

B-14



STATE OF NEW JERSEY

In the Matter of Lourdes Vicente,
Supervisor 2, Unemployment
Benefits (PS2835N), Department of
Labor and Workforce Development

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-337

Examination Appeal
MAR - 9 2015

ISSUED: MAR - 9 2015 (WR)

Lourdes Vicente requests a make-up examination for Supervisor 2, Unemployment Benefits (PS2835N), Department of Labor and Workforce Development.

By way of background, the subject examination announcement was issued on October 1, 2013 and had a closing date of October 21, 2013. Thirty-nine candidates were scheduled to be tested for the subject examination which was administered on May 20, 2014. An eligible list promulgated on July 17, 2014 with the names of 41 eligibles and expires on July 16, 2016.¹ Two certifications were subsequently issued from which six individuals were appointed, effective September 20, 2014, and 35 remain on the subject eligible list.

On appeal, the appellant indicates in a sworn notarized statement that she was not aware of the subject announcement because she on leave under the Family and Medical Leave Act from work from August 2013 to October 15, 2013. She states that she was not informed about the announcement through the mail or by email. Additionally, she claims that when she returned to work the announcement was not posted. Finally, the appellant states that she passed the Supervisor 2, Unemployment Benefits examination (PS8060N) three years ago. She requests to either use her score from that examination or to take a make-up examination.

¹ Two additional eligibles requested and received make-up examinations. They were added to the subject eligible list on August 7, 2014 and November 12, 2014, respectively.

The record reveals that the appellant took the PS8060N examination on October 6, 2010 and achieved a score of 73.472. The record further reveals that the subject examination and the PS8060N examination were essentially the same version of the Supervisory Test Battery (STB).

CONCLUSION

N.J.A.C. 4A:4-2.9(a)5 provides, in pertinent part, that make-up examinations, except for professional level engineering promotional examinations and public safety open competitive and promotional examinations may be authorized for "other valid reasons." It is noted that this Agency's current policy allows a candidate's STB score to be banked for five years and used for subsequent STB examinations.

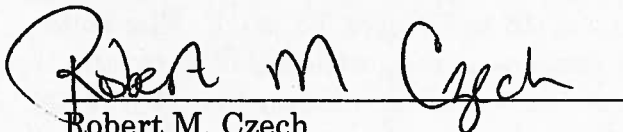
In the present matter, the appellant indicates in a sworn notarized statement that she never received the announcement via mail or email and that it was not posted at her work. The record is void of any evidence to the contrary. In accordance with *N.J.A.C.* 4A:4-2.9(a), the appellant has met her burden of proof. Furthermore, as a candidate's STB score is banked for five years, the appellant may use her score on the PS8060N examination for the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's score for the Supervisor 2, Unemployment Benefits (PS8060N), Department of Labor and Workforce Development be applied to the PS2835N examination for prospective employment opportunities only.

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 MARCH, 2015



Robert M. Czech
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