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In the Matter of Kyrsis Aybar, *et al.*,  
Training Technician (PC0556S &  
PC1423S), Middlesex County Board  
of Social Service

CSC Docket Nos. 2015-1805, 2015-  
1788, 2015-1748, 2015-1804, 2015-  
1785, and 2015-1858

**STATE OF NEW JERSEY**  
**FINAL ADMINISTRATIVE ACTION**  
**OF THE**  
**CIVIL SERVICE COMMISSION**

Examination Appeals

ISSUED: **MAR - 6 2015** (SLK)

Elzbieta Carpenter appeals the determination of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Training Technician (PC0556S), Middlesex County Board of Social Services. Kyrsis Aybar, Elzbieta Carpenter, Jane Harris, Neelam Jain and Jill Makarevic appeal the determinations of the Division of Selection Services (Selection Services)<sup>1</sup> which found that they were below the minimum requirements in experience for the promotional examination for Training Technician (PC1423S), Middlesex County Board of Social Service. These appeals have been consolidated due to common issues presented.

The promotional examination PC0556S was announced with specific requirements that had to be met as of the April 21, 2014 closing date (see attached). A total of 11 employees, including Ms. Aybar<sup>2</sup> and Ms. Carpenter, applied for the examination, and one applicant was deemed eligible to compete in the examination that has not yet been administered. The promotional examination PC1423S was announced with specific requirements that had to be met as of the October 21, 2014 closing date (see attached). A total of 18 employees, including all the appellants, applied for the examination, and 11 applicants were deemed eligible to compete in the examination that has not yet been administered.

<sup>1</sup> Now known as the Division of Agency Services.

<sup>2</sup> Ms. Aybar did not appeal her ineligibility for examination (PC0556S).

Ms. Aybar indicated on her application for that she was a Human Services Specialist 2, Bilingual in Spanish and English from July 7, 2010 to the October 21, 2014 closing date, a Community Nutrition Educator for Rutgers University from March 2010 to June 2010, a Teacher Assistance/Substitute for Metuchen Christian Academy from January 2004 to June 2004, a part-time Teacher Assistant/Substitute from November 2003 to January 2004, a First Grade Teacher for Our Redeemer Lutheran School from October 2002 to June 2003, a First Grade Teacher for St. Leo's/Sacred Heart Academy from January 2002 to June 2002, an Emergent Literacy Instructor for MCC Scholars Corp/Americorp from October 2001 to May 2002, and a Teacher Assistant for Devry Technical Institute from October 1992 to January 1993. A review of Ms. Aybar's personnel record indicates that she was a Human Services Specialist 2, Bilingual in Spanish and English from September 2006 to the October 21, 2014 closing date and a Human Services Specialist 1, Bilingual in Spanish and English from September 2004 to September 2006. Further, Ms. Aybar indicated on her application that she has 72 college credits. Selection Services credited Ms. Aybar with four years and two months of experience based on her college credits and her experience as a Community Nutrition Educator, a First Grade Teacher, and an Emergent Literacy Instructor, but determined that her other experience was not applicable. As such, it determined that Ms. Aybar lacked 10 months of applicable experience.

Ms. Carpenter indicated on her applications that she was a Human Services Specialist 2 from January 2013 to the April 21, 2014 closing date for (PC0556S) and to the October 21, 2014 closing date for (PC1423S), a Human Services Specialist 1 from January 2012 to December 2012, a Social Services Aide from July 2009 to December 2011, a Record Technician for Byers Engineering from June 2008 to July 2009, an Office Manager for B&B Siding LLC from June 2004 to May 2006, and a Student/Teacher Program for Liceum Ogolonoksztalconce from September 2000 to May 2002. Ms. Carpenter also indicated that she has a Bachelor's degree. Selection Services credited Ms. Carpenter for her Bachelor's degree, but determined that her experience was not applicable. As such, it determined that Ms. Carpenter lacked one year of applicable experience.

Ms. Harris indicated on her application that she was provisionally serving in title under test from June 2014 to the October 21, 2014 closing date, a Human Services Specialist 3 from February 2013 to June 2014, a Human Services Specialist 2 from June 2008 to February 2013, a Human Services Specialist 1 from October 2006 to June 2008, a part-time Registered Nurse for St. Peter's University Hospital from August 2005 to January 2007, a part-time Registered Nurse for the New Jersey Training School for Boys from April 1999 to August 2005, and a part-time Registered Nurse for Ocean County Health Department from September 1994 to April 1999. Mr. Harris also indicated that she possessed 82 college credits. Selection Services credited Ms. Harris with three years and one month of experience based on her college credits and provisional service in the subject title, but

determined that the remainder of her other experience was not applicable. Therefore, it determined that Ms. Harris lacked one year and eleven months of experience.

