

B-20



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ronald Barber,
Supervisor of Professional
Residential Services, Developmental
Disabilities (PS2066K), Department
of Human Services

Examination Appeal

CSC Docket No. 2015-109

ISSUED: **NOV 10 2014** (WR)

Ronald Barber appeals the determination of the Division of Selection Services (Selection Services) that he did not meet the requirements for the promotional examination for Supervisor of Professional Residential Services, Developmental Disabilities (PS2066K), Department of Human Services (DHS).

The subject examination was announced with a closing date of August 21, 2012, and was open to candidates in possession of a Bachelor's degree and four years of experience in work involving the direct care, training, treatment or other habilitative services to patients/clients/residents, or as a member of a treatment team in a residential or health care facility, one year of which shall have been in a supervisory capacity. It is noted that an eligible list containing the names of 15 eligibles promulgated on August 29, 2013 and expires on August 28, 2015. Two certifications have been issued, from which four eligibles have been appointed.

In his application, Mr. Barber indicated that he possesses a Bachelor's degree. He also indicated that he worked as a Behavior Support Technician at the Woodbine Developmental Center (Woodbine) from May 2004 through the closing date, as a Case Worker for DHS from December 2001 to February 2004 and as a "Manager and Supervisor" at Host Marriott Services from September 1997 to February 2002 and May 2004 to October 2010. Selection Services credited Mr. Barber with eight years and four months of general experience for his service as a Behavior Support Technician. Selection Services initially credited Mr. Barber with six years and two months of supervisory experience for his experience as a "Manager and Supervisor" at Host Marriott Services. However, Selection Services

re-reviewed Mr. Barber's application and determined that such experience should not have been accepted. Therefore, on June 18, 2014, it removed him from the subject eligible list.

On appeal to the Civil Service Commission (Commission), Mr. Barber contends that his experience as a Behavior Support Technician satisfies the supervisory experience requirement because he is "routinely charged with overseeing, directing and providing performance related feedback to the cottage staff regarding their handling of clients in behavioral intervention scenarios. Mr. Barber also contends that his experience as an Assistant Supervisor of Professional Residential Services, Developmental Disabilities from October 5, 2013 through June 27, 2014¹ satisfies the supervisory experience requirement. Finally, Mr. Barber argues that his experience as a supervisor and a manager with Host Marriott Services satisfies the supervisory experience requirement. He explains, in part, that in those titles he "trained the staff of Host Marriott Services to effectively work alongside" individuals with developmental disabilities. He also states that he was "directly responsible for administering [the] work program for developmentally disabled men and women." In support of his appeal, Mr. Barber submits a letter from Robert Armstrong, Chief Executive Officer of Woodbine. Mr. Armstrong states that the work program Mr. Barber supervised at Host Marriott Services "is similar to the program that [DHS's] men participate in within the Vocational Services Department at [Woodbine]" and Mr. Barber's "experience in the supervision of such programs has proven invaluable to [Woodbine's] clients."

It is noted that the job specification for Behavior Support Technician does not include supervisory duties.

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.

To be eligible for the subject examination, applicants, in relevant part, had to possess one year of supervisory experience in work involving the direct care, training, treatment, or other habilitative services to the developmentally disabled in a residential or health care facility. Selection Services determined that Mr. Barber was ineligible because he lacked such experience.

¹ Personnel records indicate he was provisionally appointed, pending promotional examination procedures, to the title of Assistant Supervisor of Professional Residential Services, Developmental Disabilities, effective October 5, 2013.

Mr. Barber argues that he performs supervisory duties as a Behavior Support Technician. However, supervisory experience is defined as supervising work operations and/or functional programs and having responsibility for employee evaluation and for effectively recommending the hiring, firing, promoting, demoting, and/or disciplining of employees. *See In the Matter of Sadie Hamer, et al.* (MSB, decided February 22, 2006). Based on his arguments on appeal, it does not appear that that Mr. Barber performs supervisory duties. Moreover, as noted above, the job specification for Behavior Support Technician does not include supervisory duties. Even assuming *arguendo* that Mr. Barber actually performed supervisory duties as a Behavior Support Technician, such duties would constitute out-of-title work. However, out-of-title work, without good cause, is not acceptable for admittance to promotional examinations with open competitive requirements. *See N.J.A.C. 4A:4-2.6(c)*. *See also, In the Matter of Suzanne M. F. Buriani-DeSantis* (CSC, decided July 30, 1985); and *In the Matter of Joyce Mutak* (MSB, decided February 24, 1987). Mr. Barber has not established good cause to accept his out-of-title work.

With regard to Mr. Barber's experience as a manager and supervisor at Host Marriot Services, Mr. Barber has not demonstrated that his supervisory experience was gained in work involving the direct care, training, treatment, or other habilitative services to patients/clients/residents, or as a member of a treatment team in a residential or health care facility. Rather, it appears that Mr. Barber merely supervised individuals from a residential facility at a hotel. *See In the Matter of Ronald Barber* (CSC, Decided May 21, 2014) (Commission found Mr. Barber's experience in a hotel setting did not establish that he had supervisory experience in a residential or health care facility).

Finally, Mr. Barber's experience as an Assistant Supervisor of Professional Residential Services, Developmental Disabilities from October 5, 2013 to June 27, 2014, cannot be accepted because it was gained after the August 21, 2012 closing date. *See N.J.A.C. 4A:2.6(a)*.

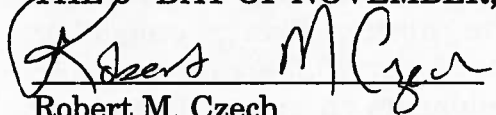
Accordingly, Mr. Barber has failed to meet his burden of proof in the matter and a sufficient basis exists in the record to support Selection Services' determination that Mr. Barber is ineligible for the Supervisor of Professional Residential Services, Developmental Disabilities (PS2066K), Department of Human Services 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 6th DAY OF NOVEMBER, 2014



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