



**STATE OF NEW JERSEY**

In the Matter of Ray Currey, Jr.,  
Quality Assurance Specialist, Health  
Services (PS5448K), Department of  
Human Services

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

CSC Docket Nos. 2022-2977

Examination Appeal

**ISSUED: August 24, 2022 (SLK)**

Ray Currey, Jr. appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Quality Assurance Specialist, Health Services (PS5448K), Department of Human Services.

The subject examination’s closing date was July 22, 2019. The relevant experience requirements were a Bachelor’s degree and three years of specialized experience in the field of quality assurance in a mental health, geriatric, health care setting, or human services agency which includes monitoring and/or evaluation of clinical or human services records and programs which may include allegations of abuse, neglect, exploitation, or incidents of client abuse or safety and well-being. A total of 37 employees applied and 23 were admitted. The test was administered on April 21, 2022, and 18 were determined eligible. Certification PS220715 was issued containing the names of 17 eligibles and its disposition is due September 20, 2022. The list expires on June 1, 2025.

On the appellant’s application, he indicated that he possessed a Bachelor’s degree. He also indicated that he was a Habilitation Plan Coordinator for the Division of Developmental Disabilities from September 2017 to the closing date, a 24 hour per week President – Board of Directors for the Gloucester Township Emergency Management Services Inc. from July 2012 to January 2019, an Emergency Medical Services Technician for the New Lisbon Developmental Center from October 2007 to September 2017, and a 32 hour per week Emergency Medical Technician (EMT) for

Gloucester Township Emergency Management Services Inc. from December 2004 to June 2012. Personnel records indicate that the appellant was provisionally appointed to the subject title on September 11, 2021, which is after the closing date. Agency Services credited him for his Bachelor's degree and having one year and one month of experience based on Habilitation Plan Coordinator experience, but determined that he lacked one year and one month of experience.

On appeal, the appellant argued that as an EMT, he created a "Patient Care Report" and had quality assurance review duties that included peer review prior to records being sent elsewhere. Additionally, he stated that as the President of the Board of Directors for the Gloucester Township Emergency Management Services, his duties included reviews of clinical records.<sup>1</sup> He notes that he was provisionally appointed to the subject title on September 11, 2021. He indicates that upon his provisional appointment, five peers were also provisionally appointed to the subject title in his unit. The appellant states that these peers were notified about the test being administered for the subject examination and Quality Assurance Specialist, Health Services (PS5446K) on April 21, 2022. However, he provides that he was not notified about the test.

The appellant outlines the steps that were taken from when he was notified about the provisional appointment vacancy in the subject title in May 2021 until his provisional appointment in September 2021. He acknowledges that this agency advised him in January 2020 that he lacked one year and 11 months of experience by the closing date. However, the appellant indicates that he now has four years and eight months of experience which exceeds the subject examination requirements. He believes that he was not notified about the aforementioned test because he had been determined ineligible for the subject examination. However, the appellant contends that since it has been three years since he had been determined ineligible and he has been provisionally appointed to the subject title, which this agency "approved," he should be allowed to sit for a test in the subject title. He also indicates that there is another promotional test, Quality Assurance Specialist, Health Services (PS4826K), which his peers advised him about. Therefore, he is unclear which symbol he should be tested under.

## CONCLUSION

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<sup>1</sup> In response, Division of Appeals and Regulatory Affairs staff sent the appellant a January 24, 2020, letter closing the matter indicating that Agency Service correctly determined that he did not meet the eligibility requirements because while he may have had some quality insurance duties as an EMT or President, his primary duty as an EMT was to provide medical care to individuals and his primary duty as President was to oversee the overall operations and not quality assurance of clinical or human services records and programs. The letter stated that 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).

*N.J.A.C.* 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

*N.J.A.C.* 4A:4-2.6(a)2 provides that applicants be currently serving in the announced unit scope in a title to which the examination is open and meet all other requirements contained in the announcement.

*N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

Initially, it is noted that the appellant's current appeal is untimely. In a January 24, 2020, letter, this agency advised the appellant that he did not meet the eligibility requirements for the subject examination. Therefore, the current appeal, which is over two years after he when was advised that the matter was closed, is well after 20 days from when he knew or should have of the decision, situation or action being appealed. *See N.J.A.C.* 4A:2-1.1(b) and *In the Matter of Joe Moody, Jr.* (CSC, decided January 15, 2020).

Regarding the PS5446K and PS4826K promotional examinations, PS5446K was open to employees in unit scope K425 and PS4826K was open to employees in unit scope K415. However, personnel records indicate that the appellant is employed in unit scope K435. Therefore, the appellant was not eligible for the PS5446K and PS4826K examinations as he was not employed in the announced unit scopes. *See N.J.A.C.* 4A:4-2.6(a)2. It is noted that the subject examination was open to the appellant's unit scope.

Concerning the merits, Agency Services correctly determined that the appellant was not eligible for the subject examination as he lacked the required experience as of the closing date. The fact that the appellant may have gained the required experience after the closing date is not relevant as the appellant needed to possess the required experience as of the closing date. *See N.J.A.C.* 4A:4-2.6(a)2. Further, the appellant's provisional appointment in the subject examination after the closing date is not relevant as it has no impact on determining whether the appellant met the requirements as of the closing date. It is also noted that provisional vacancy postings are initiated by the appointing authority and they are not monitored by this agency. Therefore, the recording of the appellant's provisional appointment by this agency is not in any way a determination by this agency indicating that the appellant met the requirements for the subject examination. Additionally, the fact that the subject examination was not administered until three years after the closing date has no bearing on determining whether the appellant met the subject examination requirements as of the closing date. While there is nothing in the record that indicates why the subject examination was not administered until three years after

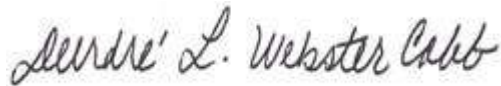
the closing date, it is noted that the administration of tests has been delayed due to the COVID-19 pandemic. Further, in a similar matter, the Civil Service Commission noted for informational purposes, that the delay in conducting an examination did not provide a basis to permit an appellant to file a late application and accept the appellant's time in grade after the closing date. *See In the Matter of Kelly Gogan* (CSC, decided October 27, 2021). Similarly, in this matter, the delay in the administration of the subject examination does not provide a basis to allow the appellant's after the closing date experience to be considered in determining eligibility, especially, where, as here, there is a complete list of eligibles.

### 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 24<sup>TH</sup> DAY OF AUGUST, 2022




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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission  
Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Ray Currey, Jr.  
Lisa Gaffney  
Division of Agency Services  
Records Center