



**STATE OF NEW JERSEY**

In the Matter of Stacey Cosma,  
Senior Technician MVC (PS0875T),  
Motor Vehicle Commission

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

CSC Docket Nos. 2024-1114

Examination Appeal

**ISSUED: July 3, 2024 (SLK)**

Stacey Cosma requests to file a late application for the promotional examination for Senior Technician MVC (PS0875T), Motor Vehicle Commission.

The subject examination’s closing date was February 21, 2023. It was announced open to employees who had one year of continuous permanent service as a Technician MVC as of the examination closing date. The experience requirements were three years of experience in the performance of administrative, clerical and technical support duties in the area of reviewing and processing various documents; disseminating, verifying and providing information to the public; or administering oral and written examinations. Agency records indicate that there were 431 applicants and 346 were admitted to the test. The test was administered on November 16, 2023, which resulted in 271 eligibles. The eligible list promulgated on December 14, 2023, and the list expires on December 13, 2026. A number of certifications have been issued and eligibles have been appointed to fill positions in various locations.

Upon her inquiry, this agency informed the appellant that the reason that she was determined eligible for a prior Senior Technician MVC (PS9346T) promotional examination, but not the subject Senior Technician MVC (PS0875T) promotional examination, was that the PS9346T examination required applicants to either have the required one-year continuous permanent service **or** the required three years of experience while the subject PS0875T examination required applicants to have the required one-year continuous permanent service **and** the required three years of

experience, and she lacked the required continuous permanent service as a Technician MVC as her permanent title was Records Technician 3, Motor Vehicles.

In her request, the appellant presents that she started to complete her online application for the subject examination; however, she was unable to do so due to illness at or around the time of the closing date. She indicates that she has been employed by the appointing authority since 2005 and states that she has always taken Civil Service tests. The appellant highlights that she was determined eligible for the prior Senior Technician MVC (PS9346T) promotional examination. However, the appellant questions why the requirements for the subject examination were changed, and she asserts that she thought she could apply to any Motor Vehicle Commission or Civil Service Commission posting. She now believes that she will only be able to apply for Records Technician 2, Motor Vehicles examinations, and she will not be able to apply for Senior Technician MVC examinations. Further, the appellant questions why anyone would apply for a Records Technician 3 examination if a candidate can only be eligible for a Senior Technician examination if they were a Technician MVC. She questions why this agency and/or the appointing authority is forcing her to pick a career path.

Additionally, the appellant presents that she and another employee were the only two eligibles left on the Senior Technician MVC (PS9346T) eligible list. She states that she was told that this symbol would expire on March 18, 2024.<sup>1</sup> However, the appellant indicates that once the PS9346T examination expired, the subject PS0875T eligible list was certified and, shortly thereafter, the certified eligibles from the PS0875T eligible list were interviewed for positions as Senior Technicians MVC. The appellant believes that since the PS9346T eligible list was not exhausted, and she and the other employee were not interviewed for a position as a Senior Technician MVC, they were discriminated against. Further, she highlights that there is an open Senior Technician MVC position in the Duplicate Title Unit. She provides that although she was advised by management that human resources indicated that this position is not a critical needs position, there has always been a Senior Technician in this position. The appellant asserts that she would have been highly qualified for this position, and she feels that the appointing authority is not following its protocol by not filling this position.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, even if the appellant was granted the opportunity to submit a late application for the subject Senior Technician MVC (PS0875T), Motor Vehicle

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<sup>1</sup> Agency records indicate that PS9346T was initially set to expire on March 18, 2023. However, it expired on December 5, 2023, and then the PS0875T examination was announced.

Commission promotional examination, she is not eligible. Specifically, as stated above, in addition to experience requirements, the subject PS0875T examination required applicants to have one-year continuous permanent service as a Technician MVC by the examination closing date, and she lacked the required continuous permanent service as her permanent title was Records Technician 3, Motor Vehicles.

Regarding her questions related to why the requirements for the subject Senior Technician MVC examination changed compared to a prior Senior Technician MVC examination and other questions related to her career path, there is no requirement under Civil Service law and rules that require that an examination for a title be announced the same way each time, and each examination has its own discrete requirements. Further, an appointing authority may request that an examination be announced in a manner that best fits its need for the position it seeks to fill. Moreover, there is no obligation that an examination be announced in a manner that provides the appellant or any other employee a career path. However, it is noted that there is also nothing that would prevent the appointing authority from requesting that a future Senior Technician MVC examination be announced in a manner where the appellant could potentially be eligible.

Similarly, concerning the appellant's comments that she and another employee were not interviewed for a position from the prior Senior Technician MVC (PS9346T) eligible list, there is no requirement under Civil Service law and rules that requires an appointing authority to exhaust an eligible list and interview all candidates for a position prior to the eligible list expiring. Moreover, even if it is true that the appointing authority's past protocol always filled a Senior Technician MVC position in the Duplicate Title Unit, there is no requirement under Civil Service law and rules that the appointing authority continue to fill this position. However, if the appellant or the other employee believe that they were not interviewed or the vacant position is not being filled because of their membership in a protective class, or otherwise based on a violation of the State Policy Prohibiting Discrimination in the Workplace, they may file a complaint with the appointing authority's Equal Employment Office.

### **ORDER**

Therefore, it is ordered that this request 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 3<sup>RD</sup> DAY OF JULY, 2024

*Allison Chris Myers*

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Allison Chris Myers  
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