

B-125 CSC



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ovania Raciuss,
Records Technician 3, Motor Vehicles
(PS2892T), Motor Vehicle
Commission

Examination Appeal

CSC Docket No. 2014-2634

ISSUED: FEB 05 2015 (HS)

Ovania Raciuss appeals the determination of the Division of Selection Services (Selection Services), which found that she did not meet the experience requirement for the promotional examination for Records Technician 3, Motor Vehicles (PS2892T), Motor Vehicle Commission (MVC).

The subject examination was announced with a closing date of October 21, 2013 and was open to applicants who possessed one year of experience in the review/analysis of driver records for the purpose of ensuring that laws, rules, regulations, or policies have been interpreted properly or in a public/private agency involved in processing, evaluation, and/or adjustment of damage claims or other insurance claims evaluation and adjustment work. There were 43 applicants for the subject examination. Thirty-three applicants were deemed eligible to take the written examination, which was held on December 18, 2014.

On her application, the appellant listed her experience as a "MVC technician" with the MVC from May 2004 to the closing date.¹ The appellant indicated that as a "MVC technician," she maintained the daily and monthly statistics for the driver improvement analysts in license review and the record technicians; trained employees on new varied office equipment such as copy machines, adding machines, printers, fax machines, Dell Word Processors, XP Professional, Word Perfect,

¹ Agency records indicate that the appellant served as a Support Services Representative Trainee from June 28, 2004 to January 21, 2005; as a Support Services Representative 3 from January 22, 2005 to July 2, 2010; and as a Technician MVC from July 3, 2010 to the closing date.

Microsoft comprehensive systems and typewriters; and typed reports, restoration and rescission letters, temporary driver's licenses, UCJs, memos and other complex correspondence. Based on the foregoing, Selection Services determined that the appellant did not possess any applicable experience.

On appeal, the appellant argues that she should be deemed eligible and given a make-up examination based on her employment with the MVC as a Support Services Representative Trainee, Support Services Representative 3 and Technician MVC for the past 10 years. She states that she had co-workers who gained similar experience for one to two years and now serve in the title of Records Technician 3, Motor Vehicles. The appellant submits her resume. On her resume, the appellant lists her experience as an "MVC technician" with the MVC from May 2003 to the closing date; as an Item Processing/Assistant Supervisor with Fleet National Bank from 1999 to 2003; as a Staff Accounting Clerk with Kayode Agunbiade & Co. CPAs from 1998 to 1999; and as an Administrative Clerk with Genesis Brokerage Travel from June 1992 to 1998. The appellant indicates that while employed by the MVC, she also requested information from customers to determine their need or reason for visit; authorized driver history record actions to include collection of appropriate motor vehicle fees; inputted surcharge transactions using the STARS system; processed and posted all customer payments according to established policy and procedure; provided five-year driving records, address histories, registration histories and certified documentation using the TOR3 system; and communicated with other bureaus, government agencies and customers to obtain information for use and to update/correct driver/owner information. The appellant also submits her Performance Assessment Review (PAR) for the rating period June 1, 2011 to May 31, 2012, which indicates her duties as a Technician MVC.

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).

Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. The appellant was required to possess one year of applicable experience. However, a review of the appellant's application reveals that she did not possess the required experience.

On appeal, the appellant asserts that her experience with the MVC is applicable and therefore, she possesses sufficient experience. However, in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). The amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). In the instant matter, the positions of Support Services Representative Trainee, Support Services Representative 3 and Technician MVC do not have, as the primary focus, the review/analysis of driver records for the purpose of ensuring that laws, rules, regulations, or policies have been interpreted properly or in a public/private agency involved in processing, evaluation, and/or adjustment of damage claims or other insurance claims evaluation and adjustment work.

Additionally, while the appellant provides information regarding her employment in the positions of Item Processing/Assistant Supervisor with Fleet National Bank, Staff Accounting Clerk with Kayode Agunbiade & Co. CPAs, and Administrative Clerk with Genesis Brokerage Travel 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 these positions on her application, the information she provides on appeal related to these positions would be considered an amendment. Even assuming that such information is not an amendment, the appellant still has not established her eligibility since the duties she performed in these positions are unrelated to the subject experience requirement.

Finally, with regard to the appellant's argument that co-workers were deemed eligible for the title of Records Technician 3, Motor Vehicles based on similar experience, the mere fact that candidates who held the same title as the appellant were admitted to previous examinations for Records Technician 3, Motor Vehicles, without more, does not establish the appellant's eligibility for the subject examination. Such reasoning is flawed, since there are a multitude of reasons why other applicants are admitted to examinations, *i.e.*, applicable private sector experience, erroneous evaluation of experience by this agency, different open-competitive requirements, or a more adequate description of experience gained in the titles. *See In the Matter of Cynthia Bucchi, Maria D'Angelo, Rosalind R. James, Carla M. Lewis, and Rhonda McLaren, Management Assistant (PS5831F), Department of Education, Docket No. A-1266-04T2* (App. Div. February 27, 2006).

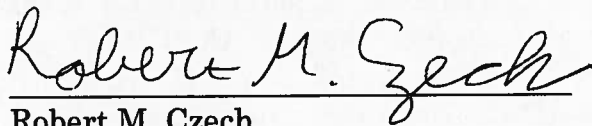
The appellant was denied admittance to the subject examination since she lacked the minimum requirements in experience. An independent review of all material presented indicates that the decision of Selection Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support 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 4TH DAY OF FEBRUARY, 2015



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