



**STATE OF NEW JERSEY**

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

In the Matter of Robin Blake and  
Barbara Steele, Program Specialist 2,  
Social/Human Services (PS5856K),  
Division of Mental Health and  
Addiction Services

Examination Appeals

CSC Docket Nos. 2021-591 and 2021-  
585

**ISSUED: JANUARY 22, 2021 (SLK)**

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Robin Blake and Barbara Steele appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Program Specialist 2, Social/Human Services (PS5856K), Division of Mental Health and Addiction Services. These matters have been consolidated due to common issues presented.

The subject examination had a closing date of December 23, 2019. The education requirement was a Bachelor's degree. The experience requirements were two 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, in addition to the required experience, applicable experience on a year for year basis, with 30 semester hour credits being equal to one year of experience. A total of seven employees applied for the subject examination and four were deemed eligible. Agency records indicate that there are currently six employees, including the appellants, provisionally serving in the subject title. No certifications have been issued, and the list expires on October 28, 2023.

On Blake's application, she indicated that she possessed 80 college credits. Additionally, personnel records indicate she was a provisionally serving in the subject title from September 2019 to the December 23, 2019 closing date, an Agency Services Representative 4 from September 2015 to September 2019, a Principal Clerk Typist from July 2002 to September 2015, a Senior Data Entry Machine Operator from November 2001 to July 2002, a Support Services Representative 3 from September 1999 to November 2001, an Intermittent Data Entry Machine Operator, Taxation from June 1988 to September 1999 and a Senior Data Entry Machine Operator,

Terminal from October 1982 to June 1988. Agency Services credited Blake with two years and eight months of experience based on her 80 college credits and four months of experience based on her provisional service in the subject title for a total of three years of experience, but determined, per the substitution clause for education, that she lacked three years of experience.

On Steele's application, she did not indicate any college credits. Additionally, personnel records indicate that she was provisionally serving in the subject title from July 2019 to the December 23, 2019 closing date, an Administrative Assistant 3 from October 2005 to September 2019, a Secretarial Assistant 3 from March 1999 to October 2005, a Principal Clerk Typist from March 1997 to March 1999, a Senior Clerk Typist from February 1993 to March 1997, and a Clerk Typist from March 1992 to February 1993. Agency Services credited her with four months of experience based on her provisional service in the subject title, but determined, per the substitution clause for education, that she lacked five years and eight months of experience.

On appeal, Blake describes how she has been performing the required duties since 2008 and Steele describes how she has been performing the required duties for the past 10 years. Further, the appointing authority confirms that both Blake and Steele have been performing the required duties, out-of-title, for a sufficient time due to business necessity.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted 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.

Initially, it is noted that Agency Services correctly determined that the Blake and Steele were ineligible for the subject examination as any applicable duties that they were performing outside of their provisional service in the subject title would be out-of-title work. However, on appeal, the appointing authority confirms that the appellants were both performing the required duties for a sufficient time due to business necessity. Moreover, Blake and Steele continue to serve provisionally in the subject title and the eligible list will likely be exhausted based on the anticipated number of permanent positions that need to be filled based on the number of employees provisionally serving in the subject title. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the Blake's and Steele's out-of-title experience for eligibility purposes only, and admit them to the examination.

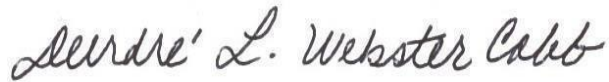
This determination is limited to the instant matter and does not provide precedent in any other matter.

**ORDER**

Therefore, it is ordered that these appeals be granted, and Robin Blake's and Barbara Steele's applications be processed for prospective employment opportunities only.

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 20<sup>H</sup> DAY OF JANUARY 2021



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