



STATE OF NEW JERSEY

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

In the Matter of Vincent Hutcheson,
Management Specialist (PM2721B)
Newark School District

Examination Appeal

CSC Docket No. 2021-604

ISSUED: DECEMBER 21, 2020 (RE)

Vincent Hutcheson appeals the decision of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Management Specialist (PM2721B), Newark School District..

The subject examination had a closing date of September 21, 2020 and was open to employees in the competitive division who possessed a Bachelor's degree from an accredited college or university, and two years of experience in the review, analysis, and evaluation of budget, organization, and administrative practices and recommending improved methods, and/or administrative experience in varied phases of business, industrial, or government involving the organization, direction, planning, coordination, or control of programs or activities. Applicants who did not possess the required degree could substitute additional work experience as described on the basis of one year of described experience for 30 semester hours of credit. The appellant indicated on his application that he did not possess a Bachelor's degree, and he was found to be ineligible based on a lack of experience per the substitution clause for education. Two applicants appear on the eligible list, which has been certified once, but no appointments have yet been made.

The appellant indicated on his application that he had no college credits, and therefore was required to possess six years of announced experience per the substitution clause for education. He listed the following positions on his application and resume from 1988 to the closing date: provisional Management Specialist, Project Manager, Carpenter/Supervisor of Trades/Foreman, Technical

Assistant, Principal Account Clerk, Senior Stock Clerk and Stock Clerk. Official records indicate a similar yet different employment history. During the period of time that he listed that he was a Project Manager and Carpenter/Supervisor of Trades/Foreman, he held the title Carpenter. The appellant was credited with three months of experience in his provisional position, and he was found to be lacking five years, nine month of required experience.

On appeal, the appellant argues that he possesses applicable experience in his position as a Carpenter for 13 years, and he describes his duties as a lead in a water project in the high school renovation project, and in the soccer pitch installation. Specifically, he states that he managed multi-million dollar projects and continues to manage projects, and supervise the trade and support staff.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *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.

N.J.A.C. 4A:4-1.5(a) states that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. There is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment;
2. The appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment; and
3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

At the outset, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Management Specialist title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as relevant experience, it is considered a professional title.

The appellant's prior held titles do not require a Bachelor's degree and therefore are not professional titles. *N.J.A.C.* 4A:4-2.5(a)3 states that non-professional titles require less than 60 general college credits or less than 12 specific college credits, while *N.J.A.C.* 4A:4-2.5(a)2 states that para-professional titles require at least 60 general college credits or 12 or more specific college credits (but less than a full degree). As such, the titles Carpenter, Technical Assistant, Principal Account Clerk, Senior Stock Clerk, and Stock Clerk are considered non-professional titles since they do not require completion of any college credits. When a promotion would be between the above noted categories, *N.J.A.C.* 4A:4-2.5(c)2 permits the examination to be open to applicants who are permanent in an approved bridge title(s) and/or applicants who meet the complete open competitive requirements. There is no bridge title for Management Specialist, and the appellant is required to meet the open competitive requirements. In addition to the requirement of a Bachelor's degree, professional work is basically interpretive, evaluative, analytical and/or creative requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research. See *In the Matter of Lewis Gordon* (Commissioner of Personnel, decided September 27, 1997). Experience acquired in para-professional or non-professional titles does not technically satisfy the requirements for eligibility in higher level category titles. See *In the Matter of Irma Camilo* (MSB, decided February 9, 2005).

When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In the eligibility screening process, reliance on the job specifications to determine the primary focus of duties for incumbents of a particular title or title series provides a standardized basis on which Agency Services can compare what an applicant indicates on his or her application to what incumbents in a particular title series generally perform. In order to maintain the integrity of the State Classification Plan, Agency Services cannot simply accept *carte blanche* how an applicant describes his or her experience when such a barometer exists. In this regard, it is noted that *N.J.A.C.* 4A:3-3.4 contemplates that employees are appointed to a title appropriate to the duties to be performed in the title and will not be assigned duties other than those properly pertaining to the assigned title which the employee holds. See *In the Matter of William Moore* (MSB, decided May 10, 2006).

