

B-58



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of James Davis, Sr.,  
Assistant Supervisor of Recreation  
(PS8127K), Ancora Psychiatric  
Hospital

Examination Appeal

CSC Docket No. 2015-129

ISSUED: **SEP 19 2014** (SLK)

James Davis, Sr. appeals the determination of the Division of Selection Services (Selection Services) that he did not meet the experience requirements for the promotional examination for Assistant Supervisor of Recreation (PS8127K), Ancora Psychiatric Hospital.

The subject examination was announced with specific requirements that had to be met as of the March 21, 2014 closing date (see attached). A total of 11 employees applied for the subject examination that resulted in a list of four eligibles. The list has not yet promulgated.

On his application, Mr. Davis did not list any college credits. Therefore, he needed five years of applicable experience. He indicated that he was an Assistant Supervisor of Recreation from July 2013 to March 2014, a Senior Human Services Technician from September 2010 to July 2013, a Human Services Technician from August 2001 to September 2010, and a Human Services Assistant from July 1995 to August 2001.<sup>1</sup> Selection Services credited the appellant with nine months of experience based on his provisional experience in the subject title, but determined that his other experience was not applicable. It commented that the primary focus of a Senior Human Services Technician is non-professional nursing care and that he may have been performing out-of-title duties. It also noted that the Human Services Assistant title is not a professional title. Consequently, Selection Services

<sup>1</sup> Personnel records indicate that the appellant was a Human Services Technician from October 2001 to September 2010 and a Human Services Assistant from July 1996 to October 2001.

determined that Mr. Davis lacked four years and three months of the required experience.

### 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:4-2.6(c) provides that, except when permitted for good cause, 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. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

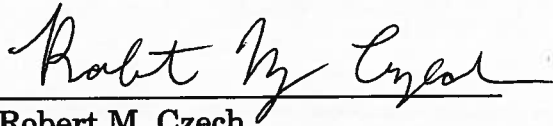
A review of the record indicates that Selection Services correctly determined that the appellant is not eligible for the subject examination. In accordance with the substitution clause, the appellant needed a total of five years of experience. The appellant was properly credited with nine months of experience based on his provisional experience in the subject title and therefore he lacked four years and three months of the required experience. Although the appellant argues that his experience as a Senior Human Services Technician and Human Services Technician provides him with the required experience, a review of his application and appeal confirms that while he may have occasionally planned and organized recreational activities, he was primarily performing in-title therapeutic activities. In this regard, 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). Further, even if Mr. Davis was primarily focused on planning and organizing recreational activities, these duties would be considered out-of-title. Out-of-title work is generally not acceptable for admittance to promotional examinations with open competitive requirements. Additionally, as a non-professional title, his experience as a Human Services Technician is not at the level and scope for the subject title. See *In the Matter of Paula Pilitowski* (MSB, decided September 22, 2004). Therefore, there is no basis to disturb the decision of Selection Services. Accordingly, Mr. Davis has not met his burden of proof in this matter.

### ORDER

Therefore, it is ordered that the 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 17<sup>th</sup> DAY OF SEPTEMBER, 2014**



**Robert M. Czech  
Chairperson  
Civil Service Commission**

**Inquiries  
and  
Correspondence**

**Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312**

**Attachment**

**c: James Davis, Sr.  
Alfred Filippini  
Dan Hill  
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE  
**PROMOTIONAL ANNOUNCEMENT**



**\$25.00 PROCESSING FEE REQUIRED**  
 Make Check/Money Order Payable to NJCSC

SYMBOL: **PS8127K**

WEIGHT CODE: \*

TITLE: **ASSISTANT SUPERVISOR OF RECREATION**

SALARY: **\$44,278.00 - \$62,445.00**

ISSUE DATE: **March 01, 2014**

CLOSING DATE: **March 21, 2014**

TITLE CODE: **03552/CDRXR5**

CLASS CODE: **17**

DEPARTMENT: **HS/HA/HUMAN SERVICES**

UNIT SCOPE: **K350 Ancora Psychiatric Hospital**

APPLICATIONS MAY BE OBTAINED  
 FROM AND MUST BE RETURNED TO:

**ONLY ON LINE APPLICATIONS  
 WILL BE ACCEPTED  
 FOR THIS ANNOUNCEMENT**

**Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:**

**Education:** Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

**Experience:** One (1) year of experience planning, organizing and scheduling recreational or related vocational/pre-vocational activities in an institution, school, or community recreation program.

**License:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

**NOTE:** As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.**
6. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination online. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. **You can now complete and submit your application and payment online to the Civil Service Commission and you will receive an immediate receipt confirmation!**
- 7 **SPECIAL NOTE TO ALL APPLICANTS** Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, **YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.**

DPF-256A \* Revised 03/09