



STATE OF NEW JERSEY

In the Matter of Mindi Kusnaik,
Assistant Personnel Officer
(PM0587W), Linden

CSC Docket No. 2019-86

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: **FINAL ADMINISTRATIVE ACTION**
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: **OF THE**
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: **CIVIL SERVICE COMMISSION**
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Examination Appeal

ISSUED: FEBRUARY 27, 2019 (RE)

Mindi Kusnaik appeals the determination of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Assistant Personnel Officer (PM0587W), Linden.

The subject examination announcement was issued with a closing date of March 22, 2018, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and two years of supervisory personnel experience including the review of classification problems and wage studies, handling of personnel problems, and the coordination of training needs of the jurisdiction. Applicants who did not meet the education requirement could substitute additional experience on a year-for-year basis with thirty semester hour credits being equal to one year of experience. As there were no admitted candidates, the examination was canceled on July 4, 2018.

On her application, the appellant indicated no college credits and she listed three positions, two positions as Principal Account Clerk Typing and Senior Account Clerk. Official records indicate a different employment history. These records indicate that the appellant was a provisional Assistant Personnel Officer from December 2016 to the March 22, 2018 closing date. None of her experience was accepted, and she was found to be lacking six years of applicable supervisory personnel experience per the substitution clause for education.

On appeal, the appellant argues that for ten years she's been in the personnel division handling all aspects related the personnel, including pensions, health benefits, and enrollment of new hires. She submits a determination from Agency Services which determined, after of classification audit of her position, that her position was properly classified as Assistant Personnel Officer. She maintains that her job duties already qualify her for the subject title, and that she has ten years of experience performing these duties.

CONCLUSION

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. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

The appellant was correctly denied admittance to the subject examination since she lacked the required amount of qualifying supervisory personnel experience. Specifically, the experience requirements included supervisory experience and the appellant indicated that she did not supervise in any of her positions. As a result, Agency Services was contacted to inquire how the appellant's position was properly classified in a supervisory title. On January 30, 2019, Agency Services issued a corrected decision regarding the classification of the position. This determination indicated that the position was properly classified as Senior Personnel Assistant, a non-supervisory title. It is noted that the classification of the appellant's title in a supervisory title when the position has no supervisory responsibilities was an administrative error, and no vested or other rights are accorded by an administrative error. *See Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998). Accordingly, the appellant cannot be credited for applicable experience as a provisional in the subject title, or for purported out-of-title work in that title. As such, the appellant lacks six years of applicable experience per the substitution clause for education.

An independent review of all material presented indicates that the decision of the Agency Services, 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 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 20TH DAY OF FEBRUARY, 2019



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