



STATE OF NEW JERSEY

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

In the Matter of Kevin McLaughlin,
Management Assistant (C1052A),
Cape May County

Examination Appeal

CSC Docket No. 2020-2732

ISSUED: JANUARY 22, 2021 (ABR)

Kevin McLaughlin appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the open competitive examination for Management Assistant (C1052A), Cape May County.

The examination was open to applicants who possessed a Bachelor’s degree and one year of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures as of the November 21, 2019 closing date. Applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis (with 30 semester hour credits being equal to one year of experience). The subject eligible list, containing five names, promulgated on June 4, 2020 and expires on June 3, 2023. A certification containing the names of the five eligibles was issued on June 8, 2020. It is noted that the Civil Service Commission (Commission) granted the appointing authority’s request for a waiver of the appointment requirement, but it assessed the appointing authority with selection costs. *See In the Matter of Management Assistant (C1052A), Cape May County* (CSC, decided January 20, 2021),

On his application, the appellant stated that he completed 30 semester hour credits but did not possess a Bachelor’s degree. Therefore, pursuant to the substitution clause for education, he needed to possess four years of applicable experience for the subject examination. With regard to his experience, the appellant indicated that he served as a Management Assistant with Cape May

County from September 2019 to the closing date (November 2019); as an “Armed Security” with Cape May County from October 2018 to October 2019; as a Captain of Operations with Aluttiq from October 2017 to October 2018; as an “Armed Security” with PSI Protective Services from August 2015 to September 2017; as a Lease Enforcement Investigator with the City of Wildwood Housing Authority from March 2012 to March 2013; as a Law Enforcement Professional with MPRI from March 2010 to April 2011; and as a “Captain of Police” with the City of Wildwood from October 1983 to March 2010. It is noted that agency records indicate that the appellant served with the City of Wildwood as a Police Captain from May 2007 to March 2010; as a Police Lieutenant from January 2005 to May 2007; as a Police Sergeant from June 2000 to January 2005; and as a Police Officer from November 1983 to June 2000, with a temporary appointment as a Police Sergeant from June 1993 to September 1993. Additionally, the appellant’s service with the City of Wildwood Housing Authority was recorded from May 2012 to April 2013. Agency records also reveal that the appellant was appointed provisionally pending open competitive examination procedures as a Management Assistant with Cape May County effective September 27, 2019. He previously had been permanently appointed in the noncompetitive title of Security Guard, effective October 29, 2018, and was returned to his permanent title effective August 7, 2020. Thereafter, the appellant received an unclassified appointment to the title of County Division Head, effective September 4, 2020, and continues to serve in that title.

Upon review of his application, Agency Services credited the appellant with one year and four months of applicable experience based upon his service in the subject title and as a Captain of Operations. However, Agency Services determined that the appellant did not have any other applicable experience because the primary focus of his duties in his other positions was not complex administrative support work which included the interpretation, verification and/or application of department/agency rules, regulations, policies, and procedures. Accordingly, because the appellant did not possess an additional two years and eight months of applicable experience, he was deemed ineligible for the subject examination.

On appeal, the appellant argues that the totality of his experience should have been deemed applicable because throughout his career he has interpreted, verified and/or applied department/agency rules, regulations, policies and procedures. The appellant provides specific details of the duties of the various positions he has held, emphasizing the tasks he was assigned to that demonstrates the experience required. The appellant also submits supporting documentation, including his resume, certifications, a college transcript,¹ and a letter of recommendation. It is noted that the appellant adds that he has been an instructor at the Cape May County Police Academy for more than 20 years, which was not listed on his application. Therefore, he requests admittance to the subject examination so that he may continue in the Management Assistant title.

¹ The college transcript that the appellant submits indicates 18 semester credits.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 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) indicates that an application may only be amended prior to the announced closing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the instant matter, Agency Services correctly determined that the appellant was ineligible for the subject examination. Agency Services properly credited the appellant with one year and four months of applicable experience based upon his provisional service as a Management Assistant and his experience as a Captain of Operations. However, a review of the appellant's application and appeal fails to demonstrate that he possessed any other applicable experience for 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). The amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties, which define the primary experience, requires that an applicant demonstrate that he or she primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See e.g., In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007) and *In the Matter of Karen Conti* (CSC, decided April 19, 2017). Furthermore, each position has only one primary focus, and positions cannot have two primary foci. *See In the Matter of Julio Vega* (CSC, decided November 21, 2018).

In the present case, per the substitution clause for education, the appellant was required to possess four years of experience in *complex administrative support work* which included the interpretation, verification and/or application of department/agency rules, regulations, policies, and procedures (emphasis added). A review of the appellant's application and appeal does not indicate that complex administrative support work was the primary focus of the positions that the appellant held prior to his provisional service in the subject title or in the Captain of Operations title. Rather, the record demonstrates that any administrative support work he performed in the titles at issue was an incidental part of the appellant's work. It is noted that, to some degree, nearly all titles require incumbents to apply administrative policies and procedures in the execution of their duties. At the most basic level, an employee could arguably "administer" almost anything as part of his or her regular work duties. Thus, the open competitive requirements for an examination must be evaluated in relation to both the level of the position and what actual experience would provide a logical nexus to the primary focus of the title.

See e.g., In the Matter of Kimberly Morris (MSB, decided September 21, 2005). Most of the appellant's positions is in law enforcement and has been in line operations and not in staff positions. In other words, the primary focus of the appellant's Police Lieutenant and Police Captain positions was line supervision although he may have had duties involving administration and staffing. The other positions that the appellant listed on his application primarily involved security, investigative work regarding violations, training, and military operations. Furthermore, the appellant lists additional experience on appeal. However, as set forth in *N.J.A.C. 4A:4-2.1(f)*, an application may only be amended prior to the announced closing date. Nonetheless, his experience as an instructor does not provide him with applicable experience. Thus, it was properly determined that he did not possess sufficient applicable experience for the subject examination as of the closing date. It is also noted that the subject examination produced a complete list of five eligibles, and the appellant is no longer serving as a Management Assistant. Therefore, there is not a sufficient basis to disturb the determination of Agency Services. Accordingly, the appellant has not met his 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 20^H DAY OF JANUARY 2021

Deirdre' L. Webster Cobb

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: Kevin McLaughlin
Michael Donohue
Division of Agency Services
Records Center