



In the Matter of Sherilynn Brigandi,  
 Safety Officer Mental Health,  
 Department of Health

**STATE OF NEW JERSEY**

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

CSC Docket No. 2019-1412

Examination Appeal

**ISSUED: APRIL 1, 2019 (CSM)**

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Sherilynn Brigandi appeals the determination of the Division of Agency Services (Agency Services) which found that she was below the minimum requirements in experience for the qualifying examination for Safety Officer Mental Health, Department of Health.

By way of background, the appellant was been serving provisionally, pending a qualifying examination (PAQ), in the Safety Officer Mental Health title since October 2018 and from April 2017 to July 2018.<sup>1</sup> From July 2018 to October 2018 and from March 2016 to March 2017 she was PAQ as an Occupational Safety Consultant 2. In April 2017 and from November 2005 to March 2016 she was a Senior Management Assistant and from May 2000 to November 2005 she was a Management Assistant. From June 1993 to May 2000 and from November 1991 to October 1992 she was a Secretarial Assistant 3 and from June 1988 to November June 1993 she was a Principal Clerk Transcriber, Senior Clerk Transcriber, and Senior Clerk. The appellant did not indicate possession of any college credits. The requirements for Safety Officer Mental Health are a Bachelor's degree from an accredited college or university and two years of experience in work involving the training, inspection, identification, and correction of safety hazards, or the coordination of police and fire services, which shall have included the monitoring of a unified and coordinated institution/facility functional safety program which may include police, fire, hazard and disaster programs. Experience as indicated above may be substituted for the Bachelor's degree on a year for year basis. Upon its

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<sup>1</sup> Agency records indicate that the appellant was provisionally appointed, pending promotional examination procedures, to Program Specialist 3, Social/Human Services, effective March 2, 2019.

review of the appellant's credentials, Agency Services credited her with two years and eight months of experience based on her PAQ service as a Safety Officer Mental Health and Occupational Safety Consultant 2, but determined that the remainder of her experience was not applicable. Consequently, Agency Services determined that the appellant did not pass the qualifying examination for the subject title.

On appeal, the appellant states that she performed the required duties while serving as a Management Assistant from May 2000 to November 2005. In this regard, she provides a statement from the appointing authority indicating she performed out-of-title dues and copies of her Performance Assessment Reviews that indicates one of her ten major job responsibilities is:

Meets with the Risk Manager on a daily basis to review Risk Management activities. Also conducts EOC rounds on a designated unit and identifies & reports any deficiencies/safety hazards found to ensure that the hospital is in compliance with OSHA safety standards.

## CONCLUSION

At the outset, it must be underscored that a "Qualifying Examination" requires a candidate to demonstrate that he or she possesses the necessary experience for a particular title in order to effect a lateral or promotional transfer to the title with permanent status. Since a determination of eligibility equates to a candidate passing this type of examination, and generally resulting in the candidate's PAQ appointment being changed to a permanent appointment (RAQ), it is imperative that the candidate unambiguously indicate on the application his or her experience. This information is crucial, because it is essentially equivalent to correct responses on a multiple-choice, or "assembled" examination. Thus, when reviewing an appellant's submissions in an appeal of a "fail" notice as a result of a "Qualifying Examination," the Civil Service Commission must primarily focus on the "test papers," *i.e.*, the original application materials presented to Agency Services for review, and determine if an "error" was made in the "scoring" of the test or other noncompliance with Civil Service law or rules. *See In the Matter of John Herrmann* (Merit System Board (Board), decided January 11, 2006), *aff'd on reconsideration* (MSB, decided July 19, 2006) and *In the Matter of Kathleen Gandy* (MSB, decided July 13, 2005).

In the present matter, a review of the documentation demonstrates that the appellant is not eligible for the examination. It is noted that in order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in all of the areas required in the announcement or job specification. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). In *In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007), it was explained that the amount of time and the importance of the duty determines if it is the primary focus. The

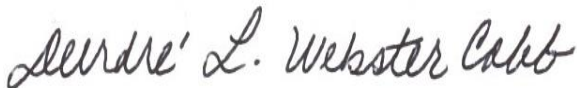
description of duties provided by the appellant, while reflective of some of the duties contained in the requirements, does not demonstrate that she primarily did work involving those required to establish eligibility for the title under test. Further, to qualify for the subject title, applicants were required to demonstrate experience in *all* of the required areas. In this case, the appellant did not list any experience on her original application involving training with respect to safety hazards while serving in the Management Assistant title series. Further, performing the duties required to establish eligibility for the title under test would be considered out-of-title work for incumbents in the Management Assistant title series. *N.J.A.C. 4A:4-2.6(c)* provides that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception. In this case, there is no good cause to accept her out-of-title experience as it was not the primary focus of her position and it does not include the required experience in training. As such, Agency Services correctly determined that the appellant did not pass the subject qualifying examination.

### 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  
27<sup>TH</sup> DAY OF MARCH, 2019




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