



STATE OF NEW JERSEY

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

In the Matter of Bruce Glatter and
Marie Nyland, Social Work Specialist
(PC2116W), Passaic County Board of
Social Services

Examination Appeals

CSC Docket Nos. 2019-2236 and
2019-2326

ISSUED: JUNE 13, 2019

(ABR)

Bruce Glatter and Marie Nyland appeal the determinations of the Division of Agency Services (Agency Services), which found that they did not meet the education requirement for the promotional examination for Social Work Specialist (PC2116W), Passaic County Board of Social Services. Since these appeals address similar issues, they have been consolidated herein.

The subject examination announcement was issued with a closing date of July 23, 2018. The examination was open to employees with one year of continuous permanent service in the titles of Social Worker and Social Worker Bilingual in Spanish and English, and who possessed a Master’s degree in Social Work. The subject examination was cancelled after all five applicants, including the appellants, were deemed ineligible.

Glatter stated on his application that he possessed a Master’s degree in Applied Psychology and that he served provisionally as a Social Work Specialist from February 1976 to the closing date for the subject examination (July 2018). However, a review of agency record indicates that Glatter served provisionally as a Social Work Specialist from April 2017 to the closing date; as a Social Worker from February 2015 to April 2017; provisionally as a Social Work Supervisor from January 2014 to February 2015; as a Social Worker from August 1977 to January 2014; and as an Income Maintenance Technician from February 1976 to August 1977.

Nyland stated on her application that she possessed a Master's degree in Psychology and that she served as a Social Service Technician from July 1999 to December 2003. However, a review of agency record indicates that Nyland served as a Social Worker from May 2004 to the closing date and as a Social Work Technician from January 2000 to May 2004. Agency Services deemed both Glatter and Nyland ineligible for the subject examination because they did not possess a Master's degree in Social Work, as required.

On appeal, Glatter acknowledges that he does not possess a Master's degree in Social Work. However, he argues that he should have been admitted to the subject examination because the totality of the 17 semester hour credits he possesses from a Social Work Master's degree program, his Applied Psychology Master's degree, and his internship experience with the Bergen County Adult Protective Service Unit are equivalent to a Master's degree in Social Work.¹ Glatter also provides various supporting documentation.

Nyland argues that because she has performed most, if not all, of the duties of a Social Work Specialist while serving in the title of Social Worker, she should be permitted to substitute that experience for the required education. She also contends that the Civil Service Commission (Commission) should allow her to substitute her experience for the required education because the higher-level title of Social Work Supervisor does not require a Master's degree in Social Work.

It is noted that Glatter continues to serve provisionally in the subject title.

The definition section of the Social Work Specialist job specification states that:

Under supervision of a Social Work Supervisor, performs complex professional social work, provides preventive and rehabilitative services to clients and their families, conducts varied types of social investigations involving the collection, analysis, and recording of significant social facts, and provides technical social work information; does other related duties as required.

An applicant for the title of Social Work Specialist is required to possess a Master's degree in Social Work.

¹ It is noted that Glatter previously appealed a determination that he did not possess the required education for the Social Work Specialist (PC0250G) examination and that his appeal was denied by letter dated August 15, 2005.

The definition section of the Social Work Supervisor job specification states that:

Under direction of a supervisory official, supervises a group of professional and paraprofessional social service staff involved in the identification of complex social problems and the administration of social service programs designed to assist active, former, and potential welfare clients; does other related duties as required.

An applicant for the title of Social Work Supervisor is required to possess a Bachelor's degree supplemented by a Master's degree in Social Work, Psychology, Sociology, Guidance and Counseling or other field related to social work or social services; and two years of social work experience involving gathering social information from clients, determining their needs, and planning and carrying out treatment plans and/or service plans geared to individual client needs. Pursuant to the substitution clause for education, applicants who do not possess a Bachelor's degree may substitute additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. Further, applicants who do not possess the required Master's degree may substitute one additional year of applicable experience.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-1.5(a)2 requires an appointing authority to certify that the appointee meets the minimum qualifications for the title at the time it makes a provisional appointment.

N.J.S.A. 11A:4-13(b) provides that provisional appointments shall be made only in the competitive division of the career service and only in the absence of a complete certification, if the *N.J.A.C.* 4A:4-1.5(a) provides that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. There is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment;
2. The appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment; and
3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

N.J.A.C. 4A:4-1.9(a) provides, in pertinent part, that an employee who is returned from appointment under *N.J.A.C.* 4A:4-1.5 to his or her permanent title will have rights to a position in the permanent title in the same organizational unit.

