



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 qualifications. Further, she asserts that a written examination should have been done to determine the true knowledge and qualifications 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  
16<sup>TH</sup> DAY OF AUGUST, 2017



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CSC Docket No. 2017-1548  
CSC Docket No. 2017-1504