

B-31



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Andrew Kemp,
Supervising Program Analyst
(M0386U), Jersey City

Examination Appeal

CSC Docket No. 2017-1776

ISSUED: APR 11 2017 (RE)

Andrew Kemp appeals the decision of the Division of Agency Services (DAS) which found that, per the substitution clause for education, he did not meet the experience requirements for the open-competitive examination for Supervising Program Analyst (M0386U), Jersey City.

The subject examination was announced with specific requirements that had to be met as of the June 6, 2016 closing date (see attached). A total of 15 applicants applied for the subject examination that resulted in a list of 3 eligibles with an expiration date of November 9, 2019. The list was certified once and no appointments have yet been made

On his application and resume, the appellant indicated that he possessed 93 college credits, which prorates to 3 years, 1 month of experience. Thus, he was required to possess 3 years, 11 months of qualifying experience. Mr. Kemp listed one position on his application, Program Manager with Urban League of Hudson County, from September 2005 to September 2013. He attached a resume to his application with different information. On his resume, he indicated he worked for the Urban League of Hudson County from 2005 to 2014 in the titles Manager, Job Developing, Recruiter Instructor. Also, he indicated he was a Counselor with Jersey City in employment and training. Lastly, he indicated he was a Program Coordinator in Jersey City for the YMCA from 1993 to 1995. Official records indicate that the appellant was provisionally appointed as a Management Assistant in May 2014, and then received a provisional appointment to Supervising Program Analyst in September 2015. Further, the records indicate that the appellant

worked for Irvington from October 1994 to July 1995 as a Recreation Leader. None of the duties described matched the announced requirements, and the appellant was found to be lacking 3 years, 11 months of qualifying experience.

On appeal, the appellant with provides a revised list of duties for Program Manager and he indicates he was in this position from 2005 to the present. He also provides one short list of duties for the titles Management Assistant and Supervising Program Analyst and lists his duties as an Employee Relations Specialist with Jersey City in the Employment and Training Department from 2012 to 2014.

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

As to his application, the online application process is automated and provides instructions to candidates on how to properly 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 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. In order to proceed to the payment section, candidates must certify that their applications are complete and accurate.

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).

As a Program Manager with Urban League of Hudson County, the appellant stated that his duties were to provide assignments, construction and guidance to staff; arrange meetings, conferences and other events; collaborate with employers to obtain employment for Jersey City residents; preparing customers for GED testing; attending monthly manager vendor meetings; providing training and technical instruction; being a liaison for business agents; scheduling appointments; and interviewing new hires. This was clearly not qualifying experience. His resume indicates three different functions for this employer, and the duties do not evidence the required experience in review, analysis and evaluation of operating programs.

On appeal, the appellant provides a different list of duties for his Program Manager position, three of which were copied from the job specification for the subject title. Additionally, he did not include his positions as Management Assistant or Supervising Program Analyst on his original application and the duties he listed for these positions on appeal were also copied from the job specification. In that regard, clarification of duties on appeal that appear to mimic the required duties listed on the job specification rather than describe actual responsibilities while serving in a particular position, in the absence of any corroborating information, is not considered acceptable clarification of experience. *See In the Matter of Margaret S. Chann* (MSB, decided November 4, 2004). In the absence of any corroborating information, in the form of supervisory documentation, the appellant's clarification is not acceptable. Further, since he did not include his positions as Management Assistant or Supervising Program Analyst on his original application, it cannot be considered in this appeal.

The appellant's remaining experience is inapplicable and he lacks 3 years, 11 months of required experience per the substitution clause for education.

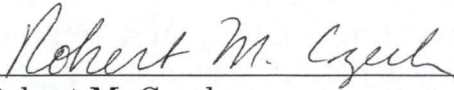
An independent review of all material presented indicates that the decision of DAS that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his 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 5th DAY OF APRIL, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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: Andrew Kemp
Robert Kakoleski
Kelly Glenn
Records Center



Job Announcements

[← back](#)

printable version

Symbol: M0386U

Title: SUPERVISING PROGRAM ANALYST

Issue Date: 05/16/2016

Closing Date: 06/06/2016

Jurisdiction: JERSEY CITY

Salary: \$18.00 Per Hour

Num. of Positions: 1

Workweek: 24 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

Jersey City

REQUIREMENTS:

EDUCATION: Possession of a Bachelor's degree from an accredited college or university.

NOTE: Applicants who do not meet the above education requirement may substitute additional experience as indicated below on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

EXPERIENCE: Three (3) years of experience in the review, analysis and evaluation of operating programs in an agency or organization.

NOTE: This title is intended to classify positions responsible for the evaluation of operating programs, not computer programs. Experience in the analysis of computer programs cannot be considered toward meeting the experience requirement.

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.

SPECIAL 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 www.state.nj.us/csc.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support 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**.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **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.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
6. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq). Those claiming Veteran's 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 the eligibility list. Please note this reduced fee does not apply to Public Safety titles.
7. Application fees submitted via personal check or money order must be postmarked within **five (5) business** days of

