



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kim Laloma,
Senior Therapy Program Assistant
(PS0910K), Department of Human
Services

CSC Docket No. 2017-723

Examination Appeal

ISSUED: **DEC 23 2016** (RE)

Kim Laloma appeals the determination of the Division of Agency Services (DAS) which found that he did not meet the experience requirements for the promotional examination for Senior Therapy Program Assistant (PS0910K), Department of Human Services.

The subject examination announcement was issued with a closing date of April 21, 2016. 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 and who were serving in the title Therapy Program Assistant, OR who were serving in any competitive title and met the announced requirements. These requirements included three years of experience in work involving the care and custody of persons confined to a hospital facility or institution for those who have developmental disabilities, mental illness, and/or physical handicaps, assisting in the implementation of occupational, physical, recreational, and/or behavioral therapy programs to improve the well-being of clients through a variety of therapeutic and rehabilitative activities. Applicants who did not possess the required experience could substitute college credits in any combination of behavioral science, behavioral modification, education, fine arts, decorative arts, practical arts, occupational therapy, or recreation programs for clients with developmental disabilities and/or physical handicaps, on a year-for-year basis up to two (2) years with thirty (30) semester hours being equal to one (1) year of experience. Mr. Laloma was found to be below the minimum requirements in experience. Five candidates passed the examination and the list has not yet been certified.

Mr. Laloma indicated that he possessed a Bachelor's degree, and he submitted a college transcript. On his application and resume, Mr. Laloma listed experience as a provisional Senior Therapy Program Assistant, Cottage Training Technician, Preventative Health Analyst with United Health Group, and Public Health Intern (15 hours per week) with the National Alliance on Mental Illness of New Jersey. Official records indicate a similar yet different employment history. These records indicate that Mr. Laloma was a Human Services Technician, and Human Services Assistant for a portion of the time that he stated he was a Cottage Training Technician. He had listed the position of Human Services Technician on his resume, but did not include duties or number of hours worked per week. None of Mr. Laloma's experience was credited, and therefore he was found to be lacking three years of experience.

On appeal Mr. Laloma states that he was a provisional in the subject title, and has performed applicable duties while in the titles Cottage Training Technician and Human Services Technician, as well as an additional position not given in his original materials; Behavioral Technician with Catholic Charities from December 2001 to May 2002. The appellant did not indicate whether this position was full-time or part-time, and the number of hours worked per week, and his supervisor's name and contact information.

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. *N.J.A.C.* 4A:4-2.1(f) provides that an application may be amended prior to the announced closing date.

CONCLUSION

Applicants must demonstrate on their applications that the duties they perform provide them with the experience required for eligibility. *See In the Matter of Charles Klingberg* (MSB, decided August 28, 2001). In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Next, when an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In the eligibility screening process, reliance on the job specifications to determine the primary focus of duties for incumbents of a particular title or title series provides a standardized basis on which DAS can compare what an applicant indicates on his or her application to what incumbents in a particular title series generally perform. *See In the Matter of William Moore* (MSB, decided May 10, 2006).

A Cottage Training Technician mentors individual residents under the incumbent's care and implements assigned physical care, recreation, resident self-help, social training, and other programs of a paraprofessional nature. On his application, the appellant described his duties in this position as "Handled general office duties along with database management; acknowledged and subsequently reacted to emergency situations affiliated with active fire alarms, crisis behavioral dilemmas, and instantaneous medical assistance relatable to state regulations which resulted in 57% less chemical and physical restraints for individuals over a six year period. Collaborated with supervisor's investigated official procedures encompassing scheduled medical appointments, transportation authentication along with safety inspections and total facility coordination comprised of the individuals' and staffs' aggregates identified in each building, as well as, the consolidated topography which resulted in less accidents and better safety measures over six year time span. Chronicled all consequential occurrences of the institution in an accountability archive with appropriate arrangements, emphasized established trips that fulfilled health and security markers monitored within the environment assisting the development of better planned trips to increase Federal funding of the facility." Clearly, this was experience that did not match the announced experience requirement.

