



STATE OF NEW JERSEY

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

In the Matter of April Torres,
Program Specialist 1,
Social/Human Services (PS6930H),
Department of Health

Examination Appeal

CSC Docket No. 2022-3182

ISSUED: March 15, 2023 (RE)

April Torres appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the experience requirements, per the substitution clause for education, for the promotional examination for Program Specialist 1, Social/Human Services (PS6930H), Department of Health.

The subject examination announcement was issued with a closing date of November 22, 2021, and was open to employees in the competitive division who were serving in any competitive title and who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program. Applicants who did not possess the required education could substitute additional experience on a year-for-year basis with 30 semester hour credits being equal to one year of experience. The appellant was found to be below minimum requirements in experience per the substitution clause for education. Three candidates were on the resulting eligible list, and all three have been appointed.

On her application, the appellant indicated that she possesses 36 college credits, which prorates to one year, two months of experience, and as such, she was required to possess three years, 10 months of applicable experience per the substitution clause for education. She listed five positions on her application and resume: two positions as a Senior Therapy Program Assistant, two positions as a Cottage Training Technician, and a Human Services Assistant. As none of this

experience was applicable, she was found to lack three years, 10 months of applicable experience.

On appeal, the appellant argues that she should be eligible based on her duties as a Senior Therapy Program Assistant, and she provides a copy of her resume. She contends that her experience as a Senior Therapy Program Assistant is professional experience, and she provides some duties, including the following:

Weekly and monthly summary notes which include patients progress toward the accomplishment of their Short-Term Objective, my recommendations to the team for the treatment plan and a plan or recommendation to address the patients lack of attendance. I sign these notes where it says Print Clinician Name & Clinician Signature. The programs I run are Wellness, Social Skills, Self Advocacy, Managing Difficult Life Experiences, Creative Expression. Some of the other programs I am trained for and have provided are Recovery Library, Conflict Resolution and Personal Management. I communicate daily with the team in person or through email regarding patient progress and needs.

The appellant states that she was a Senior Therapy Program Assistant at Ancora Psychiatric Hospital from April 2016 to the present, and held this title at New Lisbon Developmental Center for an additional year from 2013 to 2014. She provides a copy of her current performance assessment review.

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.

N.J.A.C. 4A:2-1.4(c) states that the burden of proof shall be on the appellant.

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. In any event, the primary focus of a Senior Therapy Program Assistant, which does not match the announced experience requirement for the subject examination, is having charge of assigned activities within a program of

recreational, vocational, occupational, physical, or behavior modification therapy. The Civil Service Commission has already decided that experience in this title is not qualifying, and this issue does not need to be revisited. *See In the Matter of Jennifer Fischer, et al. Program Specialist 1, Social/Human Services (PS6260K), New Lisbon Developmental Center (CSC, decided August 3, 2022).* Moreover, experience as a Cottage Training Technician and Human Services Assistant is clearly inapplicable. In sum, the appellant's experience is inapplicable, and she lacks three years, 10 months of required experience per the substitution clause for education.


An independent review of all material presented indicates that the decision of Agency Services that the appellant does not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her 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 15TH DAY OF MARCH, 2023



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