

Manager. The appellant was credited with eight months of full-time experience in her part-time Teacher, ESL from May 2015 to June 2016 at 20 hours per week. As her remaining experience was inapplicable, she was found to be lacking four months of applicable experience.

On appeal, the appellant argues that she was eligible as she had over a year of teaching experience accrued while working for the American language communications center as a Teacher, and in her After Care Teacher position. She argues that there were no instructions which stated, “that the work experience needed to be from a full-time position nor did it state how an applicant’s work experience would be calculated.” She maintains that the experience requirements are implied, and that teachers do not have a standard work schedule like that of other professions. She states, “Over all, that equals roughly 180 work days in a 365-day year. Would a school teacher’s ‘year’ of work experience then be prorated to six months? In actuality, someone working 20 hours a week for 13 months, without receiving summer vacation or any other breaks in the year, means that he/she worked longer than a school teacher who was considered ‘fulltime.’” Although she has not been a college instructor, she states that those individuals are hired per course. She argues that the teaching positions do not have set working hours, the experience requirement should have been stated as full-time or part-time, and she requests that her experience as a Teacher, ESL be considered as full-time.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

The appellant was correctly denied admittance to the subject examination since she lacked the required amount of qualifying experience. Specifically, the experience requirements stated that one year of applicable experience was required. It was not “implied” as the appellant suggests. Nor can it be acceptable to credit part-time experience as full-time experience. For example, if one candidate works 8 hours per week, another 15 hours per week, another 20 hours per week and another 35 hours per week, they are not all providing the employer with the same amount of work. It is nonsensical to assume that a person working 20 hours per week is doing the same amount of work as one working 35 or 40 hours per week, double or almost double the number of hours. Employees are aware of their part- and full-time status in any profession. Part-time employees get pro-rated leave time, and may not receive health and dental benefits, and retirement-savings plans. There are full-time teachers who work 12 months in a year, and some who work 10 months in a year, and there are part-time teachers. Experience in each of those positions would be calculated differently. The appellant’s one year of part-time experience as a Teacher, ESL was prorated to eight months of full-time experience and she received credit for that position.

As to her remaining positions, a Human Services Specialist 1 is not a training position, and the appellant did not indicate that she was instructing, teaching or training in that position. The duties of a Student Teacher are not at the level and scope of the required experience, but rather, were an Internship. Her position as an Instructional Aide involved executing daily operations chosen for the lesson plans in teaching students. No hours were given, but this position also did not span the scope of the required experience. As an After Care Teacher, the appellant developed and implemented lesson plans and daily activities, and assisted and supervised students. Although this was “after care” no hours were given. Also, this experience was gained at the Kiddie Academy Child Care Learning Center in Secaucus, New Jersey, which cares for children aged 6 weeks to 12 years. The experience requirement is specific to an elementary school through college, not a child care center. The appellant’s position as a Production Manager was clearly inapplicable. Therefore, the appellant lacks four months of applicable experience by the October 2018 closing date.

The appellant was denied admittance to the subject examination since she lacked the minimum requirements in experience. An independent review of all material presented indicates that the decision of the Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

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 10th DAY OF SEPTEMBER, 2019



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