

CSC
B-24



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Timothy Rattigan,
Claims Examiner, Unemployment
and Disability Insurance (PS8598N),
Department of Labor and Workforce
Development

Examination Appeal

CSC Docket No. 2015-494

ISSUED:

NOV 19 2014

(HS)

Timothy Rattigan appeals the determination of the Division of Selection Services (Selection Services), which found that he did not meet the experience requirement for the promotional examination for Claims Examiner, Unemployment and Disability Insurance (PS8598N), Department of Labor and Workforce Development.

The subject examination was announced with a closing date of April 21, 2014 and was open, in part, to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date, who were serving in the title of Intermittent Labor Services Worker, and who met the listed requirements. These requirements included a Bachelor's degree and one year of experience in the investigation, review, analysis, evaluation and eligibility determination of claims for unemployment and/or insurance compensation in a public or private organization. There were 30 applicants for the subject examination. Twenty applicants were deemed eligible to take the written examination, which was held on November 6, 2014.

On his application, the appellant indicated possession of a Bachelor's degree, and that he was employed as a Contractor – BT Conferencing with Manpower from June 2007 to October 2011. The appellant indicated that in that position, he was an Audio Visual Support Technician responsible for providing onsite support to all Johnson and Johnson and Citibank corporate sites. Although Selection Services

credited the appellant for his Bachelor's degree, it did not find his experience to be applicable.

On appeal, the appellant contends that an "antiquated" online application system, which uses "confusing" language and causes entered information to be deleted, resulted in an inaccurate determination. He claims that he included his employment as an Intermittent Labor Services Worker from October 2011 to May 2014 in the Experience section of the application but may have been confused by the "complex" instructions and pressed the wrong button to continue. He states that an online user's inability to review the entire application at one time caused him to submit the application without noticing that his current employment was missing. The appellant also argues that the classification appeal he filed on March 13, 2014 with the Division of Classification and Personnel Management (CPM) contained extensive documentation of his experience as an Intermittent Labor Services Worker. In this regard, the appellant emphasizes that CPM's determination found that he worked 89 consecutive weeks of full-time employment from September 7, 2012 to May 16, 2014, covering 17 months preceding the application period for the subject examination. Moreover, he asserts that this agency was aware of his current employment status since the appointing authority is obligated to provide a list of intermittent employees to it. In support, he submits records related to his earnings. He further argues that the appointing authority determined that he met the eligibility requirements for the subject title when it appointed him provisionally.

The appellant additionally requests a permanent appointment as an alternate remedy. Specifically, since CPM's September 26, 2014 classification determination found that his position performs duties consistent with the Claims Examiner Unemployment and Disability Insurance title, he argues that the appointing authority could have appointed him permanently.¹

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:4-2.1(f) provides that an application may only be amended prior to the announced closing date. That is, any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. *See In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003) and *In the Matter of Rolanda Alphonso, et al.* (MSB, decided January 26, 2005).

¹ Agency records indicate that the appellant received a provisional appointment to the title of Claims Examiner Unemployment and Disability Insurance effective May 3, 2014.

In the instant matter, applicants were required to possess, in part, an aggregate of one year of continuous permanent service in the title of Intermittent Labor Services Worker, a Bachelor's degree, *and* one year of experience in the investigation, review, analysis, evaluation and eligibility determination of claims for unemployment and/or insurance compensation in a public or private organization. Upon review of the appellant's application, Selection Services correctly determined that although the appellant possessed one year of service in the required title and a Bachelor's degree, he did not indicate any applicable experience on his application.

The appellant claims that he could not include his experience as an Intermittent Labor Services Worker due to confusing and complex instructions. However, this agency provides sufficient instructions to all applicants with respect to filling out examination applications in its "Online Application System (OAS) User Guide." Moreover, it is axiomatic that an applicant for a position should describe his or her experience in a manner that would demonstrate meeting the qualifications for that particular position and that it is an applicant's responsibility to do so.

The appellant argues that this agency was already aware of his experience as an Intermittent Labor Services Worker based on the classification appeal he filed with CPM; his status as an intermittent employee as recorded in agency records; and the appointing authority determination that he met the eligibility requirements for the subject title since it provisionally appointed him. Therefore, he maintains that he should be admitted to the subject examination. However, the Commission does not agree. In this regard, the application is not a mere formality used to schedule examinations, as this agency makes official determinations of eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions who are also required to pass a competitive examination and be certified in order to be considered for permanent employment in the competitive division of the career service. Thus, the application is utilized to screen the candidate pool to ensure that applicants meet the minimum experience requirements for each position. Those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine their relative merit and fitness. *See In the Matter of Daniel Roach* (MSB, decided October 20, 2004). Moreover, applicants are required to unambiguously indicate relative experience on the application and clearly demonstrate that their experience matches that required in the announcement. *See In the Matter of Marcella Longo* (MSB, decided November 4, 2004). In this regard, potential applicants are specifically advised:

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.

Additionally, while the appellant cites his employment in the title of Intermittent Labor Services Worker on appeal, *N.J.A.C. 4A:4-2.1(f)* provides that an application may only be *amended* prior to the announced closing date. That is, any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. *See In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003). Therefore, since the appellant did not list his Intermittent Labor Services Worker position on his application, the information he provides on appeal related to that position would be considered an amendment. Even assuming that such information is not an amendment, the appellant still has not established his eligibility since he provides no specific information regarding the actual duties he performed in the title of Intermittent Labor Services Worker.

Moreover, the classification determination the appellant received was a determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit. Thus, classification reviews are based on a current review of assigned duties. *See In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M62780), and Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004). Assuming that the appellant performed duties consistent with the Claims Examiner, Unemployment and Disability Insurance title from March 13, 2014, the date he states that he submitted his request for a classification review of his position, until the April 21, 2014 closing date, the record still would not reflect that he meets the one year experience requirement.

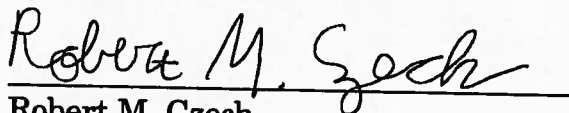
Finally, the appellant has not presented any basis to be permanently appointed without a competitive examination. *See N.J.A.C. 4A:4-2.7*. An independent review of all material presented indicates that the decision of the Division of Selection Services, that the appellant did not meet the announced requirements 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 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 19TH DAY OF NOVEMBER, 2014



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