



B-63

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Maria Hernandez,
Institutional Trade Instructor 2
Clothing (S0563S), Statewide

Examination Appeal

CSC Docket No. 2015-1394

ISSUED: APR - 2 2015 (SLK)

Maria Hernandez appeals the determination of the Division of Selection Services¹ (Selection Services) that she did not meet the experience requirements for the open-competitive examination for Institutional Trade Instructor 2 Clothing (S0563S), Statewide.

The examination at issue was announced with specific requirements that had to be met as of the July 16, 2014 closing date (see attached). A total of five individuals applied for the subject examination and one was deemed eligible. Certification OS140561 was issued containing the name of the one eligible who was appointed. The list expires on November 5, 2017.

On her application, Ms. Hernandez indicated that she was provisionally serving in the title under test for Northern State Prison from May 2013 to the July 16, 2014 closing date and a part-time Alterations Specialist from March 2011 to July 2014. The appellant also indicated under the Training Section of the application that she was a part-time Seamstress for Maria's Alterations from April 1994 to the July 16, 2014 closing date and a part-time Seamstress for La Zona Franca from January 1989 to May 1994. Personnel records indicate that Ms. Hernandez was provisionally serving in the subject title from May 2013 to the July 16, 2014 closing date and a Senior Building Maintenance Worker from November 2010 to May 2013. Selection Services credited the appellant with one year and three months of experience for her provisional experience in the subject title, but

¹ The eligibility review function is now part of the Division of Agency Services.

determined her other experience was not applicable. It is noted that Selection Service did not consider Ms. Hernandez's Seamstress experience with La Zona Franca and Maria's Alterations since these positions were listed as training and not employment. As such, it determined that Ms. Hernandez lacked one year and nine months of experience.

On appeal, Ms. Hernandez explains that she inadvertently listed her experience prior to working for Northern State Prison under the Training Section of the application. The appellant presents that she was employed as a Seamstress for La Zona in the Dominican Republic from January 1989 until May 1994 and that she did alterations for family and friends from home from 1994 until the July 2014 closing date. Additionally, Ms. Hernandez represents that she had gained further experience as a Seamstress in her current position with Northern State Prison.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Selection Services correctly determined that the appellant was not eligible for the subject examination as she only listed her provisional experience and her part-time Alterations Specialist experience in the Employment Section of the application and she listed her other Seamstress experience in the Training Section of her application. On appeal, Ms. Hernandez indicates that in addition to her provisional experience in the subject title for Northern State Prison, she has been employed as a Seamstress since 1989. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Selection Services can make the initial determination whether to admit or reject an applicant. Selection Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date, the Commission notes several circumstances present that provide good cause to permit the appellant to amend her application in this particular matter and to accept her work experience for the appointing authority and as a Seamstress. In this regard, although Ms. Hernandez's experience does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of her experience in the subject title and various Seamstress positions as far back as 1989 warrants her admission to the subject examination. Additionally, the list is incomplete as there are no eligibles on the list

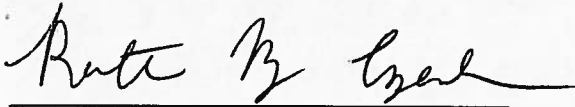
and the appellant continues to serve provisionally in the subject title. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit Ms. Hernandez to the subject examination. It is noted that this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, and Ms. Hernandez's application be processed 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 1st DAY OF APRIL, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment

c: Maria Hernandez
Elizabeth Whitlock
Kelly Glenn
Joseph Gambino



Job Announcements

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printable version

Symbol: S0563S

Title: INSTITUTIONAL TRADE INSTRUCTOR 2 CLOTHING

Issue Date: 06/25/2014

Closing Date: 07/16/2014

Jurisdiction: STATE

Salary: \$45,787.57 - \$64,649.23 Per Year

Num. of Positions: 2

Workweek: 40 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

New Jersey

REQUIREMENTS:

EXPERIENCE: Three (3) years of experience as an instructor in clothing production, knitting, needle trades industry and/or shoe manufacturing.

OR

Three (3) years of journey level experience in clothing production, knitting, needle trades industry and/or shoe manufacturing in a commercial setting.

NOTE: A license or a certificate of journeyman or equivalent status from a trade union or similar association in a field (those identified above) may be substituted for one (1) year of general or journey level experience. If you are substituting a license or certificate of journeyman or equivalent status for some of the required experience, please upload a copy of your license, certification or proof of equivalent status with your application. Failure to do so will result in ineligibility.

LICENSE: Appointee will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility is necessary to perform the essential duties of the position.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **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.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
6. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.
 - Read Description of Job and Specification: **406237**
 - **Click here to apply via the Online Application System**

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