

B-46



In the Matter of Linda Cummins,
Management Specialist (PC0188T),
Sussex County, Prosecutor's Office

CSC Docket No. 2016-145

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: **JUL 31 2015** (CSM)

Linda Cummins appeals the determination of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Management Specialist (PC0188T), Sussex County, Prosecutor's Office.

The examination at issue was announced with specific requirements that had to be met as of the closing date of February 21, 2015 (see attached). The subject examination was cancelled on July 9, 2015 due to a lack of qualified applicants. .

The appellant indicated on her application that she was serving provisionally in the title under test from December 2014 to the closing date, February 2015. From October 2003 to December 2014 she was an Office Services Manager and from July 1998 to October 2003 she was a Chief Clerk. From December 1992 to July 1998 she was a Clerk 4 and from August 1982 to December 1992 she was a Senior Legal Stenographer. The appellant indicated completion of four college credits. Agency Services credited the appellant with five months of experience based on her completed college credits and her provisional service in the title under test, but determined that the remainder of her experience was not applicable. Therefore, the appellant would need five years and seven months of experience to qualify for the examination.

On appeal, the appellant clarifies her experience as an Office Services Manager and Chief Clerk and explains that she was in charge of all of the budget and expenditures for creating the next year's budget for salary and wage operating

costs. The appellant details her extensive experience recommending improved methods of administrative practices in various phases of the organization, direction, and planning for the Prosecutor's Office.

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.

CONCLUSION

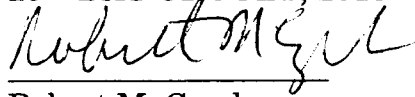
In the present matter, a review of the documentation demonstrates that initially, Agency Services correctly determined that the appellant was not eligible for the examination as she did not sufficiently explain her experience as an Office Services Manager and Chief Clerk. Under *N.J.A.C. 4A:4-2.1(g)*, the Commission can accept clarifying information in eligibility appeals. However, *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 position 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. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See *In the Matter of Diana Begley* (MSB, decided November 17, 2004). In this case, the appellant provides extensive details regarding her in-title duties in these positions, which includes the review of procedures, making recommendations based on statistical, financial and other information, and assisting in budget preparation since 1998. Additionally, the appellant continues to serve provisionally in the title under test and the examination was cancelled due to a lack of qualified applications. Therefore, good cause exists to accept the appellant's clarification of her experience and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and Ms. Cummins' application 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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON THE
29TH DAY OF JULY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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and
Correspondence

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Attachment

- c. Linda Cummins
Stephen Gruchacz
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PC0188T	WEIGHT CODE: *
TITLE: MANAGEMENT SPECIALIST	SALARY: \$76,491.00 - \$113,715.00
ISSUE DATE: February 01, 2015	CLOSING DATE: February 21, 2015
TITLE CODE: 02390/ NPRUR7	JURISDICTION CODE: N19000011
JURISDICTION: SUSSEX COUNTY	
DEPARTMENT: PROSECUTOR	

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: Two (2) years of experience in the review, analysis, and evaluation of budget, organization, and administrative practices and recommending improved methods, and/or administrative experience in varied phases of business, industrial, or government involving the organization, direction, planning, coordination, or control of programs or activities.

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.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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 DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
6. **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 of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09