

McCarthy further claims that, at the time she submitted her application, she was under duress due to workplace distractions among personnel. Finally, she notes that she has provisionally served in the subject position previously.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides, in pertinent part, that applicants for promotional examinations be currently serving in the announced unit scope in a title to which the examination is open and meet all other requirements contained in the announcement. *N.J.A.C.* 4A:4-6.3(b) states, in pertinent part, that the appellant has the burden of proof in examination and selection appeals.

In the matter at hand, Agency Services correctly determined that McCarthy was not eligible for the PS4699T promotional examinations. The PS4695T examination announcement advised all applicants to make sure that they were assigned to MV65, the unit scope indicated on the announcement and that if they did not know their unit scope assignment, to contact their Human Resources Office. It also indicated that if an application was filed for a specific announcement and the applicant was not assigned to the indicated unit scope on the announcement, they would be found ineligible for the examination. Further, the PS6499T and PS4695T announcements advised applicants that only on-line applications would be accepted. When filing for a specific promotional announcement utilizing the on-line application system, the first screen that appears *before* an applicant can proceed to fill out their application consists of a large red STOP sign and indicates:

You must work for:

Department: MOTOR VEHICLE COMMISSION

Unit: [Specific unit scope for announcement]

to meet the first eligibility requirement of this announcement.

If you do not meet this requirement and choose to file an application, you will be found ineligible and your application fee will not be refunded.

Finally, after completing the on-line application, applicants are sent an automatic e-mail confirming that their application has been received by this agency and listing, among other things, the title name, *promotional symbol*, closing date, and jurisdiction for the promotion.

Notwithstanding all of the information provided to McCarthy regarding the importance of filing a promotional application for the appropriate unit scope, for various reasons, McCarthy erroneously applied for a promotional opportunity in a

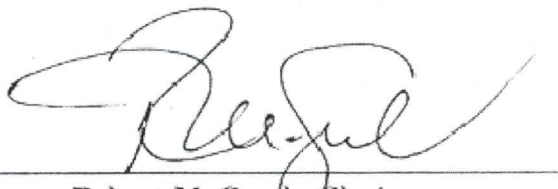
unit scope to which she was not assigned. None of her explanations are remotely sufficient enough to overcome the various warnings the were provided regarding applying for the examination in an employee's correct unit scope. Indeed, while the Civil Service Commission (Commission) has granted remedies for this type of situation in the past, it is absolutely clear in this case that McCarthy was provided fair notice to ensure that she was serving in the correct unit scope before she could proceed with the application process. *See In the Matter of Supervising Family Service Specialist 2 (PS6691K), et al.* (CSC, decided July 17, 2013). Her apparent disregard of the numerous warnings will not be rewarded by the Commission by allowing McCarthy to submit a late application for her correct unit scope. Thus, while it is unfortunate that McCarthy erroneously applied for an examination for an incorrect unit scope, it was her responsibility to ensure their applications are correct before submittal. Indeed, the record indicates that 48 applicants properly followed the announced procedures and correctly applied for the PS4695T examination in their unit scope. Accordingly, based on the foregoing, McCarthy's appeal is denied.

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 15th DAY OF NOVEMBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Records Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Elizabeth McCarthy
Valerie Stutesman
Kelly Glenn
Record Center