



STATE OF NEW JERSEY

In the Matter of Brian Beke,
Coordinator MVC (PS4377T),
Motor Vehicle Commission

DOP Docket No. 2018-962

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FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Reconsideration

ISSUED: NOVEMBER 20, 2017 (RE)

Brian Beke petitions the Civil Service Commission (Commission) for reconsideration of the decision rendered on September 6, 2017 which denied his appeal regarding his ineligibility for the promotional examination for Coordinator MVC (PS4377T), Motor Vehicle Commission. A copy of that decision entitled *In the Matter of Glenn Baran, et al., Coordinator MVC (PS4377T), Motor Vehicle Commission* (CSC, decided September 6, 2017), is attached hereto and incorporated herein.

By way of background, the eligibility requirements for the subject examination were graduation from an accredited college or university with a Bachelor's degree, and four years of supervisory experience in a regulatory agency including responsibility for employee performance evaluations and the oversight of activities and staff over one or more regulatory agency programs a government agency. As the appellant possessed 36 college credits, he was required to have six years, nine months of applicable experience. The Commission explained that the appellant was credited with two years, six months of experience in his position as a Supervisor 2 MVC, but no more positions were listed on his application. It discussed his experience as a Driver Improvement Analyst 2. It also indicated that the appellant had three weeks to file his online application, as the examination was announced on February 1, 2017, and the application deadline date was February 21, 2017. The appellant waited until late in the last day to file at a time when no customer care or support could have been provided, and he did not submit or mail any attachments, such as a resume, which would have supplemented the application. Therefore, the Commission denied his appeal.

In the present matter, the appellant explains that he gained supervisory experience in the title Supervisor 3 MVC, which he held from 1989 to 1999. He states that the Commission omitted this information in its determination. He also submits information that his center handled 4770 walk-in customers in February 2017, which limited his time to complete the application at work. He states that he completed his application after his shift on February 21, 2017, when he had no interruptions. It is noted that certification PS171510 was issued on September 13, 2017 containing the names of the six eligibles and has not yet been disposed.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration must show the following:

1. New evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

Applying this standard to the instant matter, the appellant has not demonstrated that reconsideration should be granted. The appellant argues that his experience in the title Supervisor 3 MVC was not considered. In that respect, the appellant did not include that position on his application. Nor did he include Driver Improvement Analyst 2. Pursuant to *N.J.A.C.* 4A:4-2.1(f), any supplemental information received after the closing date cannot be considered.

While the Commission did not discuss his Supervisor 3 MVC experience, it did explain in depth that the appellant was responsible for properly completing his application. He was credited for all the experience listed on his application, and he cannot be credited for experience which was not on his application. Further, he certified that his application was complete when he submitted it. Next, the appellant argues that he was busy at work, and interruptions were the cause of his failure to complete the application. The appellant was provided with ample instructions on completing the application, it was available for him to review before and after submitting, and he could have supplemented the application by submitting additional information by mail if it was incomplete prior to the announced closing date. Also, he could have used any computer at any time, 24 hours a day, for three weeks, and was not limited to completing his application at work.

The appellant has failed to present a basis for reconsideration of this matter since he failed to establish that a clear material error occurred in the original

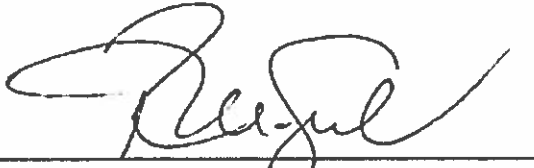
determination or that new evidence presented would change the outcome of the appeal.

ORDER

Therefore, it is ordered that this request 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
THE 15th DAY OF NOVEMBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Brian Beke
Jackie Passarelli
Kelly Glenn
Records Center



STATE OF NEW JERSEY

 FINAL ADMINISTRATIVE
 ACTION OF THE
 CIVIL SERVICE COMMISSION

 In the Matter of Glenn Baran,
et al., Coordinator MVC (PS4377T),
 Motor Vehicle Commission
CSC Docket Nos. 2018-269 *et al.*

Examination Appeal

ISSUED: SEP 11 2017 (RE)

Glenn Baran, Brian Beke, Karin Flynn, George Mieczkowski, and Deborah Vannatten appeal the determinations of the Division of Agency Services, which found that they did not meet the experience requirements per the substitution clause for education for the promotional examination for Coordinator MVC (PS4377T), Motor Vehicle Commission. These appeals have been consolidated due to common issues presented by the appellants.

The subject promotional examination was announced with specific requirements that had to be met as of the February 21, 2017 closing date (see attached). A total of 44 employees applied for the examination that resulted in a list of six eligibles with an expiration date of September 6, 2019. The list has not yet been certified.

