination Appeal

ISSUED: February 22, 2023 **(RE)**

Lance Williams, represented by Catherine M. Elston, Esq., appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the open-competitive examination for Technical Assistant Personnel (M0726D), Newark School District.

The subject examination had a closing date of July 21, 2022 and was open to residents of Newark City and New Jersey who met the announced requirements. These requirements included possession of 60 semester hour credits from an accredited college or university, and two years of experience in technical, clerical personnel work involving the application of procedural rules, regulations, policies and procedures. Applicants who did not possess the required education could substitute experience on a year for year basis with 30 semester hour credits being equal to one year of experience. The appellant was found to be ineligible based on a lack of experience. The examination was a qualified unassembled examination (QUE), nine candidates appeared on the eligible list, which was certified once, and four have been appointed.

On his application, the appellant indicated that he possessed an Associate's degree and he listed four positions: Investigator from August 2019 to the July 2022 closing date, Judiciary Clerk from March 2016 to August 2019; Loss Prevention from September 2007 to November 2008; and Security Officer from September 2003 to December 2004. Official records indicate that the appellant was a Senior Stock Clerk from June 2021 to July 2022, an Investigator from August 2019 to June 2021; and a Judiciary Clerk Driver from March 2016 to August 2019. The appellant met

the education requirement, however, none of his experience was accepted and he was found to be lacking two years of applicable experience.

On appeal, the appellant maintains that the test mode of a UE was not warranted for this examination as it would not have been impractical to test this population. He also argues that a UE is an unfairly subjective analysis of the required knowledge, skills and abilities. He further argues that he has the required technical, clerical personnel work which he acquired in his position as Investigator, and he provides duties for that 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. *N.J.A.C.* 4A:2-1.4(c) states that the burden of proof shall be on the appellant.

In the instant matter, the appellant has no standing to appeal the test mode, as he was found to be ineligible and was not tested. Nonetheless, the QUE is utilized when there are 12 or less candidates, and veteran's preference rights are not affected. All candidates who have been determined to be eligible are assigned the same score of 76.550, and ranked by residency. *N.J.S.A.* 11A:4-1 provides considerable discretion to the Civil Service Commission in the development and scoring of examinations for positions in the career service. The adoption of the long-standing policy of evaluating a candidate's qualifying experience in the course of the administration of examinations is an example of this discretionary authority. In this regard, *N.J.A.C.* 4A:4-2.2 specifies that this agency has discretion in selecting the mode of examination. In this light, it is noted that that Agency Services uses a number of criteria to determine test modes and it concluded that a QUE, a non-traditional unassembled examination, was the best test mode for this examination.

As to the actual issue of the appellant's ineligibility for the subject examination, first, it is the individual applicant's responsibility to ensure the correct months and years of all employment (both public and private), as well as other relevant information, are recorded on the employment application. *See In the Matter of Carol Brozosky* (MSB, decided March 27, 2002). Further, the online application process is automated and provides instructions to candidates on how to properly complete their applications. Eligibility for a given examination is determined based on the information provided on the application. The announcement states, "**You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**" To proceed to the payment section, candidates must certify that their application is complete and accurate.

The appellant's positions as Loss Prevention and Security Officer are clearly inapplicable. He indicated he was an Investigator from August 2019 to July 2022, when in fact he was an Investigator from August 2019 to June 2021, and a Senior Stock Clerk from June 2021 to July 2022. Additionally, the appellant indicated he was a Judiciary Clerk from March 2016 to August 2019, when he was actually a Judiciary Clerk Driver. Nonetheless, the duties provided are not technical, clerical experience in *personnel* work. An Investigator conducts routine investigations in the field or from the central office, involving alleged non-compliance with State statutes and regulatory requirements. A Judiciary Clerk Driver has driving as the primary focus. A review of the duties for each of the two positions listed does not establish that the primary focus of either one was technical, clerical experience personnel work. In sum, the Commission cannot find that the appellant's positions provided qualifying experience.

An independent review of all material presented indicates that the decision of the Division of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

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 22ND DAY OF FEBRUARY, 2023



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