



B-37

STATE OF NEW JERSEY

In the Matter of Tamika S. Trotman,
Nutrition Program Coordinator,
Women, Infants, and Children
Program (PM1884R), Atlantic City

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2443

Examination Appeal

ISSUED:

NOV 06 2014

(BS)

Tamika S. Trotman appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Nutrition Program Coordinator, Women, Infants, and Children Program (PM1884R), Atlantic City.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced October 21, 2013 closing date. Specifically, all applicants had to possess a Bachelor's degree in nutrition, community nutrition, food and nutrition, community dietetics, dietetics, or home economics from an accredited college or university plus three years of experience in managing or supervising a public health, nutritional and/or health education program. The promotional examination announcement also stipulated that the possession of a Master's degree in public health, nutrition, community nutrition, nutrition, nutrition and dietetics, home economics, nutrition education, food and nutrition, public health, administration, or management could be substituted for one year of the above experience. Records indicate that the subject promotional examination was cancelled on April 11, 2014 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed experience as a provisional Nutrition Program Coordinator, Women, Infants, and Children Program (7/12 to the closing date), Program Nutritionist (7/09 to 7/12),

and Diet Aide (9/07 to 6/09). The Division of Selection Services concluded that the appellant satisfied the educational requirement and could substitute her Master's degree in Public Health for one year of the required experience. However, the appellant only possessed four months of applicable experience as a provisional Nutrition Program Coordinator, Women, Infants, and Children Program as of the closing date (personnel records indicate that she was provisionally appointed to the subject title in July 2013, not July 2012). None of the remaining positions listed on her application involved responsibilities managing or supervising a nutrition program as required. Consequently, the Division of Selection Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that she satisfies the subject requirements. In support of her appeal, Ronald Cash, Health Officer, Director of Health and Human Services, Atlantic City, submitted a letter indicating that prior to being appointed provisional Nutrition Program Coordinator, Women, Infants, and Children Program, the appellant had been serving as a Program Nutritionist and her duties included assessing applicant eligibility, providing nutrition education and, albeit out-of-title for someone in the title Program Nutritionist, supervising daily program activities and office staff since 2009. Mr. Cash indicated that the appellant has performed these duties "admirably, professionally, and competently" and he requests of the Civil Service Commission that she be allowed to retain the title Nutrition Program Coordinator, Women, Infants, and Children Program.

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 the appellant satisfied the educational requirement, could substitute her Master's degree in Public Health for one year of the required experience, and only possessed four months of applicable experience as a provisional Nutrition Program Coordinator, Women, Infants, and Children Program as of the closing date. She would have needed an additional one year and eight months of experience to satisfy the subject requirements. Although the appellant claims to have assumed appropriate responsibilities while serving as a Program Nutritionist, 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.

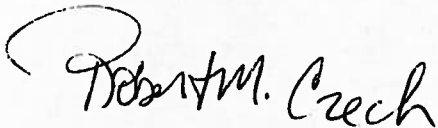
However, Ronald Cash, Health Officer, Director of Health and Human Services, has endorsed the appellant's claims of performing such out-of-title work responsibilities while serving as a Program Nutritionist and indicated that the appellant had actually been performing the duties of a Nutrition Program Coordinator, Women, Infants, and Children Program while serving in the Program Nutritionist title, including supervising daily program activities and office staff since 2009. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Nutrition Program Coordinator, Women, Infants, and Children Program, the subject promotional examination has been cancelled due to a lack of qualified applicants, and that this is not a competitive situation. Accordingly, accepting the appellant's out-of-title work experience as a Program Nutritionist, for eligibility purposes only, 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 6TH DAY OF OCTOBER, 2014



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