It is noted that, at its August 4, 2010 meeting, the Commission approved changes in the State classification plan for various MVC titles, effective July 3, 2010. As a result, the Customer Service Representative, Support Services Representative and Examination Technician, Motor Vehicles title series were restructured as the Technician, MVC title series; the Supervisor 1 MVC title was consolidated into the Coordinator MVC title; and the Supervisor 3 MVC title was renumbered to Supervisor 1 MVC.

A review of Mr. Baran's application reveals that he possesses 37 college credits, which prorate to 1 year, 3 months of experience, and, therefore, he needed 6 years, 9 months of experience. On his application, Mr. Baran indicated experience

as a Safety Specialist 2 from June 2016 to the February 2017 closing date; Safety Specialist 1 from October 2013 to June 2016; Safety Specialist Trainee from October 2012 to October 2013; Truck Driver with West Amwell Township from August 2006 to October 2012; Coordinator with General Motors Corp. from June 1997 to August 2006; Manufacturing Engineer with General Motors Corp. from April 1976 to June 1997; and Owner/Manager of Sherwood Liquor Faire from February 1981 to December 1983. As none of this experience was accepted, he was found to be lacking 6 years, 9 months of applicable experience. On appeal, Mr. Baran argues that his experience as a Coordinator for General Motors should be accepted. He states that he oversaw a team of 20 supervisors and 6 Assembly Workers and he managed work operations and had supervisory responsibilities. He also states that he owned and managed his own business for three years, including employing several employees and having oversight of daily operations, the budget, and securing funds and equipment to operate the business.

A review of Mr. Beke's application reveals that he possessed 36 college credits which prorate to 1 year, 3 months of experience and, therefore, he needed 6 years, 9 months of experience. Mr. Beke's online application indicated experience as a Supervisor 2 MVC from September 2014 to the February 2017 closing date, which provided him with 2 years, 6 months of experience. As he was credited with 1 year, 3 months of experience for his college credits, he was found to be lacking 4 years, 3 months of experience. On appeal, Mr. Beke states that he was a Driver Improvement Analyst 2 from 1999 to 2014, so he has 13 years of experience as a supervisor. He supplemented his appeal, stating that he had trouble completing the online application. Specifically, he states that he had to restart three times to complete, shortening his job experience each time. As a result, he could not complete his application with his 32 years of employment including 13 years as a supervisor and 15 years as a Driver Improvement Analyst 2.

A review of Ms. Flynn's application reveals that she possesses 15 college credits, which prorate to 6 months of experience, and, therefore, she needed 7 years, 6 months of experience. She indicated that she was a provisional Coordinator MVC from April 2016 to the February 2017 closing date; Supervisor 1 DMV from January 2015 to April 2016; Supervisor 1 DMV from February 2012 to January 2015; Supervisor 1 DMV from March 2011 to February 2012; Compliance Officer 1 MVC from July 2010 to March 2011; Field Monitor 3 Division of Motor Vehicles from February 2005 to July 2010; Customer Service Representative 2 from February 2004 to February 2005; Customer Service Representative 2 from March 1999 to February 2004; Customer Service Representative 3 from February 1996 to March 1999; Customer Service Information Specialist 2 from July 1995 to January 1996; Customer Service Representative 2 from July 1988 to July 1995; Customer Service Specialist 2 from September 1987 to June 1988; Senior Data Entry Operator from June 1987 to September 1987; Senior Clerk Typist from November 1986 to June 1987; and Clerk Typist from February 1985 to November 1986. She was credited

with 6 years of experience from March 2011 to the February 2017 closing date based on her provisional position and as a Supervisor 1 DMV. As she had six months of experience per the substitution clause for education, she was found to be lacking 1 year and 6 months of the required experience. On appeal, the appellant provides a history of her employment and maintains that she began supervisory responsibilities in March 2011. She feels she should be credited for completion of a Leadership Development Program, and for courses and seminars taken on supervision at MVC and HRDI. The Deputy Administrator of MVC Agency Services and the Director of MVC Agency Support Services provide letters of support.

A review of Mr. Mieczkowski's application reveals that he possesses 70 college credits, which prorate to 2 years, 4 months of experience, and, therefore, he needed 5 years, 8 months of experience. On his application, he indicates that he was a Supervisor 1 MVC from September 2016 to the February 2017 closing date; Senior Technician MVC from June 2012 to September 2016; Technician MVC from June 2010 to June 2012; Customer Service Representative 3 from June 2003 to June 2010; Private Employee with the MVC from March 1998 to June 2003; Real Estate Agent from 1993 to 1999; Manager with Wayne Computer Software from 1991 to 1998 (overlaps with prior position, no hours given); Manager with Taco Bell from 1994 to 1995 (overlaps with two prior positions, no hours given); Dairy Clerk with A&P Supermarket from 1990 to 1991; and Clerk with Giannella's Bakery Deli Catering and Convenience Store from 1986 to 1990. Mr. Mieczkowski was credited with 6 months of experience as a Supervisor 1 MVC. Combined with the experience per substitution clause for education, the appellant possessed 2 years, 10 months of experience and lacked 5 years, 2 months of applicable experience. On appeal, the appellant states that his experience as a Senior Technician MVC and as a Customer Service Representative 3 should be accepted.

