

CSC 8-33



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Louis Delgadillo,  
Public Health Representative 1  
Communicable Disease (PS2925H),  
Department of Health

Examination Appeal

CSC Docket No. 2014-2682

ISSUED: **OCT 01 2014** (HS)

Louis Delgadillo appeals the determination of the Division of Selection Services (Selection Services), which found that he did not meet the experience requirement for the promotional examination for Public Health Representative 1 Communicable Disease (PS2925H), Department of Health.

The subject examination was announced with a closing date of November 21, 2013. The examination was open, in part, to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the listed requirements. These requirements included a Bachelor's degree and three years of experience in a communicable disease related health or social service program which shall have included responsibility for interviewing, investigating and/or conducting public health care surveys or patient care services. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. A Master's degree in biological science, public health, public health nursing, social services or other closely related subjects could be substituted for one year of experience. The eligible list promulgated on September 11, 2014 and expires September 10, 2017. There are six active eligibles on the list.

On his application, the appellant indicated possession of a Bachelor's degree. He also indicated that he had served as a "Grants Evaluator" from August 2013

through the closing date;<sup>1</sup> as a Public Health Representative 2 from February 2011 through August 2013; and as a Social Worker 2 from June 2007 through February 2011.<sup>2</sup> The appellant indicated that as a "Grants Evaluator," he monitored and evaluated the program side of State grants that receive federal dollars to provide services to increase vaccination rates among children. The appellant indicated that as a Public Health Representative 2, he monitored and evaluated the programmatic part of State and federal grants that provide HIV services to the community. The appellant indicated that as a Social Worker 2, he provided social services to inmate youth who were incarcerated in State prison. Based on the foregoing, Selection Services determined that the appellant did not possess any applicable experience.

On appeal, the appellant states that as a Public Health Representative 2 for the Division of HIV/AIDS, TB and STD Services, he served as a Program Management Officer who provided programmatic and technical assistance to State-funded agencies that provide outreach and services in the communicable disease area of HIV, AIDS and STDs; conducted site visits; analyzed reports; and evaluated each funded agency under his oversight. He states that he accepted a promotional position as the "Public Health Rep. 1 Grants Evaluator" for the Vaccine Preventable Disease Program in August 2013 and continues to serve in this position. He argues that since, in both positions, he served a program in the communicable disease field, both positions are applicable.

The job specification reveals that an individual in the title of Public Health Representative 1 Communicable Disease supervises the activities of a communicable disease field office and/or supervises components of a public health program providing epidemiological, diagnostic, screening or health care services for communicable diseases including sexually transmitted diseases, tuberculosis and AIDS.

### 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. Applicable experience has as its primary focus the duties and responsibilities required for the title under test. *See In the Matter of James L. Walsh* (MSB, decided March 15, 1988).

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<sup>1</sup> Agency records indicate that the appellant received a provisional appointment to the title of Public Health Representative 1 Communicable Disease, the subject title, effective August 24, 2013. He continues to serve in that capacity.

<sup>2</sup> Agency records indicate that the appellant served as a Public Health Representative 2 Bilingual in Spanish and English from February 26, 2011 through August 23, 2013; as a Social Worker 2 Corrections Bilingual in Spanish and English from June 6, 2009 through February 25, 2011; and as a Social Worker 2 Corrections from June 23, 2007 through June 5, 2009.

*N.J.S.A.* 11A:3-1 and *N.J.A.C.* 4A:3-3.1(a) provide that each position in the career and unclassified services shall be assigned to a job title. *N.J.A.C.* 4A:3-3.3(d) provides that positions in the career, unclassified and senior executive service shall be subject to job audit to ensure accurate classification and compliance with Titles 11A and 4A. Moreover, *N.J.A.C.* 4A:3-3.4 provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds.

Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. The appellant was required to possess three years of applicable experience. However, a review of the appellant's application reveals that he did not possess the required experience.

On appeal, the appellant asserts that his experience as a Public Health Representative 2 and "Public Health Rep. 1 Grants Evaluator" is applicable and therefore, he possesses sufficient experience. However, 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. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). In the instant matter, the positions of Public Health Representative 2 and "Public Health Rep. 1 Grants Evaluator" do not have, as the primary focus, experience in a communicable disease related health or social service program which shall have included responsibility for interviewing, investigating and/or conducting public health care surveys or patient care services. Rather, those positions primarily involve evaluating grants, monitoring programs and providing technical assistance. Accordingly, the record reflects that the appellant did not meet the requirements for the title under test, and there is no basis to disturb the decision of the Division of Selection Services.

Finally, the appellant is presently serving in the title of Public Health Representative 1 Communicable Disease. The appellant, based on the information he has provided on his application and on appeal, appears to be performing out-of-title work. Therefore, it is appropriate that this matter be referred to the Division of Classification and Personnel Management for a classification review of the appellant's position.

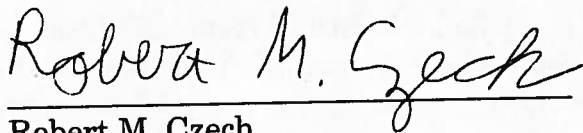
**ORDER**

Therefore, it is ordered that this appeal be denied.

It is further ordered that the Division of Classification and Personnel Management complete its classification review of Louis Delgadillo's position and issue its determination to Delgadillo and the Department of Health as soon as possible.

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 1<sup>ST</sup> DAY OF OCTOBER, 2014**



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- c. **Louis Delgadillo  
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