In the instant matter, the announcement for the subject examination stated that applicants were required to possess, in part, a Master's degree in Social Work. Glatter contends that his credits from an incomplete Social Work Master's degree, Applied Psychology Master's degree, and related internship experience are equivalent to a Master's degree in Social Work. However, *N.J.A.C.* 4A:4-2.21(a)1 expressly provides that, for titles requiring specific coursework or major fields of study, the successful completion of the coursework or fields of study *shall be required*. As such, because Glatter did not complete a Master's degree in the field of Social Work he was properly deemed ineligible for the subject examination.

Nyland argues that her Master's degree in Psychology and her extensive experience should render her eligible the examination. In support of her contention, Nyland argues that with the subject examination she should be permitted to substitute for the required education because she maintains that the higher-level title of Social Work Supervisor does not require possession of a Master's degree in Social Work. However, as noted above, because *N.J.A.C.* 4A:4-2.21(a)1 expressly provides that, for titles requiring specific coursework or major fields of study, the successful completion of the coursework or fields of study *shall be required*, she cannot substitute her education and/or experience for the required Master's degree in Social Work. Moreover, Nyland's observation that the higher-level title of Social Work Supervisor does not require possession of a Master's degree in Social Work does not warrant a finding that she should be permitted to substitute additional experience for the subject examination's education requirement. In this regard, the Commission emphasizes that there are notable differences between the requirements for each title. Specifically, the subject examination announcement, which is based upon the job specification for the title, does not permit substitution for the required education, as the title is geared to individuals who obtained a Master's degree in Social Work but may not be ready or able to function in a supervisory capacity and the title does not require any underlying experience. Conversely, the Social Work Supervisor title is intended for individuals with Social Work experience and, consequently, as noted above, offers greater flexibility with respect to the education requirement. Additionally, unlike the title of Social Work Specialist, the job specification for Social Work Supervisor expressly permits the substitution of one additional year of applicable experience for the required Master's degree. Accordingly, because Nyland did not possess a Master's degree in Social Work, she was properly deemed ineligible for the subject examination. Further, the Commission observes that the subject promotional examination was cancelled because all of the current employees who applied for it, including the appellants, were deemed ineligible. The Commission notes that if the appointing authority wishes to fill a vacancy in the title of Social Work Specialist title but does

not have any current employees who meet the eligibility requirements for the title, it may request an open competitive examination announcement. *See N.J.A.C. 4A:4-2.3(a)*.

Finally, it is necessary to address the appointing authority's provisional appointment of Glatter to the subject title. The requirements of *N.J.S.A. 11A:4-13(b)* allow for an appointing authority to certify that an appointee meets the minimum qualifications for the title at the time of appointment, but the fact that the appointing authority erroneously determined that a provisional appointee satisfies the minimum qualifications for the title prior to an actual eligibility determination by this agency does not automatically establish a presumption of eligibility when the examination is announced. *See In the Matter of Cynthia Bucchi, Maria D'Angelo, Rosalind R. James, Carla M. Lewis, and Rhonda McLaren, Management Assistant (PS5831F), Department of Education, Docket No. A-1266-04T2 (App. Div. February 27, 2006)*. Since Glatter does not meet the minimum qualifications for the title, contrary to *N.J.A.C. 4A:4-1.5(a)2*, he should be returned to his regular title of Social Worker within 30 days from the issuance of this order and he should be assigned duties commensurate with that title. The Commission emphasizes that if the appointing authority fails to make a good faith effort to fully comply and effect this order, the appointing authority will be subject to fines and/or other sanctions. In the regard, the Commission notes that it is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Civil Service law or rules or any order of the Commission. *N.J.S.A. 11A:10-3; N.J.A.C. 4A:10-2.1(a)2. See In the Matter of Fiscal Analyst (M1351H), Newark, Docket No. A-4347-87T3 (App. Div. February 2, 1989)*.

ORDER

Finally, it is ordered that these appeals be denied. It is further ordered that Glatter be returned to his permanent title of Social Worker within 30 days of the issuance of this decision.

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 12TH DAY OF JUNE, 2019

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