



STATE OF NEW JERSEY

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

In the Matter Marianne Leadley,
Program Specialist 3, Social/Human
Services (PS6540H), Department of
Health

Examination Appeal

CSC Docket No. 2019-1426

ISSUED: August 2, 2019 (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 (PS6540H), Ancora Psychiatric Hospital, Division of Mental Health and Addiction Services, Department of Health.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced December 21, 2017 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. Records indicate that a promotional eligible list promulgated on November 15, 2018 containing the names of four qualified applicants. Since that date, two appointments have been made and now the subject promotional list is incomplete.

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 (12/99 to 1/17), Word Processing Specialist 2 (11/89 to 10/99), and Senior Clerk Typist and Clerk Typist (8/88 to 10/89). As of the December 21, 2017 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 11 months of experience as a 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 five years and three months 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 assertion that she has eight years of out-of-title work experience as "the Court Coordinator."

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination announcement by the closing date.

N.J.A.C. 4A:4-2.6(c) provides that (c) 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 December 21, 2017 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, though applicable, experience as a Supervisor 1, Word Processing (11/11 to the closing date). None of the positions or the appellant's descriptions of her duties while serving in these positions involved any responsibilities which rose to the level and scope of those required of the subject position in the required areas and, as a result, were not considered applicable.

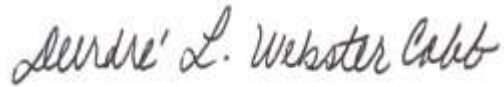
Although the appellant claims to have assumed appropriate responsibilities while serving as a Supervisor 1, Word Processing, such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements. Although Manager Filippini calms 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, though applicable, experience as a Supervisor 1, Word Processing (11/11 to the closing date) on her application. Agency Services initially did not consider this out-of-title experience because there were four qualified candidates admitted to the subject promotional examination which would result in a complete list and a competitive situation. However, even if Agency Services had accepted the appellant's out-of-title work experience as a Supervisor 1, Word Processing, the appellant would still lack the necessary time to satisfy the subject requirements by the closing date. The Commission agrees and finds that the appellant was correctly deemed ineligible for the subject promotional examination.

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 31ST DAY OF AUGUST, 2019



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