

per the substitution clause for education. Michelle Murray possesses 20 college credits, which prorates to eight months of experience, and one year, four months of experience in her provisional position. She was found to be lacking three years of experience per the substitution clause for education. April Priestley possesses 15 college credits, which prorates to six months of experience, and one year of experience in her provisional position. She was found to be lacking three years, six months of experience per the substitution clause for education.

The appellants indicated experience in the following State titles, none of which was accepted: Therapy Program Assistant, Therapy Aide, Secretarial Assistant 1 Non-Stenographic, Principal Clerk Transcriber, Senior Clerk Transcriber, Clerk Transcriber, Nursing Services Clerk, and Medical Services Assistant.

Murray also submits positions as Program Specialist 1/Leasing Consultant with Woodmere Apartments and Customer Services Representative with Cendant Mortgage. It is noted that while on the current application and resume Murray refers to her position with Woodmere Apartments as Program Specialist 1/Leasing Consultant, on prior resumes she labeled this position Leasing Consultant. Priestley also listed a position with title, employer, or hours worked per week, and with just a list of duties and years of service, and as a Front Office Supervisor/Medical Assistant (no employer), and Pharmacy Technician (no employer).

On appeal, each appellant argues that her experience is applicable and should be accepted.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date.

The appellants' application histories were reviewed as the appellants have been provisional employees and remain in those positions. The appellants were correctly denied admittance to the subject examination since they lacked the required amount of experience. At the outset, 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. The experience requirement was for professional work requiring the application of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities. Thus, only experience gained in professional level titles (a title requiring a Bachelor's degree or substituted

experience) would be acceptable experience. The State titles provided by the appellants are either para-professional or non-professional. Thus, experience in these titles is not at the level and scope of the required experience.

Next, a program in State government is generally considered to involve a unit responsible for performing projects and activities which are necessary to carry out a purpose or goal set forth in regulations or by law, focusing on a definite activity, providing a service to a specific third party, and generally requiring allocated funding. It is unclear how the position of Murray as Program Specialist 1/Leasing Consultant with Woodmere Apartments, involved a program. Further, the primary focus of Murray's position as Customer Services Representative is clerical; and Priestly did not provide enough information in her private industry positions to quantify the positions, although the duties appear to be inapplicable. Accordingly, each of the appellants fails to satisfy the experience requirements, per the substitutional clause of education.

As there were fewer than three qualified permanent employees in appropriate lower titles in the unit scope, pursuant to *N.J.A.C. 4A:4-2.3(a)2*, it is in the best interest of the career service to announce for the title using an open competitive examination.

Lastly, the requirements of *N.J.S.A. 11A:4-13(b)* allow for an appointing authority to certify that an appointee meets the minimum qualifications for the title at the time of appointment, but the fact that the appointing authority erroneously determined that a provisional appointee satisfies the minimum qualifications for the title prior to an actual eligibility determination by this agency, does not automatically establish a presumption of eligibility when the examination is announced. See *In the Matter of Cynthia Bucchi, Maria D'Angelo, Rosalind R. James, Carla M. Lewis, and Rhonda McLaren, Management Assistant (PS5831F), Department of Education*, Docket No. A-1266-04T2 (App. Div. February 27, 2006). As such, the appointing authority is cautioned to discontinue provisionally promoting unqualified individuals.

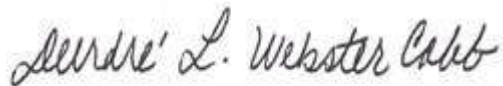
An independent review of all material presented indicates that the decisions of Agency Services that the appellants did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellants provide no basis to disturb these decisions. Thus, the appellants have failed to support their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals be denied, and an open competitive examination for the title be announced.

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 12TH DAY OF OCTOBER, 2022



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