



STATE OF NEW JERSEY

In the Matter of Traci Granate,
Appeal Examiner 2, Department of
Labor and Workforce Development

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

CSC Docket No. 2023-1579

Examination Appeal

ISSUED: May 3, 2023 (SLK)

Traci Granate appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the qualifying examination for Appeal Examiner 2, Department of Labor and Workforce Development.

By way of background, the appellant’s credentials were reviewed to determine if she met the requirements for Appeal Examiner 2, Department of Labor and Workforce Development. The pertinent requirements for Appeal Examiner 2 are a Bachelor’s degree and two years of professional experience making determinations on eligibility in various phrases of temporary wage replacement insurance in a public or private agency. Applicants who do not possess the required education could substitute additional experience as indicated above on a year-for-year basis.

The appellant indicated on her application that she was an Employment Training Specialist 2 from February 2019 to May 2020¹, a Claims Examiner, Unemployment/Disability Insurance² from July 2016 to February 2019, and a Senior

¹ It is also noted that the appellant did not list her provisional service in the subject title which personnel records indicate started from May 2022 to November 15, 2022, the date her application was signed. The appellant’s application also does not indicate what her title and job duties were from May 2020 to May 2022. Further, personnel records indicate that she was returned to her permanent title, Employment and Training Specialist 2, effective January 28, 2023. The qualifying examination date was January 3, 2023.

² The appellant listed this position on her application as an Appeals Examiner Pre-Review.

Unemployment Insurance Clerk³ from August 2012 to July 2016.⁴ Agency Services noted that the appellant did not possess a Bachelor's degree. It credited the appellant with having two years and eight months of experience based on her service as a Claims Examiner, Unemployment/Disability Insurance⁵, but it determined that, per the substitution clause for education, she lacked three years and four months of experience and, as such, did not pass the qualifying examination.

On appeal, the appellant states that this agency did not adequately account for her six years of services spent entering determinations within the scope of Income Security. Further, she asserts that this agency did not recognize the title in which she performed many functions including those necessary to meet the experience requirements. The appellant complains that this agency failed to request clarification from the appointing authority regarding its use of employees to enter determinations regarding benefit eligibility. Additionally, she indicates that the appointing authority failed to advise this agency of the ways that employees are used to perform tasks out of their typical scope of employment. The appellant claims that the appointing authority failed to properly account for services performed while on an extended assignment to other units, such as the Appeal Tribunal, obfuscating the true work of its employees. Further, she believes that the appointing authority has been obfuscating the work history of others who it newly hired to fill vacant positions required to address an unprecedented backlog of cases. Moreover, the appellant provides that this agency failed to recognize that many of the job duties for an Appeal Examiner 2 and an Employment and Training Specialist 2 mirror each other as both require review of cases and claims to generate a decision and report based on an investigation and findings.

The appellant presents that in May 2020, she was reassigned to the Appeal Tribunal due to her knowledge and to assist with the unprecedented backlog. She claims that her Performance Assessment Reviews (PARs) support her statements that she has sufficient knowledge concerning Unemployment Insurance and Appeals. She states that she was placed in this position at the same salary and range as her Employment and Training Specialist 2 title. The appellant indicates that while Employment and Training Specialist 2s may be listed as working in different unit scopes than Appeal Examiner 2s, they work in the same department. She submits

³ The appellant listed this position on her application as a Senior RCC Agent.

⁴ Personnel records also indicate that the appellant was an Unemployment Insurance Clerk Reemployment Call Center from September 2005 to August 2012, an Unemployment Insurance Clerk from November 2003 to September 2005, and an Intermittent Labor Clerk from July 2003 to November 2003.

⁵ The appellant describes her title in this position as an Appeals Examiner Pre-Review and describes her duties as, "Pre-Review Appeal Letters, Schedule Hearings, Process Fraud Appeals, and Issue decisions. Although the appellant's description of her duties does not clearly that she made determinations on eligibility in various phases of temporary wage replacement insurance, as the required duties are in-title duties for a Claims Examiner Unemployment/Disability Insurance, her Civil Service title, it credited her for this experience.

her resume which describes her experience in more detail. The appellant also highlights *N.J.A.C.* 4A:4-2.5(b) which provides that when a promotion is within the same category as listed in *N.J.A.C.* 4A:4-2.5(a), the examination, with or without all or part of the open competitive requirements, as appropriate, shall be open to permanent competitive division employees in one of the following as indicated in *N.J.A.C.* 4A:4-2.5(b)1-5.