Ms. Vannatten indicated on her application that she possesses no college credits and, therefore, she needed 8 years of experience. She listed experience as a Supervisor 1, MVC from August 1999 to the February 2017 closing date. Official records indicate a different employment history. These records indicate that the appellant was a Supervisor 1, MVC from August 2012 to February 2017; a Senior Technician MVC from July 2010 to August 2012; a Customer Service Representative 2 from June 2004 to July 2010; and a Transitional Customer Service Representative 2 from June 2003 to June 2004. She received credit for 4 years, 7 months in her Supervisor 1, MVC position, and was found to be lacking 3 years, 5 months of qualifying experience. On appeal, Ms. Vannatten states that she has over five years of experience as a Supervisor 1, MVC, and requests that provisional time in this title be accepted.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C. 4A:4-2.6(c)* provides in pertinent part that 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, unless good cause is shown for an exception.

CONCLUSION

In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). An experience requirement that lists a number of duties which define the primary experience requires that the applicants demonstrate that they *primarily* performed *all* those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience.

Further, when an applicant indicates extensive experience in titles established under the State Classification Plan for an examination, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In the eligibility screening process, reliance on the job specifications to determine the primary focus of duties for incumbents of a particular title or title series provides a standardized basis on which Agency Services can evaluate what an applicant indicates on his or her application to what incumbents in a particular title series generally perform. *See In the Matter of William Moore* (MSB, decided May 10, 2006). In order to maintain the integrity of the State Classification Plan, Agency Services cannot simply accept *carte blanche* how an applicant describes his or her experience when such a barometer exists. In this regard, it is noted that *N.J.A.C. 4A:3-3.4* contemplates that employees are appointed to a title appropriate to the duties to be performed in the title and will not be assigned duties other than those properly pertaining to the assigned title which the employee holds.

In addition, titles are categorized as professional, para-professional or non-professional. *N.J.A.C. 4A:4-2.5(a)1* states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Coordinator MVC title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as relevant experience, it is considered a professional title. The announced experience requirement was supervisory experience in a regulatory agency including responsibility for employee performance evaluations and the oversight of activities and staff. Thus, the experience requirement must also have been performed at the professional level and professional staff should have been supervised.

Based on the above standards, experience gained in the Customer Service Representative title series; Safety Specialist title series; Clerk Typist title series; Customer Service Specialist 2; Senior Data Entry Operator; Senior Technician, MVC; and Technician, MVC was not accepted, as these were non-professional titles. Similarly, experience as a Compliance Officer 1 MVC and Field Monitor 3 Division of Motor Vehicles is not acceptable, as these are para-professional titles. A review of the job specifications for each of these titles reveals that none involves professional-level supervisory responsibilities commensurate with those required of the Coordinator MVC. Additionally, applicable supervisory experience must have been gained in a regulatory agency including responsibility for employee performance evaluations and the oversight of activities and staff over one or more regulatory agency programs in a government agency. Thus, any experience gained in private industry does not meet this requirement.

With respect to Mr. Baran, as noted, experience in the Safety Specialist title series is not acceptable, nor is supervisory experience gained outside of a regulatory agency. Therefore, his experience does not qualify him for the subject examination.

In response to Mr. Beke's concern regarding completing the online application, this examination was announced on February 1, 2017, and the application deadline date was February 21, 2017. As such, candidates had three weeks to file their online applications. The announcement instructed candidates that online applications must be completed and submitted by the closing date, and it provided information regarding customer care and technical support, advising candidates to file early and specifically indicating that customer care and support was only available between 8:00 AM to 4:00 PM Eastern Standard Time, Monday through Friday. The record indicates that the appellant submitted his application on February 21, 2017 at 5:46 pm. Thus, the appellant waited until late in the last day to file at a time when no customer care or support could have been provided. He also did not submit or mail any attachments, such as a resume, which would have supplemented the application if he had problems completing the application on-line. Additionally, there is no record that Mr. Beke attempted to contact customer care to report a problem with his online filing.

