B-034



In the Matter of Michele Giglio, *et al.*, Clerk 4 (M0430U), Vineland CSC Docket Nos. 2017-1432 *et al*.

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeals

ISSUED: AUGUST 21, 2017 (CSM)

Michele Giglio, Elisa Muzzarelli, and Lisa Vastano-Schossig appeal the test mode of the open competitive examination for Clerk 4 (M0430U), Vineland.

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The subject examination was announced with specific requirements that had to be met as of the September 17, 2016 closing date (see attached). A total of 57 applicants applied for the examination that resulted in a list of 18 eligibles with an expiration date of November 2, 2019.

The subject promotional examination was processed as a "Qualifying Unassembled Examination" (QUE). The QUE is utilized when all eligible applicants meet the open competitive requirements listed in the job specification, veteran's preference rights are not affected, and there are a sufficient number of eligibles. All candidates who have been determined to be eligible are assigned the same score of 76.550. In this regard, the open competitive requirements for Clerk 4 are three years of experience in clerical work, one year of which must have been performing duties at or equivalent to the Clerk 3 level. As the appellants met the open competitive requirements for Clerk 4, they were each awarded a score of 76.550.

On appeal, Giglio, whose current permanent title with the appointing authority is Clerk 4, questions how the subject title, which requires supervision of one or more clerical units, can be tested utilizing the QUE. Further, she argues that experience performing duties equivalent to the Clerk 3 level was not taken into consideration and that grading every applicant with the same score is not appropriate. Giglio emphasizes that the subject title is not at the entry level as it requires the performance of more detailed clerical work and supervisory responsibilities. Muzzarelli, a permanent Clerk 3 with the appointing authority, presents that when she was hired, the appointing authority told her that she had to start at Clerk 1 and move up the ranks as her duties changed and grew. Thus, she questions how a person hired "off the street" can now supervise her, a Clerk 3, given her 13 years of public service with the appointing authority. Muzzarelli also states that an incumbent already serving in the Clerk 4 title would be ranked in first and incumbents serving as Clerk 3 would be next in ranking. Vastano-Schossig, who at the closing date of the subject examination was a permanent Clerk 2 with the appointing authority, states that the methodology used to evaluate applicants for this examination is unacceptable for a high-ranking title of Clerk 4. In this regard, she underscores that the definition section of the job specification requires incumbents to supervise and perform highly responsible clerical work. Vastano-Schossig also presents that she was under the impression that the examination was going to be competitive based on each individual's ability and performance, and therefore, ranking everyone in the order of their individual skills, experience and gualifications. Further, she asserts that a written examination should have been done to determine the true knowledge and gualifications of each applicant.

CONCLUSION

A review of the record demonstrates that the test mode utilized for the subject examination was appropriate. Initially, N.J.S.A. 11A:4-1 provides considerable discretion to the Commission in the development and scoring of examinations for positions in the career service. The adoption of the long-standing policy of evaluating a candidate's qualifying experience in the course of the administration of examinations is an example of this discretionary authority. In this regard, N.J.A.C. 4A:4-2.2 specifies that this agency has discretion in selecting the mode of examination. In this light, it is noted that that Division of Agency Services uses a number of criteria to determine test modes and it concluded that a QUE, a non-traditional unassembled examination, was the best test mode for this examination. In this matter, it was determined that there was no need to show very fine distinctions in rank among candidates. For example, a candidate who has five years of a specific type of experience may not be any more qualified than a person who has four years of the same experience.

The appellants argue that the supervisory and high-level clerical duties associated with a Clerk 4 classification warrant it to be evaluated utilizing a different test mode. However, the subject announcement was for an open competitive, *not* promotional examination. An open competitive examination is a test open to members of the public who meet the prescribed requirements for admission. Conversely, a promotional examination is a test open only to *permanent* employees who meet the prescribed requirements for admission. As an open competitive examination, the evaluation could not test for knowledge, skills, and abilities (KSAs) that must be learned on the job. A key KSA listed in the job specification for Clerk 4 is knowledge of supervisory practices and techniques, after a period of training. Rather, the evaluation is based on KSAs that must be brought to the job. As an open competitive requirement, duties at or equivalent to the Clerk 3 level is experience, either in public service or the private sector, taking the lead and/or performing the more difficult and complex clerical work. Stated differently, experience at the Clerk 3 level is not exclusively gained in public service title and private sector experience that taking the lead and/or performing the more difficult and complex clerical work can be used to establish eligibility. Accordingly, experience at the Clerk 3 level, in either the public sector or private service, is properly considered for eligibility and scoring purposes. As Agency Services determined that all eligible applicants for this examination meet the open competitive requirements listed in the job specification, veteran's preference rights were not affected, and there was a sufficient number of eligibles, a QUE was the proper test mode.

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 ON THE 16TH DAY OF AUGUST, 2017

Robert M. Czech, Chairperson Civil Service Commission

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