



STATE OF NEW JERSEY

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

In the Matter of Kathleen Sheffield,
Chief of Administrative Services
(PC2469V), Salem County

CSC Docket No. 2018-3072

Examination Appeal

ISSUED: May 24, 2018 (RE)

Kathleen Sheffield appeals the determination of the Division of Agency Services (Agency Services) that found that she was below the experience requirements, per the substitution clause for education, for the promotional examination for Chief of Administrative Services (PC2469V), Salem County.

The subject examination announcement was issued with a closing date of November 21, 2017, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Assistant Chief Administrative Services OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor’s degree, and three years of administrative experience in either: analyzing, evaluating, and providing advice to management on such matters as work methods and procedures, communications, management information systems, organizational structure, human resource utilization, distribution of work assignments, delegation of authority, policy development, budget preparation, records management, or similar areas with the objective of improving managerial effectiveness, OR managing, administering, or directing an organizational unit and its work program which entailed responsibility for planning, organizing, directing, staffing, coordinating, and budgeting for the activities of the unit. Possession of Master’s degree from an accredited college or university with a major course of study in business administration, public administration, industrial management, industrial engineering, management

science, or in a program related to the organization, operation, administration, and control of private or public organizations could be substituted for one year of experience. Applicants who did not possess the required education could substitute additional experience as indicated below on a year for year basis with thirty semester hour credits being equal to one year of experience. The appellant was found to be ineligible based on a lack of applicable experience per the substitution clause for education. There were no other applicants, and the examination was cancelled on April 4, 2018.

On her application, the appellant indicated that she possessed no college credits. As such, she was required to possess seven years of qualifying experience. The appellant listed one position on her application, provisional Chief of Administrative Services from March 2014 to November 2017. None of her experience was accepted and she was found to be seven years of qualifying experience. Although not indicated on her original application, agency records indicate that the appellant was a Keyboarding Clerk 3 from March 2014 to January 2015, when she was provisionally appointed to the subject title, and a Keyboarding Clerk 4, 3, 2, and 1 prior to March 2014.

On appeal, the appellant lists the knowledge, skills and abilities from the job specification for Chief of Administrative Services and compares her duties and proficiencies to them.

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 in pertinent part that 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, unless good cause is shown for an exception. *N.J.A.C.* 4A:4-1.5(a)2 states that the appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of appointment.

CONCLUSION

At the outset, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Chief of Administrative Services title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as three years of relevant experience, it is considered a professional title. Further, professional work is basically interpretive, evaluative, analytical and/or creative requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research. *See In the Matter of*

Lewis Gordon (Commissioner of Personnel, decided September 27, 1997) (Youth Worker title series not considered to be at a level and scope consistent with professional experience).

Conversely, *N.J.A.C.* 4A:4-2.5(a)2 states that para-professional titles require at least 60 general college credits or 12 or more specific college credits, with or without a clause to substitute experience. Also, *N.J.A.C.* 4A:4-2.5(a)3 states that non-professional titles require less than 60 general college credits or less than 12 specific college credits. The titles in the Keyboarding Clerk series are non-professional titles, which require no college credits.

When a promotion is between the above noted categories, *N.J.A.C.* 4A:4-2.5(c)2 permits the examination to be open to applicants who are permanent in an approved bridge title(s) and/or applicants who meet the complete open competitive requirements. A bridge title is one that is recognized by the Civil Service Commission as related to a higher category title in terms of work performed and knowledge, skills, and abilities required. In the present matter, there is no bridge title to the subject title. Thus, the appellant is required to meet the open competitive requirements.

A review of the appellant's application reveals that she does not meet the announced requirements. 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. The experience description for the subject examination requires professional level experience in the review, analysis and evaluation of operating programs and this level of experience cannot be obtained while in nonprofessional titles. Experience gained as a Keyboarding Clerk 3 is not at the level and scope required, nor does it match the required experience.

Further, the duties involved for her Chief of Administrative Services position had a focus on secretarial duties. Thus, the duties that the appellant listed indicates that she is not performing the work of a Chief of Administrative Services. The definition section of the job specification for Chief of Administrative Services indicates that, under direction, incumbents plan, supervise, coordinate and direct the provision or procurement of a variety of administrative services that are essential to and support the primary functions and objectives of an organization, jurisdiction or independent appointing authority. Therefore, the primary focus of the position is not to perform the work involved, but to plan, supervise, coordinate and direct the provision or procurement of such work.

While the appellant may have been working out-of-title while in the position of Keyboarding Clerk 3, it was not as a Chief of Administrative Services. The requirements of *N.J.S.A.* 11A:4-13(b) allow for an appointing authority to certify

that an appointee meets the minimum qualifications for the title at the time of appointment, but the fact that the appointing authority erroneously determined that a provisional appointee satisfies the minimum qualifications for the title prior to an actual eligibility determination by this agency, does not automatically establish a presumption of eligibility when the examination is announced. *See In the Matter of Cynthia Bucchi, Maria D'Angelo, Rosalind R. James, Carla M. Lewis, and Rhonda McLaren, Management Assistant (PS5831F), Department of Education, Docket No. A-1266-04T2 (App. Div. February 27, 2006)*. Additionally, this is the second examination for which the appellant is not eligible. The first was Chief of Administrative Services (PC0374T), Salem County, with a closing date of March 21, 2015. The appointing authority did not remove the appellant from her provisional position when she was found ineligible in 2015.

As the appellant did not indicate that she is primarily performing work required of a Chief of Administrative Services, if the appointing authority wants the appellant to remain in her current position, it should provide a duties questionnaire to the Division of Agency Services detailing the duties of the position, along with a completed examination application within 30 days of the issuance of this decision, so that an appropriate provisional title can be assigned and a pre-qualification determination can be made. Should the appellant be found not eligible for the new provisional appointment, she should be returned to her regular prior-held title at that time. Otherwise, since the appellant does not meet the minimum qualifications for the title, contrary to *N.J.A.C. 4A:4-1.5(a)2*, she should be returned to her regular prior-held title immediately upon receipt of this decision.

ORDER

Therefore, it is ordered that this appeal be denied and the appellant's position undergo a classification 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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