



STATE OF NEW JERSEY

In the Matter of Mark Fournier,
Program Specialist 4 Social/Human
Services (PS7435I), Department of
Corrections

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

CSC Docket No. 2019-2181

Examination Appeal

ISSUED: APRIL 22, 2019 (JET)

Mark Fournier appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Program Specialist 4 Social/Human Services (PS7435I), Department of Corrections.

The promotional examination was announced with specific requirements which had to be satisfied by the May 21, 2018 closing date. Those requirements included possession of a Bachelor’s degree and four years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program, one year of which shall have been in a supervisory capacity over professional or technical staff. It noted that applicants who did not possess the required education in one of the specified areas could have substituted additional experience as indicated on a year-for-year basis. As such, since he did not indicate on the application that he possessed a Bachelor’s degree, the appellant required eight years of applicable experience and one year in a supervisory capacity per the substitution clause. One candidate was admitted to the subject examination, and the resultant eligible list promulgated on February 7, 2019 with an expiration date of February 6, 2021.

The appellant listed on the employment application that he possessed 64 college credits. Agency Services credited him with two years and one month of experience for his education. Further, the appellant indicated that he served provisionally in the subject title from November 2017 to May 2018. Agency Services

credited him with seven months of applicable experience for that work. The appellant also listed that he served as a Farm Supervisor 1 from August 2014 to November 2017. Agency Services did not credit him any applicable experience for that work, as it is considered out-of-title work experience which is generally not creditable. The appellant also indicated that he served as an Institutional Trade Instructor 2, Farm Operations from December 2012 to July 2014, and as an Institutional Trade Instructor 1, Farm Operations from February 1998 to November 2012. Agency Services did not credit him with any applicable experience for that work. Accordingly, Agency Services determined that the appellant lacked five years and three months of applicable experience.

On appeal, the appellant asserts, among other things, that his work as a Farm Supervisor 1 and as an Institutional Trade Instructor 2, Farm Operations should have been accepted as applicable experience, and he provides additional information pertaining to the duties he performed in those titles. Therefore, the appellant maintains that such experience is sufficient to qualify him for the examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, the appellant should be admitted to the subject examination. Although the appellant's experience in her various positions does not precisely mirror the required experience, the Commission is satisfied that the totality of his experience satisfies the announced requirements. Given that the appellant possesses experience involving work in planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program, as well as 64 college credits, this experience clearly qualifies him for the examination. Additionally, the appellant continues to serve provisionally in the title under test and the examination is not competitive as there is only one other applicant. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's out-of-title work experience as a Farm Supervisor 1, his provisional experience after the closing date, and the totality of experience, for eligibility purposes only, and to admit him to the examination.

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 17th DAY OF APRIL, 2019



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