

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Elizabeth McCarthy, Records Technician 2, Motor Vehicles (PS4699T), Motor Vehicle Commission

CSC Docket No. 2018-37

Examination Appeal

NOV 1 6 2017

ISSUED:

(WR)

Elizabeth McCarthy appeals the determination of the Division of Agency Services (Agency Services) which found that she was not eligible for the promotional examination for Records Technician 2, Motor Vehicles (PS4699T), Motor Vehicle Commission because she was not employed in the announced unit scope.

The PS4699T examination was announced with a closing date of April 21, 2017 and was, in part, open to employees who were currently serving in unit scope MV65, Customer Information and Advocacy. Also announced with a closing date of April 21, 2017 was an examination for Records Technician 2, Motor Vehicles (PS4695T), for employees who were currently serving in unit scope MV40, Motor Vehicle Agency Services. McCarthy applied for the PS4699T examination for unit scope MV65. Agency Services determined that McCarthy was ineligible for the PS4699T examination because she is currently serving in unit scope MV40. Agency records reveal that McCarthy did not apply for the PS4695T examination. It is noted that 48 candidates were found eligible for the PS4695T examination, which resulted in an eligible list containing 43 names that promulgated on September 14, 2017 and expires on September 13, 2020. As of the date of this decision, no certifications have been issued.

On appeal to the Civil Service Commission (Commission) McCarthy claims that she intended to apply for the PS4695T examination, but applied for the PS4699T examination by mistake. She requests that she be allowed to take the PS4695T examination instead. McCarthy also expresses difficulty in filing out her application online and suggests that the Online Application System be changed so that applicants can only apply for examinations that are open to their unit scopes.

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 VEHCILE 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 email 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

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