



STATE OF NEW JERSEY

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

In the Matter of Ebony Anthony,
Senior Therapy Program Assistant
(S0168W), Statewide

Examination Appeal

CSC Docket No. 2019-3469

ISSUED: OCTOBER 2, 2020 (ABR)

Ebony Anthony appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the open competitive examination for Senior Therapy Program Assistant (S0168W), Statewide.

The examination was open, in part, to applicants who possessed three years of experience in work involving the care and custody of persons confined to a hospital facility or institution for those who have developmental disabilities, mental illness, and/or physical handicaps, assisting in the implementation of occupational, physical, recreational, and/or behavioral therapy programs to improve the well-being of clients through a variety of therapeutic and rehabilitative activities as of the September 21, 2018 closing date. The subject eligible list, containing 16 names, promulgated on January 2, 2020 and expires on January 1, 2023. A certification containing the names of six eligibles was issued on January 3, 2020. In disposing of the certification, the appointing authority appointed one eligible. Fourteen eligibles presently remain active on the subject eligible list.

On her application, the appellant stated that she served as a Cottage Training Technician from July 2012 to the closing date and from July 2006 to April 2012; as a Cottage Training Supervisor from April 2012 to July 2012;¹ and as a Human Services Assistant from March 2001 to July 2002. Upon review of her application, Agency Services determined that the appellant’s experience was not applicable because the

¹ Agency Records indicate that the effective date of the appellant’s appointment to the title of Cottage Training Supervisor was March 24, 2012.

primary focus of her duties did not include the required experience in the implementation of occupational, physical, recreational and/or behavioral therapy programs. As a result, she was deemed ineligible for the subject examination.

On appeal, the appellant states that she has worked with and cared for customers at Vineland Developmental Center for 18 years, and that her duties have included assisting with physical, recreational, and behavioral therapy programs and involvement in the rehabilitative activities of residents. She also indicates that she has been serving provisionally in the subject title since September 2018.² Moreover, she submits a letter of support from her supervisor, Daisy Wilkins, a Head Cottage Training Supervisor, who states, in relevant part, that the appellant has been developing programs and assisting direct care staff in implementing programs since she was provisionally appointed to the subject title.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date.

In the instant matter, Agency Services correctly determined that the appellant was ineligible for the subject examination. The appellant states on appeal that she has been serving provisionally in the subject title since September 2018. However, it is noted that she did not list this information in her application, even though the September 15, 2018 effective date of her appointment occurred prior to the closing date for the subject examination. Accordingly, her submission of this additional information on appeal is considered an amendment to her application for the subject examination, which, pursuant to *N.J.A.C.* 4A:4-2.1(f) cannot be considered after the closing date.

As to the appellant's remaining experience, the record fails to demonstrate that she possessed sufficient applicable experience as of the closing date of the subject examination. In this regard, 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). Here, the announcement for the subject examination stated that applicants were required to possess three years of experience in work involving the care and custody of persons confined to a hospital facility or institution for those who have

² Agency records indicate that the appellant was provisionally appointed to the subject title, effective September 15, 2018.

developmental disabilities, mental illness, and/or physical handicaps, assisting in the implementation of occupational, physical, recreational, and/or behavioral therapy programs to improve the well-being of clients through a variety of therapeutic and rehabilitative activities as of the closing date. A review of the appellant's application and appeal fails to demonstrate that the required experience in assisting in the implementation of occupational, physical, recreational, and/or behavioral therapy programs to improve the well-being of clients through a variety of therapeutic and rehabilitative activities was the primary focus of any of the positions that the appellant listed on her application. Moreover, the information in her supervisor's letter of support does not demonstrate that such duties were the primary focus of her responsibilities in any of the positions listed on her application. Rather, the supervisor notes the duties that the appellant performed since her provisional appointment to the subject title, which as noted above cannot be considered. Thus, it was properly determined that she did not possess any applicable experience for the subject examination as of the closing date. Accordingly, the appellant has not met her burden of proof and there is no basis to disturb the decision of Agency Services.

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 30TH DAY OF SEPTEMBER, 2020

Deirdre' L. Webster Cobb

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