



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Jennifer Iwanisik  
and Karen Marshall-Fry, Technical  
Assistant 2 Labor (PS4415N),  
Department of Labor and Workforce  
Development

Examination Appeals

CSC Docket Nos. 2017-3850 and  
2017-3847

ISSUED: NOV 03 2017 (SLK)

Jennifer Iwanisik and Karen Marshall-Fry appeal the determinations of the Division of Agency Services (Agency Services) that they were below the minimum requirements in experience for the promotional examination for Technical Assistant 2 Labor (PS4415N), Department of Labor and Workforce Development.

The examination at issue was announced with specific requirements that had to be met as of the February 21, 2017 closing date (see attached). The appellants were the only employees who applied for the subject examination. Both were found to be below the minimum requirements in experience by the Division of Agency Services (Agency Services). Therefore, the examination was cancelled due to a lack of qualified applicants.

CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(g), provides that the Civil Service Commission can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties performed in a given position that expands or enlarges on information previously submitted is considered clarifying. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of

out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

Initially, it is noted that Agency Services correctly determined that the appellants were not eligible for the subject examination. Per the substitution clause, the appellants needed three years of the required experience. Personnel records indicate that Ms. Iwanisik was provisionally serving in the subject title from July 2016 to the February 21, 2017 closing date<sup>1</sup> and served in clerical positions from July 2001 to July 2016. Further, personnel records indicate that Ms. Marshall-Fry was provisionally serving in the subject title from July 2016 to the February 21, 2017 closing date and served in clerical titles from May 2003 to July 2016. Additionally, Ms. Marshall-Fry indicated that she earned 33 college credits.<sup>2</sup> Neither appellant possessed the equivalent of three years of the required experience as any experience where they performed the required duties while serving in clerical titles was out-of-title work. However, on appeal, Milton Washington, Chief, Mechanical Inspection Bureau of Boiler and Pressure Vessel Compliance, confirms that both appellants performed out-of-title duties starting in January 2014 as Senior Clerks, and performed applicable duties while serving provisionally in the subject title from July 2016 to the February 21, 2017 closing date. Accordingly, as the examination was cancelled due to a lack of qualified candidates and the appellants continue to serve provisionally in the subject title, good cause is established to accept Ms. Iwanisik's and Ms. Marshall-Fry's out-of-title work experience for eligibility purposes only, and admit them to the subject examination.

### ORDER

Therefore, it is ordered that the appeals be granted, the cancellation of the examination be rescinded and Jennifer Iwanisik's and Karen Marshall-Fry's applications be processed for prospective employment opportunities only.

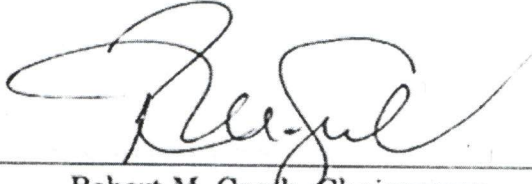
This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

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<sup>1</sup> Agency Services did not credit Ms. Iwanisik with any experience as it indicated that she did not clearly indicate on her application that she was performing the required duties even while serving provisionally in the subject title. Therefore, it determined that she lacked three years of the required experience.

<sup>2</sup> Agency Services credited Ms. Marshall-Fry with one year and nine months of experience based on her college credits and her provisional service in the subject title. Therefore, it determined that she lacked one year and three months of the required experience.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>st</sup> DAY OF NOVEMBER, 2017



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Robert M. Czedh, Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
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Written Record Appeals Unit  
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Trenton, New Jersey 08625-0312

Attachment

c: Jennifer Iwanisik, 2017-3850  
Karen Marshall-Fry, 2017-3847  
Mary Fitzgerald  
Kelly Glenn  
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE PROMOTIONAL ANNOUNCEMENT		Click here to file Online  Print <b>\$25.00 PROCESSING FEE REQUIRED</b> Make Check/Money Order Payable to NJCSC
SYMBOL: PS4415N TITLE: TECHNICAL ASSISTANT 2 LABOR ISSUE DATE: February 01, 2017 TITLE CODE: 65352/NYRXR4 DEPARTMENT: LAA/LABOR & WORKFORCE DEVELOPMENT UNIT SCOPE: N960 Office of Occupational Health and Safety	WEIGHT CODE: * SALARY: \$33,170.00 - \$46,291.00 CLOSING DATE: February 21, 2017 CLASS CODE: 12	
Visit <a href="http://www.state.nj.us/csc">www.state.nj.us/csc</a> And select "Job Announcements" to view this announcement and to file an application		
<p><b>Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:</b></p> <p>Education: Successful completion of sixty (60) semester hour credits at an accredited college or university. You must indicate the total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.</p> <p>Note: Applicants who do not possess the required education may substitute, in addition to the required experience indicated below, applicable experience on a year for year basis, with thirty (30) semester hour credits being equal to one (1) year of experience.</p> <p>Experience: One (1) year of experience in a public or private agency involved in assisting a professional staff with the gathering, assembling, interpreting and recording of factual data of a complex or technical nature.</p> <p>License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.</p>		
<p><b>IMPORTANT INFORMATION</b></p> <ol style="list-style-type: none"> <li>1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.</li> <li>2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.</li> <li>3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.</li> <li>4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.</li> <li>5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.</li> <li>6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.</li> <li>7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: <a href="mailto:OAS.support@csc.state.nj.us">OAS.support@csc.state.nj.us</a> or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.</li> <li>8. Application fees submitted via personal check or money order must be postmarked within five (5) business days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.</li> </ol>		

DPF-256A \* Revised 03/09