



STATE OF NEW JERSEY

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

In the Matter of Christina Page,
Executive Assistant 1, Department of
Environmental Protection

Examination Appeal

CSC Docket No. 2020-1671

ISSUED: February 13, 2020 (RE)

Christina Page appeals the determination of the Division of the Agency Services (Agency Services), which found that she was below the minimum requirements in experience for a qualifying examination for Executive Assistant 1.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Executive Assistant 1 title effective November 9, 2019. Agency Services processed a qualifying examination for the appellant, to determine if she possessed the necessary qualifications for the subject title and she failed. The requirements for Executive Assistant 1 are graduation from an accredited college or university with a Bachelor’s degree, and two years of experience in program management with responsibility for planning, organizing, coordinating, staffing, reporting, and budgeting, or in assisting an executive with program development and implementation. Applicants who did not possess the required education could substitute additional experience on a year for year basis. A Master’s degree in Public Administration, Business Administration, Management, or other closely related field could be substituted for one year of experience. The appellant has not yet been returned to her permanent title, Environmental Specialist 2.

On her qualifying examination application, the appellant indicated that she possessed a Bachelor’s degree, and therefore, she met the educational requirements. On her application, the appellant listed positions as Environmental Specialist 2, Environmental Scientist, and Junior Environmental Scientist. In an attachment, for the period on her application that she stated that she was an Environmental

Specialist 2, she provided duties regarding two positions as Environmental Specialist 2, one group of duties for 3 titles (Hazardous Site Mitigation Specialist 4, Environmental Specialist 1, and Environmental Specialist 2). She also provided a list of duties for her position as Environmental Scientist with Groundwater and Environmental Services, and duties for her Junior Environmental Scientist position with McLaren-Hart Inc. Official records indicate that the appellant was provisionally appointed to Executive Assistant 1 in November 2019, and prior to that was an Environmental Specialist 2, Environmental Specialist 2 Site Remediation, Senior Environmental Specialist Site Remediation, Hazardous Site Mitigation Specialist 3, Hazardous Site Mitigation Specialist 4, and Environmental Services Trainee. No out-of-title work was found. Therefore, since the appellant lacked two years of applicable program management experience she did not pass the qualifying examination for the subject title. It is noted that in a determination dated February 19, 2019, Agency Services found that the appellant qualified for a Pre-appointment Evaluation to the title Program Specialist 3. The experience requirement for that title was three years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating agency programs and services. Nonetheless, she was not appointed to that title.

On appeal, the appellant argues that all her past and current experience should be accepted. In support of this argument, she copies most of the examples of work from the job specification for Executive Assistant 1, and then selects various portions of time in her career where she performed similar duties. She argues that her extensive experience qualifies her for the examination. An Assistant Commissioner provides a letter of support indicating that he believes that the appellant meets the experience requirement based on her job dedication and extensive work history. The Assistant Director, Remediation Review Element, indicates that the appellant has aided her program with interpretation and implementation of technical requirements for site remediation rules, the administrative requirements for the remediation of contaminated sites rules, and multiple technical and administrative guidance documents. It is indicated that the appellant is a subject matter expert and general contact for all inquiries relating to the technical rules, and she is relied upon for her expertise in the rule revision process. The Director, Division of Remediation Management argues that the appellant's work history and qualifications, and her past performance, weigh heavily in her selection for this position.

CONCLUSION

At the outset, it must be underscored that a "Qualifying Examination" requires the candidate to demonstrate on her qualifying examination application that she possesses the necessary experience for the subject title to affect a lateral transfer to the title. Additionally, 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).

A review of the appellant's application reveals that she does not meet the experience requirements for Executive Assistant 1. When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In her prior positions with the State, the appellant presented a list of duties that contained some aspects of executive assistance or program management. The appellant highlights various duties and compares them with the examples of work from the job specification for the title under test. However, this piecemeal approach is not the way experience is found to be qualifying or not qualifying. Each position can have only one primary focus. The duties performed most of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. The description of duties listed on appeal does not support that the primary foci of her positions as listed on her qualifying examination and application and attachment were program management with responsibility for planning, organizing, coordinating, staffing, reporting, and budgeting, **or** assisting an executive with program development and implementation. Rather, the primary focus of all her experience was *environmental control work*. The appellant did not include her provisional position on her application.

Additionally, the definition section of the job specification for the title Environmental Specialist 2 states:

Under supervision the limited supervision of a supervisory official in a State department or agency performs technical or scientific work, including field and office studies, surveys, inspections or investigations associated with the enforcement of laws and/or regulations and environmental review and control work or organizes and carries out programs/projects designed to study and evaluate environmental impact of specific projects on the environment; organizes and makes tests and reports to assess environmental impacts to include the physical, natural, and/or human environments and investigates environmental complaints concerning projects; conducts contract, grant and/or loan processing; does related work as required.

In this case, to warrant an Executive Assistant 1 classification, the position should focus on program management with responsibility for planning, organizing, coordinating, staffing, reporting, and budgeting, or in assisting an executive with program development and implementation. The appellant did not indicate that she was working out-of-title, and her duties as an Environmental Specialist 2 match those of the definition for that title.

The appellant did not provide a comprehensive list of her duties in her provisional position. Nonetheless, she did provide some duties in her comparison to the examples of work from the job specification for the title under test. Those duties include:

The development and update of new and current rules, regulations, and policies that help achieve the goals of the Site Remediation and Waste Management Program, including updates in the technical requirements for site remediation, and the New Jersey Administrative Code.

Developing strategies to aid in the elimination of the accumulated workload.

Participates in the evaluation of Division policies to identify and improve process inefficiencies.

Chairs the Site Remediation and Waste Management's Training Committee.

Serves as a subject matter expert.

Assist the director and management in reviewing data and research for fee increase rates, needs and allowances, evaluates fee requests, and determines final budget application information.

Ensures that directives of senior staff are carried out by bureau chiefs.

Acts as representative in a team to increase efficiency and optimize assignments.

Evaluates and makes recommendations for changes to operations, structure and staffing.

There are other examples as well, however, based on these duties, it appears that the appellant's position is misclassified as Executive Assistant 1. Under these circumstances, the matter of the appellant's provisional position classification is referred to Agency Services for review.

Agency Services correctly determined that the appellant did not pass the subject qualifying examination. Therefore, she has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this request be denied, and the matter of the appellant's provisional position classification be referred to Agency Services for review.

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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