



STATE OF NEW JERSEY

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

In the Matter Marianne Leadley,
Program Specialist 3, Social/Human
Services (PS9783H), Department of
Health

Examination Appeal

CSC Docket Nos. 2020-1357 and
2020-1629

ISSUED: February 14, 2020 (BS)

Marianne Leadley appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the requirements for the promotional examination for Program Specialist 3, Social/Human Services (PS69783H), Ancora Psychiatric Hospital, Department of Health.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced May 21, 2019 closing date. Specifically, applicants were required to possess a Bachelor's degree from an accredited college or university plus three years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis. Additionally, the promotional announcement also stipulated that a Master's degree in in a Social/Human services specialty area, Public or Business Administration, Child Advocacy and Policy, or Child Advocacy and Policy with a concentration in Public Child Welfare could be substituted for one year of the indicated experience. A total of 15 employees applied for the subject promotional examination that resulted in a list of four eligible with an expiration date of January 22, 2023. The subject promotional list was certified (PS200176) containing the names of one eligible from the previous list for the subject title (PS6540H) and the four eligibles from the subject list.

The appellant filed an application on with she indicated that she possessed experience as a provisional Program Specialist 3, Social/Human Services (2/17 to the closing date), Supervisor 1, Word Processing (11/11 to 1/17), and Word Processing Specialist 2 (11/89 to 10/99). As of the May 21, 2019 closing date, the appellant did not possess the required degree nor any college credits. This meant that she would need a total of seven years of the experience specified above to satisfy the subject requirements per the substitution clause for education. Agency Services concluded that only the appellant's two years and four months of experience as a provisional Program Specialist 3, Social/Human Services satisfied the subject requirements. The remainder of the appellant's positions did not involve responsibilities which rose to the level and scope of those required of the subject title. Agency Services initially did not consider the appellant's claim of out-of-title work as a Supervisor 1, Word Processing because it is a competitive situation. Consequently, Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that she satisfies the subject requirements and claims to have "over 8 years of experience working in the Court Coordinator's Office in the implementation, coordination and evaluating Human Services Programs, *i.e.* SSPRC (Special Status Patient Review Committee), the Guardianship Program and the Involuntary Outpatient Commitment Program." The appellant asserts that she is currently serving as a provisional Program Specialist 3, Social/Human Services. Alfred Filippini, Manager 2 Human Resources, Ancora Psychiatric Hospital, submitted a letter on the appellant's behalf supporting her appeal indicating that she performed out-of-title duties.

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.

N.J.A.C. 4A:4-2.6(c) provides that except when permitted by the Chairperson or designee 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. Good cause may include, but not be limited to, the following:

1. Where the number of employees eligible for examination will result in an incomplete list, or where the number of applications does not exceed the number of provisional incumbents by more than one, the applicant may submit a detailed statement from his or her supervisor describing the out-of-title duties performed and the reasons why it was necessary to perform such duties. A statement shall also be submitted

from the appointing authority verifying the supervisor's statement and indicating interest in making an appointment from the resultant eligible list.

N.J.A.C. 4A:4-6.3 (b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that, as of the May 21, 2019 closing date, the appellant needed a total of seven years of experience since she lacked the required degree or any college credits per the substitution clause for education. The appellant possessed 11 months of applicable experience as a provisional Program Specialist 3, Social/Human Services. The appellant described on her application an additional five years and three months of out-of-title experience as a Supervisor 1, Word Processing (11/11 to 1/17). Further, the appellant's descriptions of her duties while serving in this position did not involve any responsibilities which rose to the level and scope of those required of the subject position in the required areas. As a result, these responsibilities are not considered applicable to establish eligibility for the subject examination.

Although the appellant claims to have assumed appropriate responsibilities while serving as a Supervisor 1, Word Processing, such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements. Although Filippini claims in his letter of support that the appellant has eight years of out-of-title work experience as "the Court Coordinator," "Court Coordinator" is not a Civil Service title and the appellant only describes five years and three months of out-of-title experience as a Supervisor 1, Word Processing (11/11 to 1/17) on her application. Agency Services initially did not consider this out-of-title experience because there were six qualified applicants to be tested on December 19, 2019. Agency records indicate that four of those qualified applicants passed the examination and an eligible roster promulgated on January 23, 2020. Additionally, since the prior eligible list (PS6540H) for the subject title was incomplete, the remaining eligible on that list that there are currently five qualified eligible on the current outstanding certification. As such, there is a complete list of qualified candidates from which the appointing authority can make its selection. Since this is a competitive situation, the Civil Service Commission finds no compelling reason to consider the appellant's out-of-title work assertion. Accordingly, the appellant was correctly deemed ineligible for the subject promotional examination.¹

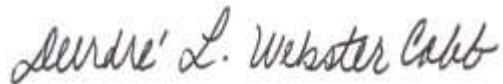
¹ It is noted that that the appellant was deemed ineligible for the prior examination (PS6540H) for the subject title and appealed that determination. At its meeting of August 31, 2019, the Commission denied her appeal and she sought reconsideration of that decision. As her appeal for the subsequent subject examination has been denied, the appellant's reconsideration docketed as 2020-1629 is rendered moot.

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 12TH DAY OF FEBRUARY, 2020



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