

B-32



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matters of Renee Eckel, *et al.*,
Human Services Specialist 4
(PC1173T), Camden County

Eligibility Appeals

CSC Docket Nos. 2016-848, *et al.*

ISSUED: **DEC 13 2016** (LDH)

Renee Eckel, Julia Powers, Ira Smiley and Letisha Smith appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Human Services Specialist 4 (PC1173T), Camden County. Since these matters address similar issues, they have been consolidated herein.

The subject examination was announced with a closing date of June 22, 2015 and was open, in part, to individuals who possessed 60 college credits and three years of experience involving any combination of the following: securing/verifying information and making determinations or recommendations relating to eligibility or qualifications of applications for loans, insurance, credit, or entitlement to cash awards, financial benefits, or adjustment and settlement of insurance claims; investigations which involve collection of facts and information by observing conditions, examining records, interviewing individuals, and preparing investigative reports of findings; or investigating, establishing, and/or enforcing support obligations in a welfare board or agency, court system, or related agency. A Bachelor's degree could be substituted for the education requirement above and for two of the three years of required experience. One year of the above experience shall have been in a lead capacity and could not be substituted. The resulting eligible list of 32 names promulgated on December 31, 2015 and expires on December 30, 2017.

Renee Eckel

Eckel indicated on her application she possessed a Bachelor of Science degree. She also indicated that as an Investigator, County Welfare Agency from February 2011 through the closing date she was responsible for determining eligibility for social services programs and fraud, by interviewing applicants and verifying information.

Julia Powers

Powers indicated on her application that she possessed 67 college credits. She also indicated, in relevant part, that as an Investigator, County Welfare Agency from May 1991 through the closing date she conducted elaborate, special, confidential and routine investigations of assigned public assistance cases for fraud. She also indicated that she was responsible for guiding lower level staff members for purposes of pre-screening and processing investigations.

Ira Smiley

Smiley indicated on his application that he possessed a Bachelor of Arts degree. He also indicated that as an Investigator, County Welfare Agency from June 2012 to the closing date he investigated welfare fraud by interviewing clients, compiling evidence, doing home visits, and performing other duties as required.

Letisha Smith

Smith indicated on her application that she possessed 60 college credits. She also indicated that as an Investigator, County Welfare Agency from December 17, 2008 to the closing date she interviewed clients and witnesses to obtain supporting documentation relating to allegations. She also indicated that she prepared investigation reports on proven fraud investigations for the purposes of testimony for hearing, juries or prosecutions.

Based on the foregoing, Agency Services determined that although all of the appellants possessed sufficient general experience, they did not possess sufficient lead worker experience. In this regard, it noted that Eckel, Smiley and Smith failed to indicate any lead worker experience on their applications and that although Powers indicated lead worker duties, the performance of those duties would be out-of-title for an individual in the title of Investigator, County Welfare Agency, and thus were not creditable. Thus, the appellants were found to be ineligible for the subject examination because they lacked one year of lead worker experience.

On appeal to the Civil Service Commission (Commission), the appellants argue that they meet the announced requirements for the subject title. Specifically,

they assert that although the job description for their current title of Investigator, County Welfare Agency does not indicate that an individual in that title works in a lead capacity, they do in fact perform lead worker duties. Moreover, they contend that their lead worker duties fall under the phrase of "other related work as required" in the job specification for their title. Alternatively, they argue that the job specification specifically indicates that not all duties performed may be listed. They assert that they perform lead worker duties by instructing lower level Human Services Specialists, training new Investigators, and performing supervisory duties in the absence of the supervisor. Thus, the appellants maintain that they should be found eligible for the subject examination.

A review of the job specification for an Investigator, County Welfare Agency indicates that an incumbent in that title conducts elaborate, special, confidential and routine investigations of assigned public assistance cases in which there is an alleged or suspected desertion, fraudulent receipt of assistance, or other violation of federal, state and county public assistance rules, regulations, or laws.

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. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

Initially, it is noted that Agency Services correctly determined that the appellants were ineligible for the subject examination as they lacked one year of lead worker experience. Although Powers indicated on her application that she performed relevant lead worker duties, the performance of those duties would be considered out-of-title. In this regard, the job specification for Investigator, County Welfare Agency does not identify lead worker duties as part of its job duties, thus the performance of such duties would be considered out-of-title. Out-of-title work is generally not acceptable for admittance to promotional examinations with open competitive requirements. This is because constant, repeated or lengthy out-of-title work assignments of career service employees are damaging to the system, create salary inequities and undermine the integrity of the classification plan. *See In the Matter of Suzanne M. F. Buriani-DeSantis* (CSC, decided July 30, 1985); *See also, In the Matter of Joyce Mutak* (MSB, decided February 24, 1987).

Moreover although Eckel, Smiley and Smith claim on appeal that they also performed lead work duties, they cannot now amend their application. *N.J.A.C.* 4A:4-2.1(f), provides that an application may only be amended prior to the announced filing date. Therefore since Eckel, Smiley and Smith did not list any lead worker

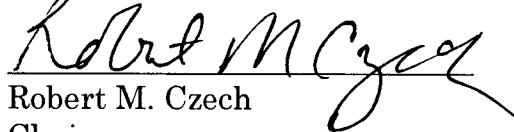
duties on their application, those duties cannot be reviewed on appeal for eligibility purposes. Regardless, even if they had noted lead worker duties on their applications, as discussed above, the performance of such duties would be considered out-of-title, and thus not creditable in the instant matter. Accordingly, the record reflects that the appellants did not meet the requirements for the title under test, and there is no basis to disturb the decision of Agency Services.

ORDER

Therefore, it is ordered that these appeals be denied.

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 7TH DAY OF DECEMBER 2016



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