

B-26



In the Matter of Kathleen Vitale,  
Assistant Training Supervisor  
County Welfare Agency (PC0646S),  
Monmouth County

**STATE OF NEW JERSEY**

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

CSC Docket No. 2015-1221

**Examination Appeal**

**ISSUED: APR 16 2015 (CSM)**

Kathleen Vitale appeals the determination of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Assistant Training Supervisor County Welfare Agency (PC0646S), Monmouth County.

The examination at issue was announced with specific requirements that had to be met as of the June 21, 2014 closing date (see attached). The subject examination was cancelled on November 9, 2014 due to a lack of qualified applicants.

The appellant indicated on her application that she was serving provisionally in the title under test from May 2013 to the closing date, June 2014. From July 2004 to May 2013 she was a Human Services Specialist 3 and from February 2001 to July 2004 she was a Human Services Specialist 2. From January 2000 to February 2001 she was a Human Services Specialist 2 and from October 1993 to January 2000 she was an Officer Manager for Dr. Donald DeRosa. From May 1979 to November 1990 she was an Assistant Manager for First Nationwide Bank. The appellant indicated possession of 24 college credits. Agency Services credited the appellant with two years of experience based on her completed college credits and her provisional service in the title under test. Therefore, she would need an additional six years of experience to qualify for the examination.

On appeal, the appellant highlights that she has been working in the training unit since July 2004 and her main responsibility has been to train personnel for the

various positions in the agency. Moreover, she states that due to downsizing in 2007, she has been the only trainer in the agency. The appellant emphasizes that her sole responsibility since 2007 has been to plan, develop and conduct training sessions for staff development. In support of her appeal, the appointing authority verifies that the appellant has been assigned training duties due to business necessity since July 2004. Therefore, the appellant maintains that she is qualified for the subject examination.

*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.

### CONCLUSION

In the present matter, a review of the documentation demonstrates that the appellant should be admitted to the subject examination. Agency Services determined that training experience would be considered out-of-title work for incumbents in the Human Services Specialist 3 title. However, it cannot be ignored that the job specification for Human Services Specialist 3 specifies that incumbents may instruct and guide lower level employees in specific tasks and job techniques and answer questions and provide guidance as to procedures, policies, and regulations. Moreover, the appellant indicated performance of the required duties since July 2004 as a Human Services Specialist 3 with the appointing authority. In this regard, it must be emphasized that applications are reviewed in a manner that ensures that the integrity of the State classification system is maintained and consistently applied, applicable experience is considered, regulatory requirements are satisfied, and for the Civil Service Commission (Commission), equitable concerns specific to each situation are addressed. Thus, experience should be evaluated in the context of the environment in which the applicant works. *See In the Matter of Karen Dolan, et al.* (MSB, decided July 19, 2006) (Logical nexus existed between the duties performed by appellants and those required to establish eligibility for the title under test).

Further, agency records demonstrate that the appointing authority does not have any incumbents serving in what would appear to be the logical title to promote to Assistant Training Supervisor County Welfare Agency, the Training Technician title. Therefore, since incumbents in the Human Services Specialist 3 title may essentially perform tasks that are reasonably related to training staff, the appointing authority's use of an employee in that title to develop and conduct training for employees in the title series is an efficient use of its resources. In this regard, the appointing authority has confirmed that the appellant has been performing training duties since July 2004. Although the appellant's title does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that her performance of training related duties since July 2004 warrants her admission to the subject examination as it is clear that she has over ten years of

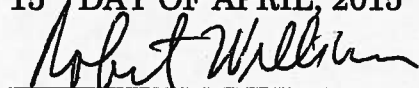
the required experience. Additionally, the appellant continues to serve provisionally in the title under test and the examination was cancelled due to a lack of qualified applicants. Accordingly, admitting the appellant to the subject examination will provide her with the opportunity to obtain permanent status as well as to provide an eligible list to the appointing authority.

**ORDER**

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant'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  
15<sup>TH</sup> DAY OF APRIL, 2015



Robert Williams  
Member  
Civil Service Commission

Inquiries  
and  
Correspondence

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

**Attachment**

- c. Kathleen Vitale  
Frank Tragno, Jr.  
Kelly Glenn  
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION  
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES  
**PROMOTIONAL ANNOUNCEMENT**



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

SYMBOL: PC0646S

WEIGHT CODE: \*

TITLE: ASSISTANT TRAINING SUPERVISOR COUNTY WELFARE AGENCY SALARY: \$58,306.00 - \$95,862.00

ISSUE DATE: June 01, 2014

CLOSING DATE: June 21, 2014

TITLE CODE: 00801/ FNRNR5

JURISDICTION CODE: T13000041

JURISDICTION: MONMOUTH COUNTY

DEPARTMENT: HUMAN SERVICES

RETURN COMPLETED APPLICATIONS 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 experience as indicated below on a year for year basis with thirty (30) semester hour credits being equal to one (1) year of experience.**

**Experience:** Four (4) years of experience in determining training needs, developing training plans and materials, and conducting training programs, or four (4) years of supervisory experience of an income maintenance program or social service program in a welfare agency.

**Note:** A Master's degree in Social Work from an accredited college or university may be substituted for two (2) years of the above 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 must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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.** (i.e. Police, Fire, Corrections and Sheriff).
6. 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](mailto:OAS.support@csc.state.nj.us) or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so **PLEASE FILE EARLY.**

DPF-256A \* Revised 03/09