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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Donna Neill,
Recreation Program Specialist
(M0452U), West Milford

CSC Docket No. 2017-1238

Examination Appeal

ISSUED: MAR 24 2017

(RE)

Donna Neill appeals the decision of the Division of Agency Services which found that, per the substitution clause for education, she did not meet the experience requirements for the open-competitive examination for Recreation Program Specialist (M0452U), West Milford.

The subject examination was announced with specific requirements that had to be met as of the June 28, 2016 closing date (see attached). A total of 19 applicants applied for the subject examination that resulted in a list of 7 eligibles with an expiration date of October 19, 2019. The subject list was certificated once and one eligible was permanently appointed and two eligibles were removed from the list. Thus, there are four eligibles remaining on the list.

On her application, the appellant indicated that she possessed 24 college credits, which prorate to 9 months of experience. As such, she was required to possess four years, three months of applicable experience. The appellant listed two positions on her application, Assistant Director, Senior Center from August 2004 to June 2016, and Fitness Instructor (part-time, 10 hours per week), both with the Borough of Fairlawn. Official records indicated a different employment history from that provided by the appellant. These records indicate that she was a Keyboarding Clerk 1 from September 2004 to July 2012, and a Recreation Leader from August 2012 to the June 2016 closing date. This was the period of time that she indicated on her application that she was an Assistant Director, Senior Center. There is no record of her position of Fitness Instructor, which is not a Civil Service

title. Her experience was not accepted, and she was found to be lacking four years, three months of applicable experience.

On appeal, the appellant contends that she was admitted to a prior examination for the same title (M0351R) which had the same requirements.

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

CONCLUSION

In the instant matter, the appellant was required to possess a Bachelor's degree from an accredited college or university, as well as one year of applicable experience.

As to her application, the online application process is automated and provides instructions to candidates on how to properly complete their applications. Eligibility for a given examination is determined based on the information provided on the application. The announcement states, "**You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**" The Online Application System User Guide repeats, "Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper." The guide asks candidates to carefully review the application to ensure that it is complete and accurate before submitting, and states, if supplemental documents are required, they should be uploaded with the application or submitted within five business days of submitting the online application. In order to proceed to the payment section, candidates must certify that their applications are complete and accurate.

The appellant did not list her actual job titles, but included a non-Civil Service title, Assistant Director, Senior Center. As to duties, the appellant indicated she was,

Developing, implementing and supervising programs for the Fair Lawn Senior Center. Assisting the Director, acting Director when the current Director is not available. In 2014 I was acting Director from July until November while the current Director was on maternity leave. Supervisor of the Fitness Program which I began at the Senior Center back in 1996. Organizer of programs for the center which include: Lectures, Award Winning Senior Olympics, Senior Follies, Workshops, Parties, Presentations. My Senior Center was voted number one in Bergen County. Supervise the nutrition program.

Responsibilities include serving lunch when needed, daily, weekly and monthly reports which are sent to the Bergen County Division of Senior Services. I handle the banking deposits of the collected lunch money. Contacting Bergen County Special Transportation and arranging transportation for those who are in need in order to attend the Center. I handle with personal issues of the participants, which also include contact with family members when needed. I have worked in conjunction with the Fair Lawn Health and Human Services Department, Bergen County Agencies which also include APS (Adult Protective Services). I handle building maintenance and contact the proper departments for repairs. I handle emergency situations at the center with the utmost professionalism.

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). The description above does not have planning, promoting, and developing a recreation program as the primary focus. The only applicable portion may be, "Developing, implementing and supervising programs for the Fair Lawn Senior Center. Assisting the Director, acting Director when the current Director is not available. In 2014 I was acting Director from July until November while the current Director was on maternity leave." Given the various other duties listed, the appellant was not primarily performing the duties required for admittance to the examination. The supporting details provide no explanation of what programs were planned, promoted, and developed, and supervision or direction of programs is not qualifying experience. The majority of duties are appropriate for her regular titles, Keyboarding Clerk 1 and Recreation Leader. Therefore, the appellant has not demonstrated the necessary experience to establish eligibility for the title under test.

As to her admittance to the prior examination (M0351R), it is noted that eligibility is determined by this agency based on the information each candidate provides on his or her application. *See In the Matter of William McNally and Peter McCloskey* (MSB, decided January 26, 2005). A review of the appellant's prior application indicates that she described her duties in a more abbreviated way. She indicated that she was a Recreation Leader, developing and implementing programs for the Senior Center, assisting the Director, acting as Director when the current Director is not available, supervising the fitness and lunch programs, organizing programs, and dealing with personal issues of the participants and family members. A holistic view of both descriptions indicates that her experience as a Recreation Leader is not qualifying. It is noted that each examination is separate, and the fact that the appellant was accepted for a prior examination with the same requirements does not preclude the Civil Service Commission from performing its function of evaluating an applicant's experience for a subsequent examination. *See In the Matter of Charles Kleinberg* (MSB, decided March 28, 2001). *See also In the*

Matter of Anthony Lombardy, Docket No. A-3616-96T5 (App. Div. July 6, 1998) (The fact that the appellant was accepted for prior examination with the same requirements did not estop this agency from performing its function of evaluating an applicant's experience for a subsequent examination and to do otherwise might give an undeserved preference, possibly ousting a fully-qualified applicant from consideration for the position). As such, Ms. Neill's eligibility for prior examinations has no bearing on her eligibility for the subject examination.

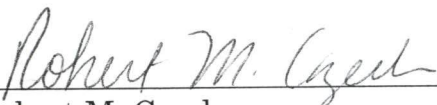
An independent review of all material presented indicates that the decision of the Division of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, 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 22nd DAY OF MARCH, 2017



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: Donna Neill
Senator Bob Gordon
Kelly Glenn
Records Center



Job Announcements

Symbol: M0452U Title: **RECREATION PROGRAM SPECIALIST**

Issue Date: 06/07/2016

Closing 06/28/2016

Date:

Jurisdiction: WEST MILFORD

Salary: \$48,306.67 - \$58,714.65 Per Year

Num. of Positions: 1

Workweek: 35 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

1) West Milford Township; 2) Passaic County; 3) Bergen County, Essex County, Morris County, Sussex County

REQUIREMENTS:

EDUCATION: Graduation from an accredited college or university with a Bachelor's degree.

NOTE: Applicants who do not possess the required education may substitute additional experience as indicated below on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

EXPERIENCE: One (1) year of experience in planning, promoting, and developing a recreation program at a recreation or community center.

NOTE: Graduation from an accredited college or university with specialization in recreation or completion of one (1) year of specialized graduate training in recreation may be substituted for the above experience. If you are substituting education for the required experience, please upload a copy of your transcript with your application. Failure to do so will result in ineligibility.

Foreign transcripts must be evaluated by a recognized evaluation service. Please upload a copy of your evaluation with your application. Failure to do so will result in ineligibility.

LICENSE: Appointees must possess a valid certificate as a Recreation Supervisor issued by the New Jersey Department of Community Affairs. Please upload a copy of your certificate with your application.

Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform the essential duties of the position.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support 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.nj.gov or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
6. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.