Ms. Jain indicated on her application that she was provisionally serving in the subject title from August 2014 to the October 21, 2014 closing date, a Human Services Specialist 3 from February 2013 to August 2014, a Human Services Specialist 2 from January 2001 to February 2013, and a Trainer, Medical Office Management for Central Career School for 25 hours per week from January 1999 to August 2003. Personnel records indicate that she was provisionally serving in the subject title from June 2014 to the October 21, 2014 closing date, a Human Services Specialist 3 from February 2013 to June 2014, a Human Services Specialist 2 Bilingual in Hindi and English from October 2003 to February 2013, and a Human Services Specialist 2 from January 2001 to October 2003. Ms. Jain also indicated that she had 42 college credits from a United States institution and a Bachelor's degree from a foreign institution; however, she did not provide an evaluation for her foreign transcript. Selection Services credited her with four years and eight months of experience based on one year and four months of experience for her 42 United States college credits and her experience as a part-time Trainer, Medical Office Management, but determined that her other experience was not applicable. It also commented that it did not credit her for her foreign degree and her provisional service in the subject title as she did not provide an evaluation of her foreign transcript and she was not performing the duties of the subject title while provisionally serving. Consequently, it determined that Ms. Jain lacked four months of experience.

Ms. Makarevic indicated on her application that she was provisionally serving in the subject title from July 2014 to the October 21, 2014 closing date, a Human Services Specialist 3 from March 2013 to June 2014, a Human Services Specialist 2 from July 2007 to March 2013, a Human Services Specialist 3 from July 2006 to June 2007, a Human Services Specialist 2 from December 1982 to June 2006, a Human Services Specialist 3 from January 1991 to December 1991, and an Income Maintenance Technician from November 1981 to November 1982. Personnel records indicate that she was provisionally serving in the subject title from June 2014 to the October 21, 2014 closing date, a Human Services Specialist 3 from March 2013 to June 2014, a Human Services Specialist 2 from June 2007 to March 2013, a Human Services Specialist 3 from July 2006 to June 2007, a Human Services Specialist 2 from May 2000 to July 2006, and an Income Maintenance Worker from June 1983 to May 2000. She also indicated that she possessed a Bachelor's degree. Selection Services credited her for her Bachelor's degree and five months of experience based on her provisional service in the subject title, but determined that the remainder of her experience was not applicable. Therefore, it determined that Ms. Makarevic lacked seven months of experience.

On appeal, Ms. Aybar states that she has 32 months of private sector experience as an educator. Therefore, in conjunction with her completed college credits, she argues that she has sufficient experience to qualify for the subject examination. Additionally, she presents that in her current position as a Human Services Specialist 2, Bilingual in Spanish and English, she trains all new employees in her department, has developed standard operating procedures for field visits, and collaborated on creating the training manual.

Ms. Carpenter presents that she was initially admitted to the PC0556S examination and then notified that was not eligible for that examination or the one that was subsequently announced, PC1423S. She states that as an Office Manager for B&B Siding she conducted orientation and service training courses for employees regarding such things as safety and security of equipment and on-the-job safety, which included preparing materials and developing a teaching methodology. Ms. Carpenter also indicates that as a Record Technician for Byers Engineering she trained employees. Furthermore, as a Social Services Aide for two years and six months, she maintains that she trained new employees how to use the phone system, various databases, and the criteria for several assistance programs. Ms. Carpenter asserts that she assisted Training Technicians and supervisors in training new employees on how to properly in-take and process new applications while serving in the Human Services Specialist title series. Further, she states that her experience as a Teacher/Instructor in a teaching program through her high school in Poland provided her with relevant experience.

Ms. Harris states that she has an Associate's degree and 13 years of experience as a Registered Nurse and that her work experience entailed developing training courses and materials to train her co-workers. Ms. Harris provides that she has updated materials based on feedback and developed lesson plans for multidisciplinary teams. As a Human Services Specialist 3 and while working provisionally in the subject title, Ms. Harris states that she has had to prepare training/course materials for on-the-job training for new employees and on-going training for experienced staff. Ms. Harris argues that her 22 months of teaching experience combined with her nursing teaching experience and training juveniles and adults far exceeds the requirements set forth in the announcement.

