

B-21



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Derek Oden,
Contract Administrator 1 Corrections
(PS9428I), Department of Corrections

Examination Appeal

CSC Docket No. 2015-2631

ISSUED: APR 16 2015 (SLK)

Derek Oden, represented by Robert O. Yaeger, Staff Representative, Communications Workers of America, Local 1040, appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Contract Administrator 1, Corrections (PS9428I), Department of Corrections.

The examination at issue was announced with specific requirements that had to be met as of the November 21, 2014 closing date (see attached). A total of two employees applied for the subject examination that resulted in a list of one eligible with an expiration date of March 11, 2018.

On his application, Mr. Oden indicated that he was a Social Worker 2 from September 2008 to the November 21, 2014 closing date, a Supervisor for the Community Education Centers, Inc./Albert "Bo" Robinson Assessment, Treatment, and Training Center from 2003 to 2008, and a Habilitation Counselor for the University of Medicine and Dentistry of New Jersey from 1993 to 2003. Personnel records also indicate that he began serving provisionally in the title under test starting on November 29, 2014. Additionally, the appellant possesses a Bachelor's degree. Agency Services credited the appellant for his Bachelor's degree, but determined that his relevant experience as a Social Worker 2 was out-of-title and that his other experience was not applicable. As such, it determined that he lacked two years of experience.

On appeal, Mr. Oden presents that since September 2008, he has worked on the development, administration, and analysis of contracts for offenders residing in the Residential Community Release Programs (RCRP) for both the Contract Administrative Unit and Contract Compliance Units as a Social Worker 2. Further, in the Contract Administrative Unit, the appellant states that he gathered and analyzed data of current practices for RCRPs, reviewed how government contracts are implemented in community programs, and made recommendations for changes to Request for Proposals submitted by contract agencies. Also, in the Contract Compliance Unit, Mr. Oden indicates that he performed routine site visits to contract agencies to ensure compliance to contracts. He also highlights that he conducted reviews of all offender escapes, special incidents and prepared reports containing findings and recommendations according to contracts. Additionally, the appellant submits a letter from Marcus O. Hicks, Director, Community Outreach and Development, confirming that the appellant, as a Social Worker 2, has been performing the out-of-title duties of the subject title since September 2008 for both the Contract Administration Unit and the Contract Compliance Units due to operational needs as a result of retirements and staff hiring freezes.

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.

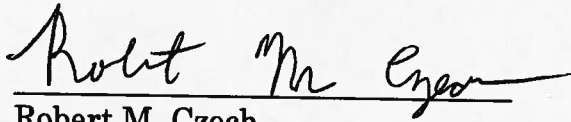
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. Mr. Oden was credited with having a Bachelor's degree and would need two years of relevant experience to establish eligibility. Any relevant experience the appellant gained as a Social Worker 2 would be out-of-title-work. However, Mr. Hicks has verified that Mr. Oden performed the required out-of-title duties from September 2008 to the November 21, 2014 closing date due to the appointing authority's operational needs and as a result of retirements and the Statewide hiring/promotional freeze. Additionally, the examination situation is not competitive as there is only one eligible on the list and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, and Derek Oden's application be processed for prospective employment opportunities only.

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 15th DAY OF APRIL, 2015



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: Derek Oden
Robert O. Yaeger
James Mulholland
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT

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

SYMBOL: **PS94281**

WEIGHT CODE: *

TITLE: **CONTRACT ADMINISTRATOR 1 CORRECTIONS**SALARY: **\$53,910.00 - \$76,393.00**ISSUE DATE: **November 01, 2014**CLOSING DATE: **November 21, 2014**TITLE CODE: **51254D/KPRXR7**CLASS CODE: **22**DEPARTMENT: **COA/CORRECTIONS**UNIT SCOPE: **I197 Division of Programs and Community Services**

**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: Two (2) years of experience in the development, administration, analysis or evaluation of contracts for the rehabilitation and social adjustment of offenders.

Note: A Master's degree in Public Administration, Social Services Administration, Business Administration, Criminal Justice, Accounting, or Finance may be substituted for one (1) year of experience. You must indicate the details of your Master's degree 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.

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.

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. **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.**
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so **PLEASE FILE EARLY.**

DPF-256A * Revised 03/09