



STATE OF NEW JERSEY

In the Matter of Marjorie Baker,
 Social Work Supervisor 2,
 Developmental Disabilities
 (PS5969K), Vineland Developmental
 Center

CSC Docket No. 2022-571

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

Examination Appeal

Amended Decision

ISSUED: December 29, 2021 (SLK)

Marjorie Baker appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the education requirements for the promotional examination for Social Work Supervisor 2, Developmental Disabilities (PS5969K), Vineland Developmental Center.

The subject examination had an July 21, 2021 closing date and was open to employees who had one year of continuous permanent service as an Assistant Social Work Supervisor, Developmental Disabilities, were employed in the appointing authority's K487 unit scope, and possessed a Master's degree in social work or guidance and counseling. A total of two employees applied and both were determined ineligible.¹ Therefore, the examination was cancelled.

On the appellant's application, she indicated that she had a Master's degree in Human Services², a Bachelor's degree in Social Work, and an Associate's degree in Elementary Education. Additionally, she indicated, among other positions, that she was provisionally serving in the subject title from February 2020 to July 21, 2021 closing date, and an Assistant Social Work Supervisor from July 2018 to February 2020. Personnel records indicate that, among other positions, the appellant was

¹ The other applicant was determined ineligible for not being employed in the announced unit scope.

² Although the appellant indicated on her application that her Master's degree was in Human Services, the appointing authority provided the appellant's college transcript which indicated that her Master's degree is in Human Resources Training and Development.

provisionally serving in the subject title from February 2020 to the July 21, 2021 closing date, and an Assistant Social Work Supervisor, Developmental Disabilities from December 2017 to February 2020. In finding her ineligible, Agency Services determined that she lacked the required Master's degree.

On appeal, the appellant highlights her Bachelor's degree in Social Work and her Master's degree. She presents that she provides in-home counseling for children with developmental disabilities. The appellant indicates that she has been successfully serving provisionally in the subject title for 18 months. She describes how she performs the duties of the subject title, including supervisory duties. Additionally, the appointing authority highlights the appellant's experience since 1992 to demonstrate that she has the experience to successfully perform the duties of the subject title. It notes that the next lower in-series title of Assistant Social Work Supervisor, Developmental Disabilities has a substitution clause that permits additional work experience on a year-for-year basis if the candidate does not meet the educational requirements. The appointing authority questions how can the subject title does not have a clause to substitute experience for education if the next lower in-series title has such a clause as it is reasonable for the appointing authority to promote from within its own organization. It emphasizes that it relies upon training and mentoring to groom internal candidates, with specialty experience to promote into the higher managerial titles.

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:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant was not eligible as she did not meet the education requirement and there is no substitution clause in the announcement. However, it cannot be ignored that the appellant had the education and experience that enabled her to be promoted to the next lower in-series title. Additionally, the appointing authority indicates that based upon the appellant's experience, it trained and mentored her for the subject title. Moreover, the appellant continues to successfully provisionally serve in the subject title and the examination was cancelled due to a lack of qualified candidates. Further, while the appellant's Master's degree is not in a required field, she at least does possess a degree at the appropriate level. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best

served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, the Commission finds good cause under N.J.A.C. 4A:1-1.2(c) to relax the provisions of N.J.A.C. 4A:4-2.6(a) and accept the appellant's Master's degree, for eligibility purposes only, and admit her to the subject examination.

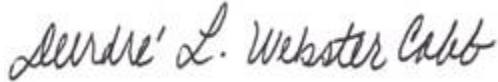
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, and the appellant's application 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 17TH DAY OF NOVEMBER, 2021



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