Ms. Jain highlights that in her 14 years in the Human Services Specialist title series, she has achieved all types of targets given by her supervisors and that her evaluations have always been above average. She maintains that her previous experience providing training and teaching adults will be very helpful in the position and states that she is very confident in her ability to prepare effective teaching materials.

Ms. Makarevic presents that during her provisional service in the subject title, she performs the required work by developing procedures, processes, training

new and experienced staff, and updating materials for the Work First New Jersey program (Work First). She also provides that as a Human Services Specialist 3 she performed significant training, including training new workers on policies and procedures for Work First and unit policies and procedures for handling and managing cases. Ms. Makarevic clarifies her application by stating that she developed training materials and highlights that previously the department did not have any written policies and procedures in place. Additionally, Ms. Majarevic provides that she revised materials to incorporate changes in Work First rules and made sure policies and procedures were consistent with the Work First program.

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

A review of the record indicates that Selection Services correctly determined that the appellants are not eligible for the subject examinations. 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 requirements for the subject examinations are a Bachelor's degree and one year of experience in employee development or training or one year of experience as a teacher or instructor. If an applicant does not have a Bachelor's degree, per the substitution clause, he or she would need five years of the required experience.

With respect to Ms. Harris and Ms. Makarevic, primarily performing the duties consistent with those required to establish eligibility for the title under test would be considered out-of-title work for incumbents in the Human Services Specialist title series. *N.J.A.C. 4A:4-2.6(c)* provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. The appellants do not provide supervisory documentation that they primarily performed relevant out-of-title work. Moreover, even if they spent some of their time engaging in employee development or training, it was clearly not the primary focus of these positions based on the appellants' descriptions of their duties on their applications. Regardless, even assuming they did primarily perform the required out-of-title duties, good cause is not present in this case to accept this out-of-title work as the examination situation is competitive with 11 applicants deemed eligible the test.

With respect to Ms. Aybar, she was properly credited with two years and four months of experience for her 72 college credits and two years and three months for

her experience as a Community Nutrition Educator, First Grade Teacher, and Emergent Literary Instructor. However, as noted above, her Human Services Specialist 2, Bilingual in Spanish and English experience is not applicable as it would be considered out-of-title work which cannot be credited. Further, her various Teacher Assistant/Substitute experiences were not applicable as her original application materials indicated that she only implemented classroom curriculum and instruction in the absence of the Supervising Teacher or as an assistant to the Professor. Therefore, the primary focus of her duties was not in the areas required to establish eligibility for the title under test. Consequently, based on her education and applicable experience, she lacks five months of the required experience and is not eligible for the title under test.

In reference to Ms. Carpenter, since she has a Bachelor's degree, she needed one year of applicable experience. As mentioned above, her Human Services Specialist 2, Human Services Specialist 1, and Social Services Aide experience are not applicable as it constitutes out-of-title work. Further, while she may have been involved in employee development and training as a Record Technician and Office Manager, these are not applicable as employee development and training was not the primary focus of her duties in these positions. Further, her experience in a Student/Teacher Program through her high school was not at the level and scope of the required experience for examinations (PC0556S and PC1423S). As such, she lacks one year of the required experience.

In relation to Ms. Jain, she was credited with one year and four months of experience for her 42<sup>3</sup> college credits and three years and four months of experience based on her part-time service as a Trainer, Medical Office Management (56 months \* .71 = 40 months). However, her three months<sup>4</sup> of experience while serving provisionally in the subject title are not applicable as she does not indicate on her application or on appeal that she is primarily performing employee development and training duties in this position. Also, her experience in the Human Services Specialist title series is not applicable as it is considered out-of-title work. Therefore, she has a total of four years and eight months of applicable experience and lacks four months of the required experience.

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<sup>3</sup> Ms. Jain also indicated on her application that she possessed a Bachelor's degree and 96 college credits from a foreign institution. However, these credits are not applicable as she was unable to provide an evaluation by a recognized evaluation service as required in the announcement for (PC1423S) as of the closing date. On February 27, 2015, the Commission received an evaluation of her foreign credits which was performed on February 25, 2015. However, under *N.J.A.C. 4A:4-2.1(f)*, an applicant can only amend an application prior to the announced application filing date. Therefore, the Commission cannot consider the evaluation of her foreign credits as it was performed after the closing date.