CONCLUSION

N.J.A.C. 4A:4-7.8, which governs demotional title changes,⁶ provides, in pertinent part, that if the lower title is not related to the incumbent's current title, then the employee shall be appointed pending examination.

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, a review of the appellant's application and appeal indicates that Agency Services correctly determined that she was not eligible for the subject examination. On appeal, it appears that the appellant is claiming she should receive credit for her experience from July 2016 to the present as this is over a six-year period and her appeal states that she had six years plus of experience.

A "Qualifying Examination" requires a candidate to demonstrate that he or she possesses the necessary experience for a particular title in order to effect a lateral or demotional transfer to the title with permanent status. Since a determination of eligibility equates to a candidate passing this type of examination, and generally results in the candidate's permanent appointment, it is imperative that the candidate unambiguously indicates his or her experience on the application. This information is crucial, because it is essentially equivalent to correct responses on a multiple-choice, or "assembled" examination. Thus, the Civil Service Commission must primarily focus on the "test papers," *i.e.*, the original application materials presented to Agency Services for review, and determine if an "error" was made in the "scoring" of the test or other noncompliance with Civil Service law and rule.

Against this backdrop, it is noted that *N.J.A.C.* 4A:4-2.1(f) specifically provides that examination applications may only be amended prior to the filing date. A review of the appellant's application indicates that she only listed employment until May 2020. Thus, the information regarding additional experience from May 2020 to the present provided on appeal cannot be considered in this case. To do so would be tantamount to alteration of an answer sheet following the administration of an

⁶ While Appeal Examiner 2 and Employment and Training Specialist 2 are both at salary range 21, Appeal Examiner 2 is at class code 21 while Employment and Training Specialist 2 is at class code 22. As such, any movement from Employment and Training Specialist 2 to Appeal Examiner 2 would be a demotional movement. See *N.J.A.C.* 4A:1-1.3 for the definition of demotion.

assembled examination. Similarly, while the appellant claims that her PARs demonstrate that she has sufficient knowledge to be an Appeal Examiner 2, as she did not submit them with her qualifying examination applications, they were not part of her test papers and could not be considered when evaluating her application for the qualifying examination.

Regarding the appellant's Employment and Training Specialist 2 experience listed on her application from February 2019 to May 2020, the appellant described this experience as, "Monitor WIOA Youth Program, Monitor Local One Stops, Verify One Stops and Providers, and Were Following Federal Law." As there is nothing in her description of duties that indicates that her primary focus in this position was to make determinations on temporary wage replacement insurance, Agency Services correctly did not credit this experience. Moreover, even if the Commission were to consider her resume, which is an amendment to her application, the appellant's description of her duties as an Employment and Training Specialist 2 does not clearly indicate that the primary focus of this position was to making determinations on eligibility in various phrases of temporary wage replacement insurance. Additionally, even if she was credited with this experience, this is still only an additional one year and three months of experience and she would still lack two years and one month of experience.

Concerning the appellant's statements that this agency did not request clarification of her experience from the appointing authority and the appointing authority did not clearly advise this agency of her duties, as stated above, the appellant's application was her test paper. She had the ability to describe her experience to clearly demonstrate that she was performing the required duties for the required time, but she failed to do so. Further, contrary to the appellant's statement that Appeal Examiner 2 and Employment and Training Specialist 2 have many duties that mirror each other, a review of the job specification indicates that incumbents in the Appeal Examiner 2 title conducts hearings and otherwise resolves unemployment and disability insurance disputes while an Employment and Training Specialist 2 plans, coordinates, implements and renews new and existing programs in One-Stop Career Centers. As such, these are titles with dissimilar work, education and experience which is why a qualifying examination was necessary. Referring to the appellant's reference to *N.J.A.C. 4A:4-2.5*, this rule involves who may be open to apply for a promotional examination and has no relevance to the subject qualifying examination.

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 3RD DAY OF MAY, 2023

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