Further, the online application process is automated and provides instructions to candidates on how properly to 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.**" The published announcement also clearly specifies the relevant time frames for filing and amending applications. The Online Application System User Guide repeats, "Failure to complete your application properly may cause you to be declared

ineligible or may lower your score if your application is your test paper." The guide asks candidates to carefully review the application to ensure that it is complete and accurate before submitting, and states, if supplemental documents are required, they should be uploaded with the application or submitted within five business days of submitting the online application. Page 23 of the on-line application guide tells candidates to carefully review the announcement to see if additional documentation is needed. To proceed to the payment section, candidates must certify that their application is complete and accurate. The Online Application System Confirmation page, which candidates receive when they submit their applications, states, "If the announcement requires any additional documents ... and you did not upload the documents during the application process, please print this page and mail it to the NJCSC with the required documents within five calendar days of submission of your application. Failure to do so may result in ineligibility for the announced title/symbol." As candidates were instructed to submit supplemental documents within five business days of submitting the online application, the appellant's assertion that he could not submit a complete application is unpersuasive.

Nevertheless, Mr. Beke needed 6 years, 9 months of experience per the substitution clause. He was credited with 2 years, 6 months of experience as a Supervisor 2 MVC. While Driver Improvement Analyst 2 is a professional title, it is not a supervisory title. The primary supervisory title in this series is Driver Improvement Analyst 1. Thus, if Mr. Beke supervised while in this title, it is considered out-of-title work, which cannot be used to satisfy eligibility requirements for a promotional examination. There are six eligible candidates for this examination and the appellant has not presented a basis for accepting out-of-title experience.

Per the substitution clause for education, Ms. Flynn needed 7 years, 6 months of experience and was credited with 6 years in her provisional position, and as a Supervisor 1 MVC from March 2011 to the closing date. As noted, experience in the Compliance Officer 1 MVC, Field Monitor 3 Division of Motor Vehicles, Customer Service Representative title series, and in clerical titles is not acceptable. The training courses she has taken, and completion of a Leadership Development Program, have no bearing on this determination as they are not an open-competitive requirement to establish eligibility for the title under test.

Mr. Mieczkowski needed 5 years, 8 months of experience per the substitution clause for education. He was credited with 6 months of experience as a Supervisor 1 MVC. As noted, experience in the Technician MVC and Customer Service Representative title series is non-professional work and is not acceptable. Also, the title Senior Technician MVC is a lead worker title, not a primary supervisory title. As such, if the appellant supervised and completed performance assessment reviews while in this title, it is considered out-of-title work. Again, a basis for acceptance of

out-of-title work has not been presented. His supervisory experience outside of a regulatory agency is not acceptable.

As she does not possess a Bachelor's degree, Ms. Vannatten needed 8 years of experience. Her experience in the title of Senior Technician MVC, and in the Customer Service Representative title series is not applicable as she did not supervise professional staff while in these titles. In addition, Ms. Vannatten received credit for her provisional experience as a Supervisor 1, MVC, as well as her permanent service. She received credit for 4 years, 7 months in her Supervisor 1, MVC position.

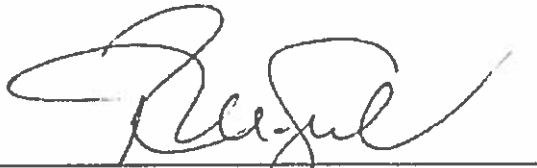
An independent review of all material presented indicates that the decisions of the Division of Agency Services that the appellants did not meet the announced requirements for eligibility by the closing date are amply supported by the record. The appellants provide no basis to disturb these decisions. Thus, the appellants have failed to support their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals 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
THE 6th DAY OF SEPTEMBER, 2017



Robert M. Czecob, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Glenn Baran (2018-269)
Brian Beke (2018-156)
Karin Flynn (2018-202)
George Mieczkowski (2018-213)
Deborah Vannatten (2018-191)
Valeric Stutesman
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS4377T

WEIGHT CODE: *

TITLE: COORDINATOR MVC

SALARY: \$70,903.00 - \$101,040.00

ISSUE DATE: February 01, 2017

CLOSING DATE: February 21, 2017

TITLE CODE: 56501/NPRXR9

CLASS CODE: 27

DEPARTMENT: MVA/MOTOR VEHICLE COMMISSION

UNIT SCOPE: MV40 Motor Vehicle Agency Services

**APPLICATIONS MAY BE OBTAINED
 FROM AND MUST BE RETURNED TO:**

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

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:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or 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.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Four (4) years of supervisory experience in a regulatory agency including responsibility for employee performance evaluations and the oversight of activities and staff over one or more regulatory agency programs in a government agency.

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.

Note: This announcement may be tested via the Supervisory Test Battery, a computer-administered exam. For information regarding the Supervisory Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>.

IMPORTANT INFORMATION

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.
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.
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.
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**
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.**
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.**

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: OAS.support@csc.state.nj.us 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.
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

DPF-256A * Revised 07/06