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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sheila Concepcion,
Social Work Supervisor (PM0226S),
Atlantic City

Examination Appeal

CSC Docket No. 2015-857

ISSUED: FEB 05 2015 (HS)

Sheila Concepcion appeals the determination of the Division of Selection Services (Selection Services), which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Social Work Supervisor (PM0226S), Atlantic City.

The subject examination was announced with a closing date of February 21, 2014 and was open to applicants who possessed a Bachelor's degree supplemented by a Master's degree in Social Work, Psychology, Sociology, Guidance and Counseling or other field related to social work or social services and two years of social work experience involving gathering social information from clients, determining their needs, and planning and carrying out treatment plans and/or service plans geared to individual client needs. Applicants who did not possess the required Master's degree could substitute one additional year of experience. The subject examination was cancelled due to a lack of qualified applicants.

Since the appellant did not indicate possession of a Master's degree on her application, she was required to possess three years of the indicated experience per the substitution clause. On her application, the appellant listed her experience as a Social Work Supervisor with Atlantic City from September 2013 to the closing date;¹ as a Field Representative, Disease Control with Atlantic City from June 1988 to September 2013; and part-time as a Food Pantry Coordinator/Social Services

¹ Agency records indicate that the appellant received a provisional appointment to the subject title effective September 3, 2013. She continues to serve in that capacity.

Coordinator with Dunamis Ministries, Inc. from April 2011 to February 2014. The appellant indicated that as a Social Work Supervisor, she assisted the Coordinator in the supervision of department staff; supervised the daily function of the HIV Mobile Unit, including the supervision and scheduling of staff, maintenance, repair and supplies; provided HIV counseling and testing upon request; sought venues to take the HIV Mobile Unit to provide testing and education; collaborated with other department heads and supervisors on various projects, health fairs, transportation and signage; compiled the monthly report to the New Jersey Department of Health; managed and supervised staff in the absence of the Coordinator; assisted with new hire training and staff meetings; analyzed statistics and data to ensure that the appropriate populations are being reached and kept updated on current/changing statistical trends; and reviewed charts to ensure that required information is being taken and appropriate and educational messages are given based on the client's need and risks. The appellant indicated that as a Field Representative, Disease Control, she provided educational and preventive messages to assist in promoting HIV counseling and testing; provided HIV counseling and testing in various clinic settings such as STD, TB, prenatal and HIV testing sites using the Stat-Pak and Unigold testing kits; performed venipuncture to obtain blood when and if necessary; case managed persons in need of extensive assistance and referrals; assisted with the training of new employees; and attended various meetings and conferences in the absence of the Office Supervisor. Based on the foregoing, Selection Services determined that the appellant did not possess any applicable experience.

On appeal, the appellant states that she has worked in the area of HIV public health for 26 years. The appellant argues that her primary function as an HIV counselor has included gathering social information from clients, determining their needs, and planning and carrying out treatment plans and/or service plans geared to individual client needs and that the words "counselor" and "case manage" on her application include these duties. The appellant states that the HIV Mobile Unit provides HIV counseling and testing, preventative education and referrals to appropriate social services based on individual needs. She provides a listing of her current job duties that is substantially similar to the duties she provided on her application for her Social Work Supervisor position. In support, the appellant submits letters of recommendation from her immediate supervisor and from the Atlantic City Health Officer; her Atlantic City employment application; certifications; descriptions of training classes she has taken; and a "Client Record Checklist."

The job specification reveals that an individual in the title of Social Work Supervisor supervises a group of professional and paraprofessional social service staff involved in the identification of complex social problems and the administration of social service programs designed to assist active, former and potential welfare clients.

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).

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 she did not possess the required experience. On appeal, the appellant asserts that her experience as a Social Work Supervisor and Field Representative, Disease Control is applicable and therefore, she 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 as described by the appellant of Social Work Supervisor and Field Representative, Disease Control do not have, as the primary focus, social work experience involving gathering social information from clients, determining their needs, and planning and carrying out treatment plans and/or service plans geared to individual client needs. While the appellant argues that the words "counselor" and "case manage" should be read to include the required duties, clarification of duties on appeal that appear to mimic the required duties listed on the job specification rather than describe actual responsibilities while serving in a particular position, in the absence of any corroborating information, is not considered acceptable clarification of experience. *See In the Matter of Margaret S. Chann* (MSB, decided November 4, 2004). Although the record supports that the appellant provides individuals with HIV information and testing, there is no indication that her experience has included the responsibility for planning and carrying out treatment or service plans geared to individual client needs. 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 Selection Services.

Finally, the appellant is presently serving in the title of Social Work Supervisor. *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-

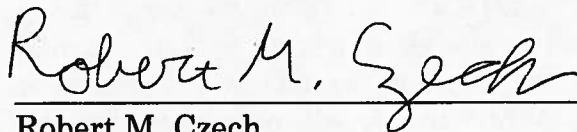
3.3(d) provides that positions in the career, unclassified and senior executive service shall be subject to job audit to ensure accurate classification and compliance with Titles 11A and 4A. Moreover, *N.J.A.C. 4A:3-3.4* provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds. However, the appellant, based on the information she has provided on her 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 Agency Services 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 Agency Services complete its classification review of Sheila Concepcion's position and issue its determination to Concepcion and Atlantic City within 60 days of the issuance of this decision.

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 4TH DAY OF FEBRUARY, 2015



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