

B-22



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kareen Villano,
Supervisor of Inspections Health
Facilities Evaluation and Licensing
(PS9658H), Department of Health

Examination Appeal

CSC Docket No. 2015-3190

ISSUED: ~~SEP 08 2015~~ (RE)

Kareen Villano appeals the decision of the Division of Agency Services which found that she did not meet the experience requirements for the promotional examination for Supervisor of Inspections Health Facilities Evaluation and Licensing (PS9658H), Department of Health.

The subject examination announcement was issued with a closing date of January 21, 2015. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title, and who met the open competitive requirements. These requirements included possession of a Bachelor's Degree from an accredited college or university, and four years of experience in a health facilities inspection program, one year of which shall have been in a supervisory capacity. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis, with thirty semester hour credits being equal to one year of experience. Applicants who did not possess the required Bachelor's Degree, but who had graduated from an accredited school of nursing and possessed a license as a Registered Professional Nurse could substitute two additional years of experience for the Bachelor's Degree. The appellant was found to be below the experience requirements. Ten candidates have been admitted, but the examination has not yet been held.

On her application, the appellant listed experience in ten positions and was credited with seven years and four months of general experience. However, she did not indicate that she supervised professional staff in her positions. As she lacked

one year of supervisory experience, she was found to be below minimum requirements in experience.

On appeal, the appellant argues that she has fulfilled the experience requirements, and she provides examples of her work. Commission staff responded that applicable supervisory experience involves supervising subordinates who are performing health facilities inspection program duties. That is, applicable experience included supervision of professionals performing applicable work. The appellant indicated that as a Supervising Healthcare Evaluator she supervised one support staff, and there was no supervision indicated for her remaining positions. She was informed that supervision of clerical staff is not qualifying supervision.

The appellant replied that, as the Supervising Healthcare Evaluator of the Training Program, she supervises professional employees, who report to her on a daily basis and receive their work assignments from her. She states that she completed their initial performance evaluation review, and at the next PAR interval, they are assigned a new supervisor. She states that once the professional ~~employee is transferred to their new supervisor, she conducts immediate oversight~~ of their work product. She indicates that she has provided supervision of over 50 employees.

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the announced closing date.

CONCLUSION

The appellant was denied admittance to the subject examination since she lacked the minimum requirements in experience. Specifically, the appellant lacked one year of supervisory experience over health care evaluators who are engaged in a health facilities inspection program. On her original application, she indicated that she supervised one support staff. She explained on her application that she supervises one clerical staff person, which involves coordinating with managers of other support staff to ensure coverage of clerical duties. Her duties included implementation of a standardized orientation of newly hired surveyors, and training of the survey process, including field travel to instruct and support new surveyors; creating, coordinating, and implementing ongoing training; preparing and submitting the training budget; preparing and submitting a surveyor employment and training report; providing in-services throughout the year; and acting as the Resident Assessment Instrument Coordinator with responsibility for ongoing education of the surveyors and providers.

On appeal, the appellant indicates that these training activities were, in fact, supervision. Supervisory experience includes responsibility for seeing that tasks

assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. See *In the Matter of Julie Petix* (MSB, decided January 12, 2005). See also, *In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). In this case, the appellant was responsible for training individuals, including completing their initial performance evaluation. Training is a separate activity from supervision, and there is naturally an evaluation required during a training period in order to assess successful learning and performance of the duties of the positions. However, training is not considered to be supervisory experience unless the applicant had both performance evaluation responsibility for subordinate staff and supervised subordinate staff on a daily basis. See ~~*In the Matter of Timothy Teel* (MSB, decided November 8, 2001); *In the Matter of Charles Zingrone* (MSB, decided August 11, 2004).~~ The appellant did not indicate that she completed final performance evaluations, and the appellant was not responsible for supervision beyond the training period. The appellant did not submit supervisory documentation to support her claims of additional supervisory experience of professional positions, *i.e.*, that individuals were her subordinates rather than trainees. Her experience in training professionals does not rise to the level and scope of supervisory responsibility for professional subordinates. The appellant lacks one year of supervisory experience.

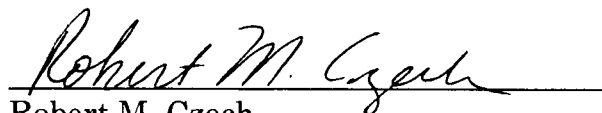
A thorough review of all material presented indicates that the decision of the Division of Agency Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is amply supported by the record and the appellant provides no basis to disturb that decision. Thus, appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 2nd DAY OF SEPTEMBER, 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 08625-031

c: Karen Villano
Loreta Sepulveda
Kelly Glenn
Joseph Gambino