



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Eulices Montiel-
Fernandez, Director of Therapeutic
Services (PC1367T), Middlesex
County

Examination Appeal

CSC Docket No. 2016-2366

ISSUED: ~~NOV 16 2016~~ (SLK)

Eulices Montiel-Fernandez appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Director of Therapeutic Services (PC1367T), Middlesex County.

The examination at issue was announced with specific requirements that had to be met as of the July 21, 2015 closing date (see attached). A total of six employees applied for the subject examination and three were deemed eligible. Certification PL160003 was issued containing the names of the three eligibles and one eligible was appointed. The list expires on December 30, 2018.

On Mr. Montiel-Fernandez's application, he indicated that he was a Principal Psychiatric Social Worker from September 2007 to the July 21, 2015 closing date, a part-time Private Practitioner from February 2004 to the July 21, 2015 closing date, an Intensive In-Home Counselor for The Youth Success Network from June 2012 to November 2012, a Social Worker from September 2003 to June 2009, a Certified Mental Health Screener from August 2004 to July 2006, a Psychiatric Social Worker from January 2001 to June 2005, an Assistant Social Services Coordinator for Project Access from June 2001 to March 2002, a Mental Health Clinician for Catholic Charities from June 2000 to January 2001, an Adjunct Professor for Middlesex County College from September 2000 to December 2000, and a CMHC Access Clinician for Vantage Health Systems from January 2000 to May 2000. Personnel records indicate that he was a Principal Psychiatric Social Worker from December 2012 to the July 2015 closing date, a Senior Psychiatric Social Worker

Bilingual in Spanish/English from April 2008 to December 2012, a Senior Psychiatric Social Worker from November 2007 to April 2008, a Senior Psychiatric Social Worker Bilingual in Spanish and English from September 2007 to November 2007, a Senior Psychiatric Social Worker from December 2003 to September 2007, a Psychiatric Social Worker Bilingual in Spanish and English from March 2002 to December 2003, a Psychiatric Social Worker from February 2002 to March 2002, and a Psychiatric Social Worker Bilingual in Spanish and English from January 2001 to February 2002. Agency Services credited the appellant with having met the general experience requirement and two years and eight months of supervisory experience, but determined that he lacked four months of supervisory experience.

On appeal, Mr. Montiel-Fernandez states that he has over 15 years of experience working as a mental health professional and that the last 8 years have been in a supervisory capacity. Additionally, he indicates that he worked as the Assistant Social Services Coordinator for Project Access from June 2001 to March 2002 where he supervised a staff of 7 professionals. The appellant also presents that he has experience working in psychiatric emergency screening services, in a psychiatric emergency room, in an inpatient psychiatric unit, in a private practice, and as a Teacher at the college level.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Based on his application, initially, Agency Services correctly determined that Mr. Montiel-Fernandez did not meet the required experience as of the July 21, 2015 closing date. Although the appellant possessed the general experience requirement, he only had two years and eight months of applicable supervisory experience as a Principal Psychiatric Social Worker. With respect to his assertion that he has over seven years of supervisory experience, any applicable supervisory experience that the appellant may have gained as a Senior Psychiatric Social Worker would be considered out-of-title work. *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.

However, the record indicates that the appellant continues to serve as a Principal Psychiatric Social Worker and has gained additional supervisory experience. Moreover, the record evidences that the eligible list is incomplete, as there are currently only two names remaining on the eligible list. Therefore, under

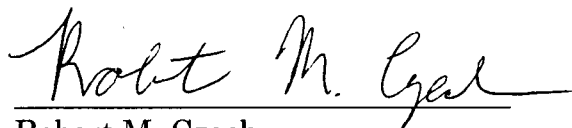
these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept Mr. Montiel-Fernandez's supervisory experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that the appeal be granted, and Montiel-Fernandez'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 10th DAY OF NOVEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Eulices Montiel-Fernandez
Dennis Cerami
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PC1367T	WEIGHT CODE: *
TITLE: DIRECTOR OF THERAPEUTIC SERVICES	SALARY: \$41,942.00
ISSUE DATE: July 01, 2015	CLOSING DATE: July 21, 2015
TITLE CODE: 05104/ SORMR2	JURISDICTION CODE: T12000020
JURISDICTION: MIDDLESEX COUNTY	APPLICATION DEADLINE : July 24, 2015
DEPARTMENT: MENTAL HEALTH	

**Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application**

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

EDUCATION: Graduation from an accredited college or university with a Bachelor's degree in Social Work, Art Therapy, Music Therapy, Dance Therapy, Recreation Therapy, Psychodrama, or a related therapeutic profession, including or supplemented by a practicum in Social Work or any of the therapeutic professions. Applicants **must specify** the type of degree you have on your application. Applicants must also provide proof of successful completion of the practicum. Applicants must attach a copy of their transcript to their application. Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants must indicate the dates and hours worked per week of the practicum on their application. Failure to do so will result in rejection from the examination process.

EXPERIENCE: Six (6) years of experience performing patient evaluations, formulating, modifying and implementing treatment plans, as a social worker or as a therapist in any of the therapeutic professions such as art, music, dance, psychodrama, recreation, three (3) years of which shall have been in a supervisory capacity

NOTE: A Master's degree from an accredited college or university in Social Work, Art Therapy, Music Therapy, Dance Therapy, Recreation Therapy, Psychodrama, or a related therapeutic profession, including or supplemented by a practicum in Social Work or any of the therapeutic professions may be substituted for one (1) year of the required nonsupervisory experience. You must indicate the details of your Master's degree on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

LICENSE: Appointees will be required to possess a driver's license valid in NJ only if the operation of a vehicle, rather than employee mobility, is necessary to perform essential duties of the position. The responsibility for ensuring that employees possess the required license rests with the Appointing Authority.

NOTE: All requirements must be met as of the above closing date, however applications will be accepted up to and including **July 24, 2015**.

SPECIAL NOTE: IF YOU FILED AN APPLICATION FOR THIS ANNOUNCEMENT DURING THE ORIGINAL POSTING PERIOD YOU DO NOT HAVE TO FILE AGAIN.

Amended 7/22/15

- IMPORTANT INFORMATION**
1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
 2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
 3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
 4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
 5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
 6. **If you are having difficulty submitting your application online, technical support and customer care 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 of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09