



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rose Marie Bulbach,
Program Monitor (PC1024U), Ocean
County

Examination Appeal

CSC Docket No. 2017-609

ISSUED: DEC 23 2016 (RE)

Rose Marie Bulbach appeals the decision of the Division of Agency Services (DAS) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Program Monitor (PC1024U), Ocean County.

The subject examination had a closing date of May 21, 2016 and 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 announced requirements. These requirements were graduation from an accredited college or university with a Bachelor's degree. Applicants who did not meet the educational requirement could substitute experience in inspecting or reviewing activities/programs for compliance with established standards, guidelines, regulations or contractual agreements or in the review, analysis, and evaluation of activities/programs to ascertain their adequacy, efficiency, deficiencies and effectiveness in achieving objectives on a year for year basis with 30 semester hour credits being equal to one year of experience. Ms. Bulbach was found to be ineligible based on a lack of experience per the substitution clause for education. As there were no admitted candidates, the examination was cancelled on September 1, 2016.

On her application, the appellant did not indicate possession of any college credits, and therefore were required to have four years of applicable experience. She listed six positions on her application: provisional Program Monitor, Keyboarding Clerk 3, Volunteer Recreational Manager, Keyboarding Clerk, and

Sales Associate. She received credit for 2 years, 10 months of experience in her provisional position. None of the remaining positions had the announced experience as the primary focus. As such, she was found to be lacking one year, two months of experience.

On appeal, the appellant stated that she should be eligible, and she provides further information regarding positions that were on her application, a resume, and information regarding training.

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

At the outset, it is noted that qualifying experience has the announced experience requirement as the primary focus of the position. That is, the announced experience should be the main duty of the listed position. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they *primarily* performed *all* those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience.

Titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Program Monitor title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, it is considered a professional title, and the announced experience requirement involves professional experience.

Aside from her provisional position, the appellant's remaining positions with Ocean County were clerical. Experience in nonprofessional titles is not at the level and scope of the announced experience requirement and is not acceptable. Additionally, the duties she listed for Keyboarding Clerk 3 do not match the experience requirement or have it as the primary focus. Lastly, while some of the duties she listed for her provisional position are those of a Program Monitor, numerous others are not. For example, a Program Monitor is not involved with preparing contracts and grants, advising and negotiating contracts and agreements, identifying funding sources and reviewing proposals, participating in program funding recommendations, and collecting and compiling data for research, surveys and monitoring. There are many other duties which are listed on her application which are not applicable as well.

Thus, the proper classification of the appellant's provisional position is in question. Accordingly, the appointing authority should provide a duties questionnaire to DAS detailing the duties of the position, along with a completed examination application within 30 days of the issuance of this decision so that an appropriate provisional title can be assigned and a pre-qualification determination can be made. Should the appellant be found not eligible for the new provisional appointment, she should be removed from this provisional position immediately upon receipt of DAS' decision.

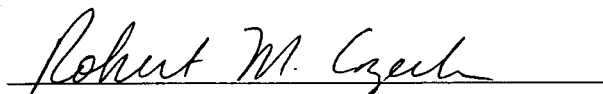
An independent review of all material presented indicates that the decision of DAS that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that the appointing authority provide a duties questionnaire to DAS detailing the duties of the position, along with a completed examination application within 30 days of the issuance of this decision so that an appropriate provisional title can be assigned and a pre-qualification determination can be made. Should the appellant be found not eligible for the new provisional appointment, she should be removed from that position.

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 21st DAY OF DECEMBER, 2016



Robert M. Czech

Chairperson

Civil Service Commission

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and
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