

## STATE OF NEW JERSEY

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Michael Rienzo, Laborer/Clerk 2 (C0890S), Bergen County

CSC Docket No. 2015-2464

**Examination Appeal** 

ISSUED: MAY 08 2015 (RE)

Michael Rienzo appeals the determination of the Division of Agency Services (DAS) which found that he did not meet the experience requirements for the open competitive examination for the dual title Laborer/Clerk 2 (C0890S), Bergen County. A dual title is a title that combines two separate titles into one classification; applicants need to meet the minimum requirements of both titles in order to be declared eligible.

The subject examination announcement was issued with a closing date of November 26, 2014. The examination was open to residents of Bergen County who met the announced Clerk 2 requirements of one year of experience in clerical work. These were no additional requirements for the Laborer title. The appellant was found to be below minimum requirements in experience. It is noted that three candidates appear on the eligible list, which has been certified once, but no appointments have yet been made.

The appellant listed one position on his application, provisional Laborer/Clerk 2. He was credited with three months of experience for this position, and therefore, was found to be lacking nine months of clerical experience.

On appeal, the appellant explains that, aside from the detailed employment history already provided, he has been the owner/operator of SpringLinc, LLC since the company's formation date of June 25, 2012. During that time, the majority of his responsibilities have involved performing various types of clerical work. His communication mainly involves steady correspondence with the USPTO/U.S.

Copyright Office regarding patents, trademarks, and copyrights he has applied for, the hiring of multiple attorneys to attend to his legal affairs, and the hiring/management of a web designer for his company's website. Dealing with these multiple vendors also involves overseeing their staff's production through the congregation of monthly meetings in order to establish progress. He also performed the duties of filing/storing all of his company's records since 2012, maintaining his accounts receivable/accounts payable through the "Quick Books" computer program, receiving and reviewing all incoming/outgoing mail, and the preparing of documents (contracts/letters) via computer software.

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.

## **CONCLUSION**

A review of the appellant's application reveals that he does not meet the announced requirements. The appellant listed one position on his application, for which he received credit. Applicants are required to unambiguously indicate relevant experience on the application. Thus, applicants are required to clearly demonstrate that their experience matches that required in the announcement. See In the Matter of Marcella Longo (MSB, decided November 4, 2004) and In the Matter of Rui Reguinho (MSB, decided October 6, 2004). Further, instructions for completing the application state, "Carefully review your application to ensure that it is complete and accurate before submitting," and "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 cause you to be declared ineligible or may lower your score if your application is your test Further, the applications states, "Employment Record: You may be paper." declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. If you are currently employed in this position, enter the current month and year in the Employed To section. Since your application may be your only test paper, be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail." The Online Application System User Guide asks candidates to review the application to make sure the information is complete and accurate. It also states that, by clicking "yes" to make a payment and submit the application, the candidate is told that he or she is certifying that the application is complete and accurate.

On appeal, the appellant provides a position that was not on his original application. Aside from the fact that the information is not complete for this

position, this is supplemental information. 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 title 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. See In the Matter of Diana Begley (MSB, decided November 17, 2004). This supplemental information regarding the ownership of a small business was received after the closing date and cannot be accepted. The examination is competitive with three eligible candidates, so there would be no basis to relax this requirement in the instant matter. In any event, the additional experience presented does not meet the experience requirement since its primary focus, contrary to the appellant's assertions, was clearly not in clerical work. To be considered applicable, experience must have, as its primary focus, full-time duties that are applicable to the title under test.

An independent review of all material presented indicates that the decision of DAS 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 6th DAY OF MAY, 2015

Robert M. Czech

Chairperson

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