



**STATE OF NEW JERSEY**

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

In the Matter of Christen Swann,  
Program Assistant Division of  
Developmental Disabilities,  
Department of Human Services

Examination Appeal

CSC Docket No. 2018-2900

**ISSUED: May 24, 2018 (RE)**

Christen Swann 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 Program Assistant Division of Developmental Disabilities.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Program Assistant Division of Developmental Disabilities title effective January 6, 2018. Agency Services processed a qualifying examination for the appellant to determine if she possessed the necessary qualifications for the subject title which was a lateral position. These requirements included graduation from an accredited college or university with a Bachelor's degree and four years of administrative experience in the operation of programs designed to meet treatment needs of the developmentally disabled. The appellant failed the examination and thereafter, she was returned to her permanent title of Supervising Clinical Nutritionist on March 31, 2018.

On her qualifying examination application, the appellant listed her positions as a Supervising Clinical Nutritionist, Clinical Nutritionist, and Registered Dietician with Sodexo Senior Services. In a resume attached to the application, she added per diem Dietician with Hampton Behavioral Health (overlaps with full-time work, no hours given), part time Consultant Dietician with Arbors at New Castle (overlaps with full-time work, no hours given), Consultant Dietician with Heartland Hospice (overlaps with full-time work, no hours given), and Consultant Dietician with Generation Plus Adult Day Care (overlaps with full-time work, no

hours given). She also separated her latest duties for Supervising Clinical Nutritionist from November 2017 to January 2018 when she completed the application, and called the position Supervisor of Habilitation Plan Coordinators and Clinical Nutritionists, which is not a Civil Service title. In its determination dated March 9, 2018, Agency Services credited her with three months of experience in her provisional position, accrued from January 2018 to March 2018, but not listed on the application as it was completed in January 2018. Agency Services determined that she was working out-of-title from November 2017 to January 2018 when she called her position Supervisor of Habilitation Plan Coordinators and Clinical Nutritionists, but noted that acceptance of this out-of-title work would not have her meet the four-year requirement. Therefore, since the appellant did not meet the requirements, she did not pass the qualifying examination for the subject title.

On appeal, the appellant provides a descriptive narrative of duties that she performed that she believes match the description of administrative experience in the operation of programs, education of individuals and employees, and administrative roles to supervise employees and support management. She does not separate these duties for each position. She argues that human resources did not question her experience and there were no deficiencies in her work areas. She provides an updated resume which has dates that differ slightly from the original dates provided, and another position as a Clinical Dietician with Shore Memorial Hospital, but excluded the positions of Consultant Dietician with Heartland Hospice (overlaps with full-time work, no hours given), and Consultant Dietician with Generation Plus Adult Day Care (overlaps with full-time work, no hours given).

## CONCLUSION

At the outset, it must be underscored that a “Qualifying Examination” examination requires the candidate to demonstrate on her qualifying examination application that she possesses the necessary experience for the subject title in order to effect 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).

Agency Services determined that the appellant’s experience in her current and prior-held titles did not have administrative experience in the operation of programs designed to meet treatment needs of the developmentally disabled as the primary focus of the positions. Ms. Swann’s experience as a Clinical Dietician, Clinical Nutritionist, Registered Dietician, Dietician, Consultant Dietician as that experience was professional in nature, not administrative. That is, performance of professional duties does not establish administrative experience. “Administrative experience” required for the Program Assistant Division of Developmental Disabilities title is essentially responsibility for a wide variety of handling, directing

and controlling the operations or organizational unit, including the development and/or approval of operating policies and procedures. As a Supervising Clinical Nutritionist to November 2017, the appellant performed in-title work, supervising the nutrition care program. Commencing November 2017, the appellant had responsibility for the oversight of program planning and individual habilitation plans. While this experience was applicable, it is out-of-title work. The appellant was provisionally appointed to the subject title, and returned to her Supervising Clinical Nutritionist position. Nevertheless, in an appeal filed after her return to her permanent title, she argues that she is performing out-of-title work. Thus, it does not appear that Ms. Swann's position is properly classified by her permanent title of Supervising Clinical Nutritionist. Therefore, Agency Services should review the appellant's job duties to determine the proper classification of her position.

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 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 23rd DAY OF MAY, 2018



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