



STATE OF NEW JERSEY

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

In the Matter of George Rasare,
Family Service Worker (C0097B),
Hunterdon County

Examination Appeal

CSC Docket No. 2021-900

**ISSUED: NOVEMBER 22, 2021
(ABR)**

George Rasare appeals the determination of the Division of Agency Services, which found that, per the substitution clause for education, he did not meet the experience requirement for the open competitive examination for Family Service Worker (C0097B), Hunterdon County.

The subject examination was open to applicants who possessed a Bachelor's degree as of the February 4, 2020 closing date. Applicants who did not possess the required education could substitute experience, as indicated below, on a year-for-year basis, with 30 semester hour credits being equal to one year of experience. Specifically, the required experience for the substitution clause needed to consist of work performed in gathering social and other information from clients, determining their needs, and planning and carrying out a prescribed treatment plan or service and referral program designed to meet needs of individual clients; OR in examining, adjusting, determining, reconsidering, or authorizing eligibility or entitlement for cash awards or benefits in a public or private agency such as a welfare board or agency, Social Security Administration, Veterans Administration, a social service agency, or similar agency or organization; OR in coordinating a public welfare program(s) or in the review, analysis, evaluation, revision, and implementation of such program(s). The subject eligible list, containing 11 names, promulgated on December 10, 2020 and expires on December 9, 2023. A certification containing the names of 12 eligibles¹ was issued on April 19, 2021 (OL210319). In disposing of the certification, the appointing authority appointed six eligibles and removed the

¹ The certification included one eligible from the C0410A eligible list who was appointed to the subject title, effective July 12, 2021.

names of five eligibles from the subject eligible list. One eligible presently remains active on the subject eligible list.

On his application, the appellant stated that he completed an Associate's degree and he submitted a transcript which showed that he possessed 115 semester hour credits, but did not possess a Bachelor's degree. However, incomplete Bachelor's degrees are only awarded eligibility and scoring credit for up to a maximum of 105 completed college credits, regardless of the level of the coursework. Therefore, pursuant to the substitution clause, the appellant needed to possess six months of applicable experience. With regard to his experience, he indicated, in relevant part, that he served as a provisional Family Service Worker from November 2019 to the closing date (February 2020) and as a Direct Support Professional with Arc of Hunterdon from February 2010 to January 2020. Upon review of his application, Agency Services credited the appellant with four months of applicable experience based upon his provisional service in the subject title. However, Agency Services did not credit his remaining experience, as there was no indication that the primary focus of his duties in any other listed position was the required experience. Accordingly, he was deemed ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant details, in relevant part, the duties he performed as a Direct Support Professional and he maintains that it constituted applicable experience for the subject examination. He further avers that his Associate's degree in Human Services gave him knowledge and skills relevant for the subject title. Finally, he proffers that he obtained his Bachelor's degree in May 2020 and he submits a copy of his college transcript.

In support, the appointing authority contends that when it hired the appellant, his experience exceeded what he was required to possess per the substitution clause for the subject examination. It asserts that Agency Services' judgment was flawed, as it collected very limited information from an application and decided that the primary focus of his prior work experience was not sufficient. The appointing authority also notes that the appellant completed his education after the closing date and now holds a Bachelor's degree in Public Policy. It adds that the appellant has successfully and admirably served those most in need during the current public emergency and it emphasizes that it does not want to risk displacing an experienced and fully-trained staff member because of an incorrect judgment.

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:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

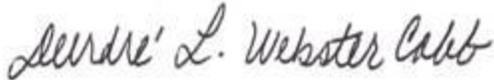
Initially, it is noted that Agency Services correctly credited the appellant with four months of applicable experience based upon his provisional service at the time of the closing date and that at the time the appellant filed the instant appeal, there was no basis to admit him to the subject examination. However, a review of the record indicates that the appellant continues to serve provisionally in the title of Family Service Worker. Additionally, the record indicates that the examination situation is not competitive, as the subject eligible list is now incomplete with one eligible remaining active after the disposition of the April 19, 2021 certification. In this regard, *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that this 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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