

CSG  
B-14



STATE OF NEW JERSEY

In the Matter Sharon A. Martens,  
Environmental Health Coordinator  
(PC1061S), Middlesex County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-1727

Examination Appeal

ISSUED: **JUN 08 2015** (BS)

Sharon A. Martens appeals the determination of the Division of Agency Services which found that she did not meet the requirements for the promotional examination for Environmental Health Coordinator (PC1061S), Middlesex County.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced August 21, 2014 closing date. Specifically, applicants were required to possess a Bachelor's degree in one of the biological, environmental or physical sciences, public health, sanitary or environmental engineering from an accredited college or university plus six years of experience in work involving identifying, preventing, or eliminating environmental health hazards in one or more areas of environmental health, three years of which shall have been in a supervisory capacity. The examination announcement also stipulated that a Master's degree in any one of the above fields may be substituted for one year of indicated non-supervisory experience. Records indicate that the subject promotional examination was cancelled on December 18, 2014 due to a lack of qualified applicants.

The appellant filed an application on with she indicated that she possessed a Master's degree in Public Health and a Bachelor's degree in Psychology plus experience as an "Acting Supervisor"/Registered Environmental Health Specialist<sup>1</sup>

<sup>1</sup> Civil Service Commission records indicate that the appellant was appointed provisional Environmental Health Coordinator effective April 28, 2014.

(11/07 to the closing date), Registered Environmental Health Specialist (1/02 to 10/07), and Public Health Investigator (4/88 to 12/01). The Division of Agency Services concluded that the appellant satisfied the educational requirement, could substitute her Master's degree for one year of the non-supervisory experience and possessed a total of 12 years and eight months of applicable non-supervisory experience as a Registered Environmental Health Specialist as of the closing date. Although the appellant claimed to be an "Acting Supervisor" from November 2007 to August 2014, her actual career service title was Registered Environmental Health Specialist. Supervisory responsibilities are considered out-of-title work for incumbents serving in the Registered Environmental Health Specialist title. As a result, the Division of Agency Services concluded that the appellant lacked the three years of required supervisory experience. Consequently, the appellant was found ineligible for the subject promotional examination.

On appeal, the appellant argues that she satisfies the subject requirements, including the supervisory component. In support of her appeal, Mickey Gross, Division Head, Environmental Health Division of the Middlesex County Department of Public Safety and Health, submits a letter indicating that the appellant has been performing supervisory responsibilities as Acting Supervisor for the Water Pollution Control Program for the past seven years, commencing in 2007, and now possesses in excess of the required three years of supervisory experience. Dennis J. Cerami, the Director of Human Resources concurs with Mr. Gross' assessment.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that, as of the August 21, 2014 closing date, the appellant satisfied the educational and general experience requirement but lacked any applicable in-title supervisory experience. Although the appellant claims to have assumed appropriate supervisory responsibilities while serving as a Registered Environmental Health Specialist (11/07 to the closing date), such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements for promotional examinations announced with open-competitive requirements.

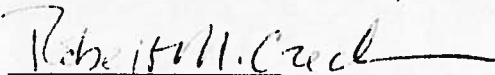
However, the appellant's supervisor and the appointing authority have provided documentation supporting the appellant's claims of performing such out-of-title work responsibilities while serving as a Registered Environmental Health Specialist. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Environmental Health Coordinator, the appointing authority supports her appeal, the subject promotional examination has been cancelled due to a lack of qualified applicants and, therefore, this is not a competitive situation. Accordingly, accepting the appellant's out-of-title supervisory experience as a Registered Environmental Health Specialist beginning in November 2007, for eligibility purposes only, will give her in excess of the required three years of supervisory experience and will allow the appellant the opportunity to be considered for permanent appointment to the subject title.

**ORDER**

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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 3RD DAY OF JUNE, 2015**



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

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**c: Sharon A. Martens  
Dennis J. Cerami  
Kelly Glenn**