On appeal, the appellant stated that in this position he supported individuals when they toileted, cleaned, and dressed; replaced their diapers and soiled clothing; operated mechanical lifts to transport clients in and out of wheelchairs and beds; managed therapeutic undertakings such as a physical, recreation, and behavior modification activities; and taught individuals various vocational skills, tasks, and work routines. A review of these responsibilities does not establish that assisting in the implementation of occupational, physical, recreational, and/or behavioral therapy programs to improve the well-being of clients through a variety of therapeutic and rehabilitative activities was a primary function. There are many other duties in his descriptions, most of which do not involve therapy with clients, and the appellant did not mention assisting clients with therapy programs at all on his application. The initial description indicates that the work was related to quality assurance and other aspects of health care. The appellant did not provide enough information to establish that he was involved in program therapies with clients on a daily basis while they were under his care and custody when he was a Cottage Training Technician.

As a Preventative Health Analyst with United Health Group, the appellant was performing health administration work that centered on office activities, such as data analysis, coordination of educational presentations, writing literature, database management, setting compliances, revising processes and policies, managing customer service calls, and instituting an exercise program. This is clearly inapplicable.

The online application process is automated and provides instructions to candidates on how to properly complete their applications. Eligibility for a given examination is determined based on the information provided on the application. The announcement states, **"You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to complete your application properly may lower your score or cause you to fail."** The published announcement also clearly specifies the relevant time frames for filing and amending applications. The Online Application System User Guide repeats, "Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper." The guide asks candidates to carefully review the application to ensure that it is complete and accurate before submitting, and states, if supplemental documents are required, they should be uploaded with the application or submitted within five business days of submitting the online application. Page 23 of the on-line application guide tells candidates to carefully review the announcement to see if additional documentation is needed. To proceed to the payment section, candidates must certify that their application is complete and accurate. The appellant did not provide duties for his Human Services Technician title in his initial application, and so, could not be credited for experience in that title.

He also did not list the position as a Behavioral Technician with Catholic Charities on his application. There was another position on his revised resume, Residential Teacher, was also was not initially listed. *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). These copious instructions regarding the provision of a complete application are given because the application is not a mere formality used to schedule examinations. This agency makes official determinations for eligibility for all prospective candidates for positions in State or local Civil Service jurisdictions, since only those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine relative merit and fitness. See *In the Matter of Daniel Roach* (MSB, decided October 20, 2004). The positions as Behavioral Technician and Residential Teacher are supplemental positions. As this is a competitive situation, with five eligible candidates, any supplemental information provided on appeal cannot be considered.

An incumbent in the subject title primarily has charge of assigned activities within a program of recreational, vocational, occupational, physical, or behavior

modification therapy. On his application, Mr. Laloma indicated that his duties as a Senior Therapy Program Assistant were to communicate regarding patient care, create procedural guidelines, and audit and monitor adaptive equipment. He did not provide additional duties on appeal for his Senior Therapy Program Assistant position and the duties described are not the regular duties of a Senior Therapy Program Assistant. Given the variance between these duties and those required of the provisional title, DAS should perform a classification review of this position. A new examination can be announced if it is determined that the position is improperly classified as Senior Therapy Program Assistant.

As to his Human Services Technician title, the appellant provided no duties for this position with his application. On appeal, he describes his duties in this position as instructing patients in their socialization skills, applying behavior modification techniques, and applying crisis intervention performances comprised of four points, as well as mobile chair restraints, to curtail damage. He also inspected, reported and chronicled patient attendance at programs, their behaviors, their appearance, and their health. If this was the primary focus of the position, it is applicable. The appellant has 1 year, 2 months in this title. Lastly, the appellant has 34 credits in psychology and sociology classes, which prorate to 1 year, 2 months of applicable experience per the substitution clause. Thus, even if his experience as a Human Services Technician were to be accepted, he would still fall short eight months of qualifying experience.

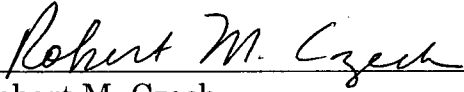
The appellant was denied admittance to the subject examination since he lacked the minimum requirements in experience. An independent review of all material presented indicates that the decision of DAS, that the appellant does not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied and the classification of the appellant's provisional position be referred to DAS for further review.

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



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