<sup>4</sup> It is noted that even if Ms. Jain's provisional experience was applicable, she would still lack one month of the required experience as of the October 2014 closing date for (PC1423S).

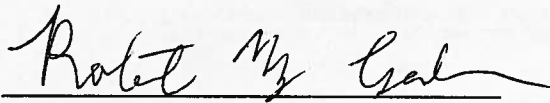
A thorough review of all material presented indicates that the determination of the Division of Selection Services, that the appellants did not meet the announced requirements for eligibility by the examination closing dates, is supported by the record. Thus, the appellants have failed to support their burden of proof in these matters.

**ORDER**

Therefore, it is ordered that these appeals 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 4<sup>th</sup> DAY OF MARCH, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

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and  
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**Attachments**

c: Kyrsis Aybar  
Elzbieta Carpenter  
Jane Harris  
Neelam Jain  
Jill Makarevic  
Angela Mackaronis  
Kelly Glenn  
Joseph Gambino



NEW JERSEY CIVIL SERVICE COMMISSION  
COUNTY AND MUNICIPAL GOVERNMENT SERVICES  
PROMOTIONAL ANNOUNCEMENT



[Click here to file Online](#) Print  
**\$25.00 PROCESSING FEE REQUIRED**  
Make Check/Money Order Payable to NJCSC

SYMBOL: PC0556S  
TITLE: TRAINING TECHNICIAN  
ISSUE DATE: April 01, 2014  
TITLE CODE: 04207/ DNRMR5  
JURISDICTION: MIDDLESEX COUNTY  
DEPARTMENT: BOARD OF SOCIAL SERVICE

WEIGHT CODE: \*  
SALARY: \$48,884.00 - \$76,289.00  
CLOSING DATE: April 21, 2014  
JURISDICTION CODE: T12000300

**ONLY ON LINE APPLICATIONS  
WILL BE ACCEPTED  
FOR THIS ANNOUNCEMENT**

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

**Education:** Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

**Note:** Applicants who do not possess the required education may substitute, in addition to the required experience indicated below, applicable experience on a year for year basis, with thirty (30) semester hour credits being equal to one (1) year of experience.

**Experience:** One (1) year of experience in employee development and training which shall have entailed the development of appropriate training courses and materials, conducting orientation, in-service, refresher, and employee development and training courses or one (1) year of experience as a teacher or instructor involving the development of course curriculum or lesson plans, preparation of course materials and conducting of classes in an adult education, vocational education, job training program, or elementary school through college.

**License:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

**NOTE:** As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c 26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff)
6. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination on-line. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. **You can now complete and submit your application and payment on-line to the Civil Service Commission and you will receive an immediate receipt confirmation!**

DPF-256A \* Revised 03/09



NEW JERSEY CIVIL SERVICE COMMISSION  
COUNTY AND MUNICIPAL GOVERNMENT SERVICES  
**PROMOTIONAL ANNOUNCEMENT**



**\$25.00 PROCESSING FEE REQUIRED**  
Make Check/Money Order Payable to NJCSC

**SYMBOL:** PC1423S  
**TITLE:** TRAINING TECHNICIAN  
**ISSUE DATE:** October 01, 2014  
**TITLE CODE:** 04207/ JNRMRS  
**JURISDICTION:** MIDDLESEX COUNTY  
**DEPARTMENT:** BOARD OF SOCIAL SERVICE

**WEIGHT CODE:** \*  
**SALARY:** \$48,884.00 - \$76,289.00  
**CLOSING DATE:** October 21, 2014  
**JURISDICTION CODE:** T12000300

**ONLY ON LINE APPLICATIONS  
WILL BE ACCEPTED  
FOR THIS ANNOUNCEMENT**

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**Education:** Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

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**Experience:** One (1) year of experience in employee development and training which shall have entailed the development of appropriate training courses and materials, conducting orientation, in-service, refresher, and employee development and training courses or one (1) year of experience as a teacher or instructor involving the development of course curriculum or lesson plans, preparation of course materials and conducting of classes in an adult education, vocational education, job training program, or elementary school through college.

**License:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
6. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: [OAS.support@csc.state.nj.us](mailto:OAS.support@csc.state.nj.us) or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so **PLEASE FILE EARLY.**

DPF-256A \* Revised 03/09

