



STATE OF NEW JERSEY

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

In the Matter of Marjorie Ortiz,
Program Specialist 3 Social/Human
Services (PS9783H), Department of
Health

Examination Appeal

CSC Docket No. 2020-1356

ISSUED: January 16, 2020 (RE)

Marjorie Ortiz appeals the decision of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Program Specialist 3 Social/Human Services (PS9783H), Department of Health.

The subject examination announcement was issued with a closing date of May 21, 2019. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who were serving in the title Program Specialist 2 Social/Human Services, OR in any competitive title and who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and three years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program. Applicants who did not meet the announced educational requirement could substitute experience as indicated on a year for year basis. A Master's degree 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 experience. The appellant was found to be below the minimum requirements in experience, per the substitution clause for education. Four candidates took the examination, and the results are not yet available.

The appellant indicated that she possessed 65 college credits, which prorates to two years, two months of experience. Per the substitution clause for education,

the appellant was required to possess four years, ten months of applicable experience. On her application and resume, the appellant listed experience in four positions, Program Specialist 1 Social/Human Services, Technician, Head Clerk, Principal Clerk Transcriber, Senior Clerk Transcriber, and Clerk Transcriber. She was credited with two years, two months in the first position, and she was found to be lacking two years, eight months of experience, per the substitution clause for education.

On appeal, the appellant argues that she has accrued applicable experience in her position as a Head Clerk while working out-of-title since 2013. Specifically, she provides a letter from the Director of Quality Improvement who states that the appellant develops processes and policies and implementation/standardization of programs such as electronic restraints, patient treatment program notes, physician order electronic system, safeguards, and revised suicide requirements. No dates are provided with those duties. The appointing authority states that as a Head Clerk the appellant was in charge of the Health Information Management Section, and coordinated administrative work involving the print shop to ensure compliance with various document printing and development projects and forms and materials.

CONCLUSION

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 that 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.

The appellant was denied admittance to the subject examination since she lacked five years, three months of experience per the substitution clause for education. A review of appellant's application reveals that this determination is correct. 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 Program Specialist 2 Social/Human 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 relevant experience, it is considered a professional title.

The appellant's prior-held State titles which she claims provided applicable experience do not require a Bachelor's degree and therefore are not professional titles. *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, while *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 (but less than a full degree). As such, the title Head Clerk is a non-professional title since no college credits are required.

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. It is noted that "bridge titles" were established to allow individuals with experience in a given job category (e.g., clerical or paraprofessional) the opportunity to compete in promotional examinations involving a higher-level job category (e.g., paraprofessional or professional). Advancement in some cases was otherwise not possible because the experience acquired in the lower category titles would not technically satisfy the requirements for eligibility in the higher category title. There is no bridge title for Program Specialist 3 Social/Human Services.

In addition, the experience requirements for a professional level title assume professional level experience. For example, for the current title, the work involving the planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program must be professional level work. This cannot be accrued in a non-professional title. The appellant's experience as a Head Clerk is not applicable for this reason. Nonetheless, as a Head Clerk, the appellant was responsible for overseeing the hospital's patient group program called "Print Shop," which teaches a skill set to patients for future employment. She had responsibility for the design and revision of hospital's clinical record forms and other forms used for patient care and treatment, assisted in developing and implementing treatment plans and hospital policies, provided support to patients to succeed in providing printing services, completed documents, trained personnel and patients, provided technical advice, solved problems and responded to complaints, evaluated the program and made revisions, maintained records and processed Open Public Record Act requests, revised manuals, supervised staff, and ordered supplies

and took inventory. This is essentially the same duties presented for the appellant's Program Specialist 1 Social/Human Services position. Four candidates took the examination, and there are two provisional incumbents in the subject title. As such, the number of potential candidates exceeds the number of provisional incumbents by more than one. Thus, the appellant has not presented a basis for accepting out-of-title experience.

The appellant was denied admittance to the subject examination since she lacked the minimum requirements in experience per the substitution clause for education. An independent review of all material presented indicates that the decision 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 15th DAY OF JANUARY, 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Marjorie Ortiz
Alfred Filippini
Kelly Glenn
Records Center