

## STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Adam Woehr, Senior Community Program Specialist (PS3845K), Department of Human Services

CSC Docket No. 2018-2942

**Examination Appeal** 

**ISSUED: JUNE 8, 2018** (JET)

Adam Woehr appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Senior Community Program Specialist (PS3845K), Department of Human Services.

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The examination at issue was announced with specific requirements that had to be met as of the October 23, 2017 closing date. The education requirement for the examination was a Bachelor's degree. The experience requirements were two years of program delivery experience in providing education, habilitative or social services in programs for the developmentally disabled. Applicants who did not possess the required education may substitute additional experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. A total of 15 employees applied for the subject examination which resulted in a list of 7 eligibles with an expiration date of April 4, 2021. It is noted that the subject list has not yet been certified.

On his application, the appellant indicated that he possessed 32 college credits. The appellant also listed that he served provisionally in the subject title from March 2017 to the October 23, 2017 closing date, as a Cottage Training Supervisor from July 2008 to March 2017, as a Cottage Training Technician from October 2006 to July 2008, and as a Human Services Assistant from August 2002 to October 2006. Agency Services credited the appellant with one year and eight months of applicable experience for his college credits and provisional service in the

subject title, but determined that he was not eligible for the subject examination as he lacked four years and four months of applicable experience.

On appeal, the appellant explains, among other things, that he performed the required duties for the developmentally disabled while serving in his various positions.

## CONCLUSION

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

The Civil Service Commission (Commission) finds that the appellant meets the requirements for the subject examination. Initially, it is noted that the subject examination announcement indicates that experience can be substituted for the requirement that candidates needed to possess a Bachelor's degree. In this case, the title under test has a class code of 22 and the appellant's permanent title of Cottage Training Supervisor has a class code of 14. A class code is defined as a designation assigned to a job title with ranking based on job content. Thus, Agency Services determined that experience gained in titles at levels such as Cottage Training Supervisor could not be substituted for professional experience.

However, the announcement does not have any qualifiers that define the level and scope of applicable experience. Therefore, the Commission finds that candidates for the subject examination did not necessarily need to have performed the required duties while serving in professional titles, *i.e.* titles that require a Bachelor's degree, to have applicable experience. Thus, in this situation, as there are only seven eligibles and nine provisional employees in the subject title, to not accept this lower level, but clearly related experience would mean that the substitution clause would be meaningless as those who did not have a Bachelor's degree could presumably never have applicable experience since they would never be eligible to serve in professional titles.

Additionally, under *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004). In this matter, the Commission finds that the appellant has clarified how, in addition to his provisional

service in the subject title, he delivered habilitative services in programs for the developmentally disabled for more than the required number of years as either a Human Services Assistant or in various Cottage Training titles. Therefore, the facts of this situation warrant acceptance of the experience in the lower level Cottage Training Supervisor title.

## **ORDER**

Therefore, it is ordered that this appeal be granted 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 6<sup>th</sup> DAY OF JUNE, 2018

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Deirdré L. Webster Cobb

Chairperson

Civil Service Commission

Inquiries Christopher S. Myers

and Director

Correspondence Division of Appeals and Regulatory Affairs

Civil Service Commission Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

c: Adam Woehr Tahishia McKeithen Kelly Glenn Records Center