

CSC
B-48



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Gilbert Stewart,
Director of Professional/Residential
Services (PS2549K), Department of
Human Services

Examination Appeal

CSC Docket No. 2014-2530

ISSUED: **SEP 04 2014** (HS)

Gilbert Stewart appeals the determination of the Division of Selection Services (Selection Services), which found that he did not meet the experience requirement for the promotional examination for Director of Professional/Residential Services (PS2549K), Department of Human Services.

The subject examination was announced with a closing date of October 21, 2013. The examination was open, in part, to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the listed requirements. The listed requirements included a Bachelor's degree supplemented by a Master's degree in, among other noted disciplines, Social Work and four years of experience in the field of developmental disabilities, two years of which must have been in a supervisory or administrative capacity. The resulting list of three eligibles promulgated on April 3, 2014 and expires on April 2, 2017.

On his application, the appellant indicated possession of a Bachelor's degree and a Master's degree in Social Work. He also indicated that he had served as an Assistant Social Work Supervisor from April 2012 through the closing date (October 2013); as an "Acting" Director of Professional/Residential Services from February 2012¹ through the closing date; and as a Social Worker 1 from November 2011 through April 2012, all with Woodbine Developmental Center (WDC). He also

¹ On appeal, the appellant indicates he served as the "Acting" Director of Professional/Residential Services from February 2013 through the closing date.

indicated that he served as a Counselor/Senior Case Manager from March 2010 through November 2011 with Taylor Care Adult Partial Care and as a Manager of Costello's Restaurant from September 2004 through July 2009. The appellant indicated completion of three internships: for 22 hours per week as a Social Worker, Mental Health with Covenant House from August 2009 through August 2010; for 16 hours per week as a Social Worker, Psychiatric with Ancora Psychiatric Hospital from September 2008 through May 2009; and for two hours per week as a Counselor and Facilitator of Group Therapy for a Relapse Prevention Treatment Group from September 2004 through September 2005. The appellant's internships with Covenant House and Ancora Psychiatric Hospital were part of his college curriculum for his Master's degree. However, his internship as a Counselor and Facilitator of Group Therapy for a Relapse Prevention Treatment Group was not part of his college curriculum. The appellant also submitted a transcript of his Master's degree.

Selection Services credited the appellant with one year and seven months of applicable supervisory experience as an Assistant Social Work Supervisor and five months of applicable non-supervisory experience as a Social Worker 1. Selection Services did not credit the appellant's "Acting" Director of Professional/Residential Services position as this position was not reflected in agency records. Selection Services determined that none of his other experience was applicable. Based on the foregoing, Selection Services determined that although the appellant met the education requirement, he lacked two years of applicable experience, of which five months should have been in a supervisory or administrative capacity.

On appeal, the appellant asserts that he possesses sufficient experience based on his full-time positions and internships. In this regard, the appellant presents a breakdown of duties performed in the positions he noted on his application. For example, the appellant states that as Counselor/Senior Case Manager, he supervised daily operations; ensured document compliance; conducted audits; trained employees on the Illness Management Recovery (IMR) program; began to integrate individuals with intellectual disabilities into the IMR group; and conducted outreach to community service agencies. The appellant also includes a breakdown of the duties he performed during his three internships, including as a Counselor and Facilitator of Group Therapy for a Relapse Prevention Treatment Group. In this regard, he states that the individuals who attended the Relapse Prevention Treatment Group were diagnosed with traumatic brain injuries, intellectual disabilities and mental health issues.

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:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional

examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. Applicable experience has as its primary focus the duties and responsibilities required for the title under test. *See In the Matter of James L. Walsh* (MSB, decided March 15, 1988).

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 four years of applicable experience, two years of which must have been in a supervisory or administrative capacity. However, a review of the appellant's application reveals that he only possessed one year and seven months of the required supervisory or administrative experience based on his service as an Assistant Social Work Supervisor and five months of the required non-supervisory experience based on his service as a Social Worker 1.

On appeal, the appellant argues that his experience as "Acting" Director of Professional/Residential Services from February 2013 through the closing date is applicable. However, it should be noted that for promotional examination purposes, experience is considered only if it is gained in a recognized type of appointment. Experience acquired in an "acting" capacity is not recognizable, as this work is intermittent in nature and the duties performed are not the primary focus of the employee's permanent title. Moreover, individuals performing in an acting capacity do not perform all the duties of that position when their acting term is limited, such as when serving during a term of vacation or sick leave. *See e.g., In the Matter of Walter Furtney* (MSB, decided April 18, 2000), *aff'd, on reconsideration* (MSB, decided September 26, 2000). Regardless, the appellant was already given credit for his service as an Assistant Social Work Supervisor from April 2012 through the closing date.

The appellant asserts that his experience as a Counselor/Senior Case Manager is also applicable. 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). In the present matter, after listing a number of duties he performed in this position, the appellant states that he "began to integrate" individuals with intellectual disabilities into the IMR group. This description of his duties does not clarify that the position primarily focused on the developmentally disabled population.

With respect to the appellant's internships at Covenant House and Ancora Psychiatric Hospital, these internships were part of his college curriculum for his Master's degree. It is noted that internships which are part of degree programs generally cannot be counted as experience when an applicant has already received credit for possessing the specified degree. *See In the Matter of Kathleen A. Cody and*

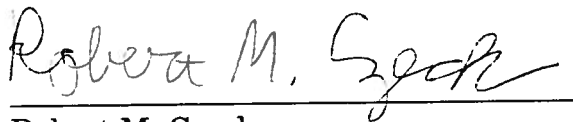
Katie E. Quay (CSC, decided October 22, 2008). Since the appellant received credit for his Master's degree, his internships at Covenant House and Ancora Psychiatric Hospital cannot be applied toward the experience requirement. With respect to the appellant's internship as a Counselor and Facilitator of Group Therapy for a Relapse Prevention Treatment Group, the appellant's description of his duties does not indicate that the position primarily focused on the developmentally disabled population since it does not note the amount of time spent with the developmentally disabled population. As noted above, 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. *Vlashi, supra*. As a final matter, it should be noted that even assuming the appellant's experience as a Counselor/Senior Case Manager and Facilitator of Group Therapy should be credited, the appellant still would not possess four years of applicable experience. The appellant's internship as Facilitator of Group Therapy, wherein the appellant worked two hours per week for one year, is equivalent to less than one month of full-time experience. The Counselor/Senior Case Manager position lasted one year and eight months. Since the appellant was determined to be lacking two years of experience, the appellant would not meet the experience requirement even if these positions were to be credited. Accordingly, the record reflects that the appellant did not meet the requirements for the title under test, and there is no basis to disturb the decision of the Division of Selection Services.

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 SEPTEMBER, 2014



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