



STATE OF NEW JERSEY

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

In the Matter of
Elizabeth Biber-Deshields,
Supervising Community Program
Specialist (PS0587K), Commission for
the Blind and Visually Impaired

Examination Appeal

CSC Docket No. 2014-1526

ISSUED: NOV 20 2014

(RE)

Elizabeth Biber-Deshields appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Supervising Community Program Specialist (PS0587K), Commission for the Blind and Visually Impaired (CBVI).

The subject examination announcement was issued with a closing date of August 21, 2013, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in the title Principal Community Program Specialist as of the closing date OR who were serving in any competitive title and met the announced requirements. These requirements included possession of a Bachelor's degree from an accredited college or university, and four years of program delivery experience providing education, habilitative, or social services in programs for the developmentally disabled, one year of which shall have been in a supervisory capacity. Applicants who did not possess the required education could substitute additional experience on a year for year basis with thirty semester hour credits being equal to one year of experience. Possession of a Master's degree in social work, public or business administration, education, psychology, nursing or other related areas could be substituted for one year of non-supervisory work experience. It was found that appellant failed to satisfy the experience requirement. Four candidates passed the examination, and the eligible list has been certified once but no appointments have yet been made.

Ms. Biber-Deshields indicated that she possessed a Master's degree and she listed four positions on her application: Program Development Specialist 1 CBVI;

Quality Assurance Specialist, Health Services; Senior Vocational Rehabilitation Counselor; and Behavior Therapy Program Technician. Official records indicate that she was a Vocational Rehabilitation Counselor 2, and Counselor 1 Vocational Programs Developmental Disabilities for a large portion of the time that she indicated she was a Senior Vocational Rehabilitation Counselor. In fact, the appellant was a Senior Vocational Rehabilitation Counselor for one year of the almost ten year period that she stated she was in that title. The records also indicate that she was a Behavioral Support Technician, not a Behavior Therapy Program Technician. She was credited with twelve years, nine months of applicable general experience and found to be lacking one year of applicable supervisory experience.

On appeal, the appellant argues that she meets the minimum requirements for the position as she possesses 28 years of working with blind/visually impaired/developmentally disabled individuals, and 18 years of managerial/supervisory experience. The appellant states that as a Senior Vocational Rehabilitation Counselor she supervised 30 employees. She attached her resume which included four additional positions not originally listed on her application: Department Administrator at Trump Plaza Hotel/Casino; Personnel Clerk at Trump Plaza Hotel/Casino; Residential Supervisor for the American Institute, The Training Center; and Assistant Residential Manager at Bancroft School.

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 in pertinent part 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.

CONCLUSION

The appellant was deemed to be ineligible for the subject examination since she lacked the minimum experience. Specifically, the appellant was found to meet the general experience requirement, but was found to be lacking one year of applicable supervisory experience. When an applicant indicates extensive experience in titles established under the State Classification Plan for an examination, 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 Selection Services can compare what an applicant indicates on his or her application to what incumbents in a particular title series

generally perform. *See In the Matter of William Moore* (MSB, decided May 10, 2006). In order to maintain the integrity of the State Classification Plan, DSS 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.

In this case, the supervisory requirement is one year of supervision over professionals engaged in the program delivery of education, habilitative, or social services in programs for the developmentally disabled. In her position as Senior Vocational Rehabilitation Counselor from July 1990 to May 2000, the appellant received credit towards the general experience requirement. She indicated that she supervised 12 professionals and 18 support staff. Official records indicate that the appellant was a provisional in this title from July 1997 to September 1998. Prior to July 1997 the appellant was a Senior Rehabilitation Counselor, and after September 1998 she was a Vocational Rehabilitation Counselor 2. A review of these three titles indicates that they are not supervisory titles. If the appellant was supervising while in these titles, it is considered to be out-of-title work, and out-of-title work cannot be used to satisfy eligibility requirements. There are four eligible candidates on the list for this examination and the appellant has not presented a basis for accepting out-of-title experience.

The appellant's experience as a Behavioral Support Technician was accepted towards the general experience requirement. She did not supervise while in this title. Also, the appellant's experience as a Quality Assurance Specialist, Health Services was not accepted, but in any event, the appellant did not supervise while in this title.

As to Program Development Specialist 1 CBVI, the appellant's experience in this title from June 2007 to August 2013 was not accepted by DSS. The definition for this title indicates that incumbents act as consultants in the preparation of grant applications for the blind and visually impaired; adhere to regulations and guidelines imposed by the funding government agency; evaluate vocational rehabilitation programs in State institutions; and coordinate Commission activities with other State agencies serving the blind and visually impaired. On her application, the appellant indicated that while in this title she supervises and coordinates the activities of staff involved in developing, implementing and evaluating education and habilitation for blind and visually impaired individuals. She indicated that she directs and coordinates community development and case management; coordinates, assigns and evaluates work of professional support staff; interprets rules, regulations and directives; develops, implements and supervises the implementation of policies and procedures; plans, organizes and assigns work of the independent living unit; and conducts training. Nevertheless, the specification

for this title permits supervision of work operations and or functioning programs. Given that the appellant has listed more than six years of experience in this title, and viewed holistically, the appellant meets the required one year of supervisory experience.

Thus, the appellant's application should be processed and she should be administered a make-up examination as soon as possible.

ORDER

Therefore, it is ordered that this appeal be granted.

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 19th DAY OF NOVEMBER, 2014**



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