

B-26



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Jennifer Sempervive,  
Investigator County Welfare Agency  
(C0083T), Somerset County

Examination Appeal

CSC Docket No. 2015-3054

ISSUED: **AUG 20 2015** (RE)

Jennifer Sempervive appeals the decision of the Division of Agency Services (DAS) which found that she did not meet the experience requirements for the open-competitive examination for Investigator County Welfare Agency (C0083T), Somerset County.

The subject open-competitive examination had a closing date of February 10, 2015 and was open to residents of New Jersey who met the announced requirements. These requirements included possession of 60 semester hour credits from an accredited college or university, and two years of work experience that involved either 1) investigations in connection with the prosecution or defense of civil or criminal cases; or 2) investigations concerning compliance with or violations of statutory laws, rules, and regulations; or 3) criminal investigations requiring the use of a variety of investigatory methods and techniques; or 4) securing and verifying information and making determinations or recommendations pertaining to such matters as the eligibility or qualifications of applicants for loans, insurance, credit, employment, entitlement to cash awards or financial benefits, and the adjustment in settlement of insurance claims; or 5) other types of investigations which involved the collection of facts, and obtaining information by observing conditions, examining records, interviewing individuals; and preparing investigative reports of findings. The appellant met the educational requirement, and was found to be ineligible based on a lack of experience. Forty-four candidates have been admitted to the examination, which has not yet been held.

On her application, Ms. Sempervive indicated that she possessed a Bachelor's degree and she listed one position, Human Services Specialist 1. She also submitted a resume with five more positions, Personal Banker, Agent, Para, Vault Supervisor and Customer Service Representative. As she did not provide hours of employment for those positions, she was contacted by the Division of Agency Services for clarification. As a result, she was credited with 6 months of full time experience for her part-time, 5 hours per week, position as an Agent. The remaining positions did not have the announced experience requirement as the primary focus. Thus, she was found to be lacking 1 year, 6 months of required experience.

On appeal, Ms. Sempervive requested credit for her experience as an Agent, as a Personal Banker and as a Customer Service Representative. Commission staff explained to the appellant that she was credited for experience as an Agent. Her experience as a Customer Service Representative is clearly inapplicable. As a Personal Banker, she listed her duties as closing accounts, maintaining customer profiles, monitoring fraud and compliance issues, and directing all financial decisions. In her appeal, she stated that she also processed loans and mortgage documentation, and checked credit reports. These duties are not the same as the announced experience as she was not performing investigations, and she did not indicate that she was making determinations or recommendations for loans. If she did so, this was not presented as a primary focus of the position.

As a supplement to her appeal, the appellant responded that when she was contacted on April 24, 2015 by DAS she was asked a few questions regarding her resume. She states that she was asked currently how many cases she does at the SPCA and she responded that it varies. She states that she expressed that the number of cases are not definite; one week may have 10-20 and one week may have five. It all depends on the caseload. The appellant explains that she has been doing cases since 2012 and has done over 300 cases. For these cases, she investigated, interviewed, appeared in court, and wrote reports, among other duties. She states that she could spend 3 hours on a case, not including court appearances and the resolution of the case, as well as preparing the case itself, or could spend 5 hours throughout the whole case. The appellant argues that when she was asked about the number of cases a week, she was asked to provide a minimum. She states that she responded that it changes, she could not give a definite number, and that she could have as little as five cases per week. She contends that 5 hours per week is very inaccurate, and does not mean that is what she actually does every week. She states that she thought she communicated that clearly. The appellant maintains that she was not asked about years of experience, but was asked the minimum cases per week when and if it is slow. She reiterates that 5 hours per week is not the correct amount. Also, the appellant submits a copy of an email regarding her duties as a Personal Banker.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

## CONCLUSION

The appellant's duties as an Agent for the SPCA are applicable. The gravamen of the issue is the amount of time the appellant spent performing those duties each week. In this regard, applicants are required to unambiguously indicate relevant experience on the application. Thus, applicants are required to clearly demonstrate that their experience matches that required in the announcement. See *In the Matter of Marcella Longo* (MSB, decided November 4, 2004) and *In the Matter of Rui Reguinho* (MSB, decided October 6, 2004). Further, instructions for completing the application state, "Carefully review your application to ensure that it is complete and accurate before submitting," and "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 cause you to be declared ineligible or may lower your score if your application is your test paper." Further, the application states, "Employment Record: You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. If you are currently employed in this position, enter the current month and year in the Employed To section. Since your application may be your only test paper, be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail." The Online Application System User Guide asks candidates to review the application to make sure the information is complete and accurate. It also states that, by clicking "yes" to make a payment and submit the application, the candidate is told that he or she is certifying that the application is complete and accurate.

The appellant did not list her position as an Agent, with all the requested information, on her application. Instead, she included this position on her resume. It is clearly a part-time job, as she is performing it simultaneously with a full-time job. Nevertheless, she did not include the hours of work as instructed. In order to provide the appellant with the benefit of credit for this position, she was contacted by DAS and was asked the number of hours worked per week. Her argument that she was asked for the number of cases worked on per week is unpersuasive, as this would not provide DAS with the information they would need to determine eligibility. All positions are quantified based on the number of hours worked per week. There would be no reason for DAS to ask for the number of cases per week,

as this is not a common denominator for all professions and positions. In effect, the appellant is confirming that she did not answer the question of how many hours worked per week. The appellant states that the number of hours she works per week is indeterminate. This is not an acceptable response. If the number of hours worked per week cannot be determined, credit cannot be given. In her appeal, the appellant is adamant and repeatedly states that she had been indicating that she works five cases per week rather than 5 hours per week. However, once again, in her appeal, the appellant does not provide the number of hours worked per week. It is the candidate's responsibility to provide the information requested on the application, and the Commission will not calculate the possible number of hours that the appellant worked in a part-time position. The appellant did not provide this information with her application, is stating that she did not provide it correctly to DAS when contacted, and has not provided it yet again on appeal. Thus, the appellant has not translated her duties into a quantifiable work experience which can be used to satisfy the subject requirements. Only experience which can be quantified into a specific amount of full-time experience can be evaluated. See *In the Matter of Dale J. Elbeuf and Eleanor C. Schureman* (CSC, decided July 30, 2008).

As to her other positions, 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). The amount of time, and the importance of the duty, determines whether it is the primary focus. In addition, 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. A review of the appellant's description of duties for each of her positions indicates that they did have the announced experience requirement as the primary focus of the position. If the appellant performed investigations or secured information regarding eligibility for loans in her position as a Personal Banker, this was an ancillary duty to her primary responsibilities. The appellant lacks 1 year, 6 months of qualifying experience.

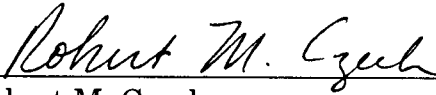
An independent review of all material presented indicates that the decision of the DAS that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

#### 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 19<sup>th</sup> DAY OF AUGUST, 2015



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