On appeal, the appellant maintains that he performed duties matching the experience requirements of Management Specialist while in the title Carpenter, and continues to manage projects, and supervise the trade and support staff. In this regard, the duties listed on appeal are not similar to the announced experience requirements, which are professional management duties. Also, it appears as if the appellant may have been working out-of-title while in the Carpenter title, but the

duties do not match those of Management Specialist. He was clearly not involved in the review, analysis, and evaluation of budget, organization, and administrative practices and recommending improved methods.

The question then is, did he have administrative experience the organization, direction, planning, coordination, or control of programs or activities. On his application, the appellant indicated duties in his provisional position in two categories. The first is a general description: assist the director with the daily operation of the department; administer the daily operation of the department in the director's absences; plan, organize and coordinate projects within the department; interpret rules, regulation and laws about the procurement process and apply to purchases made; compile and interpret data related to grants and the budget; review and evaluate office systems, procedures and available programs. The second set of duties is related to construction: govern the roof replacement at various schools under the Energy Savings Improvement Program (ESIP); administer the installation and maintenance of the water filtration systems district-wide; supervise various trades in the installation and repair of water fountains, service lines, food preparation and nurses' sinks; prepare test results for posting to the district's website; maintain inventories of supplies; monitor purchases and distribution; govern early childhood projects handled within the department; oversee the soccer pitch installation in the playgrounds district-wide; responsible for hiring all per diem trades; maintaining records; sign off on departmental paperwork; and analyze and resolve problems.

The first set of duties is general, and nevertheless, the appellant was credited for this experience. The second set of duties does not encompass the scope of administrative duties in the organization, direction, planning, coordination, or control of programs or activities. Each position can have only one primary focus, and the duties performed most of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. The Management Specialist title was designed to assist the executive with managerial duties, such as formulation and effectuation of policies and practices. This includes internal concerns such as coordination of units, allocation and deployment of staff in areas with competing demands, application of broad policies to specific objectives, directly supervising other supervisors, formulating budgets, developing missions and objectives, developing and imposing policies and practices, and exercising prerogatives. The Management Specialist incumbent does not perform the objectives of the unit, but assists with management duties to facilitate the work, such as financial management, personnel management, property management, procurement and purchasing, space management, operational procedures, data processing, budgeting, transportation management, public information, and safety and security. For example, supervising tradesmen in the installation and repair of water fountains, service lines, food preparation and nurses' sinks would be the work

of the unit, not that of a Management Specialist. In any event, the appellant possessed three months of this experience in his provisional position.

In his title Carpenter, the appellant states that he was a Project Manager for three years, three months. His duties were almost the same as those given for his provisional position. Even if this were to be accepted as out-of-title work, the appellant would have three years, six months of applicable experience and would still fall two years, six months short. In any event, the second set of duties more closely aligns with controlling activities, costs and contracts involving construction or projects.

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). Since the appellant does not meet the minimum qualifications for the title, contrary to *N.J.A.C.* 4A:4-1.5(a)2, he should be returned to his regular prior-held title immediately upon receipt of this decision. Additionally, since at least half of the duties involve management of construction projects, the appellant's position appears to be misclassified. Accordingly, a classification review of the appellant's position is necessary to determine its proper classification.

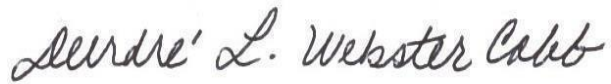
An independent review of all material presented indicates that the decision of the Division of Agency Services that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. Appellant provides no basis to disturb this decision. Thus, appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied. Further, as the appellant does not meet the requirements for the provisional position, he should be returned to his permanent title, and the matter of the appellant's position classification be referred to Agency Services for review.

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 16TH DAY OF DECEMBER 2020



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