

B-35



STATE OF NEW JERSEY

In the Matter of Mark Debrecki and
Juan Huertas, Senior Counselor
Adolescent Unit (PC1490S), Morris
County

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

CSC Docket Nos. 2015-2669 and
2015-2678

Eligibility Appeals

ISSUED: APR 16 2015 (CSM)

Mark Debrecki and Juan Huertas appeal the determinations of the Division of Agency Services (Agency Services) which found that they were below the minimum requirements in education for the promotional examination for Senior Counselor Adolescent Unit (PC1490S), Morris County.

The subject examination was announced with specific requirements that had to be met as of the November 21, 2014 closing date (see attached). The subject examination was cancelled on April 4, 2014 due to a lack of qualified applicants.

Mr. Debrecki indicated on his application he was provisionally serving in the title under test from July 2014 to the closing date, November 2014, and was a Counselor Adolescent Unit from July 2006 to July 2014. Mr. Debrecki indicated possession of a Bachelor's degree in Computer Graphics. Agency Services determined that Mr. Debrecki did not meet the education requirement because his Bachelor's degree was not in Sociology, Psychology, Education or a related field.

Mr. Huertas indicated on his application that he was provisionally serving in the title under test from July 2014 to the closing date, November 2014. From September 2003 to July 2014 he was a Counselor Adolescent Unit. Mr. Huertas indicated possession of a Bachelor's degree in Criminal Justice/Political Science. Agency Services determined that Mr. Huertas did not meet the education requirement because his Bachelor's degree was not in Sociology, Psychology, Education or a related field.

On appeal, the appellants state that in *In the Matter of Mark Debrecki and Juan Huertas, Counselor Adolescent Unit, Morris County* (CSC, decided May 7, 2014), the Civil Service Commission (Commission) determined that their extensive provisional experience as far back as 2003 should be deemed as satisfying the specialized Bachelor degree requirement for the open competitive examination for Counselor Adolescent Unit (C0508M), Morris County. The appellants also note that they have been provisionally serving in the title under test since July 2014. Therefore, they maintain that they should be admitted to 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. *N.J.A.C. 4A:1-1.2(c)* provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

CONCLUSION

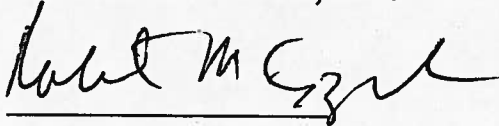
In the present matter, since Mr. Debrecki and Mr. Huertas do not possess a Bachelor's degree in sociology, psychology, education or a related field, Agency Services correctly determined that they were not eligible for the subject examination. However, as stated in *Debrecki and Huertas, supra*, it cannot be ignored that since Huertas' provisional appointment in 2003 and Debrecki's provisional appointment in 2006, seven of the eight open competitive announcements for the subject title resulted in the lists being exhausted or incomplete. Further, although multiple appointments were made from each of the first seven open competitive lists, there were not a sufficient number of eligibles for at least a ten year period which would have required Morris County to displace Debrecki and Huertas from their provisional appointments with interested eligibles from these lists. Stated differently, after utilizing open competitive announcement procedures since as early as August 2003 and up to the point when Debrecki and Huertas were rejected from the open competitive examination for Counselor Adolescent Unit (C0508M), the appointing authority has not been able to obtain a complete list of eligibles for the positions it desires to fill. Similarly, in this case, the subject promotional examination for the next higher in-series title was cancelled on April 4, 2014 due to a lack of qualified applicants and Debrecki and Huertas continue to serve provisionally in the Senior Counselor Adolescent Unit title. Under these circumstances, it is appropriate to accept Debrecki's provisional experience since July 2006 and Huertas' provisional experience since September 2003 as satisfying the specialized portion of the Bachelor's degree requirement and admit them to the subject promotional examination for Senior Counselor Adolescent Unit.

ORDER

Therefore, it is ordered that these appeals be granted, the examination cancellation be rescinded, and the appellant's applications 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: Mark Debrecki
Juan Huertas
Frank Corrente
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: PC1490S	WEIGHT CODE: *
TITLE: SENIOR COUNSELOR ADOLESCENT UNIT	SALARY: \$39,648.00 - \$59,468.00
ISSUE DATE: November 01, 2014	CLOSING DATE: November 21, 2014
TITLE CODE: 03277/ K7RPR5	JURISDICTION CODE: N14000051
JURISDICTION: MORRIS COUNTY	
DEPARTMENT: HUMAN SERVICES	

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

Open to employees in the non-competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s) and who meet the requirements listed below:

Counselor Adolescent Unit 01385@

Education: Graduation from an accredited college or university with a Bachelor's degree in Sociology, Psychology, Education, or related field. You must indicate the details of your 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.

Experience: One (1) year of experience in therapeutic or counseling work.

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 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