



STATE OF NEW JERSEY

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

In the Matter of Richard Higgins,
Social Work Supervisor 1, Psychiatric
(PS3286K), Anne Klein Forensic
Center

Examination Appeal

CSC Docket Nos. 2018-1975

ISSUED: APRIL 2, 2018 (SLK)

Richard Higgins appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Social Work Supervisor 1, Psychiatric (PS3286K), Anne Klein Forensic Center.

The examination at issue was announced with specific requirements that had to be met as of the August 21, 2017 closing date. The education requirement was a Master's degree in Social Work. The experience requirements were four years of experience in social casework, three years of which shall have been in a supervisory capacity in the administration of a psychiatric social service program. The appellant was the only employee who applied for the subject examination and was deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant indicated that he possessed a Master's degree in Social Work. Additionally, personnel records indicate that he was provisionally serving in the subject title from February 2017 to the August 21, 2017 closing date, an Assistant Social Work Supervisor from September 2011 to February 2017, a Social Worker 1 from October 2010 to September 2011, a Court Services Supervisor 2 from August 2003 to February 2006, a District Parole Supervisor from October to September 2001, an Assistant District Parole Supervisor from March 1991 to October 1996, and held various other positions in State service starting in April 1974. Agency Services credited the appellant for his Master's degree, having

met the general experience requirements, and having seven months of applicable supervisory experience based on his provisional service in the subject title. However, it determined that he lacked two years and five months of applicable supervisory experience.

On appeal, the appellant presents that he started his career as a Parole Officer and was a Parole Officer supervisor for many years. He states that a Parole Officer is equal parts social worker and law enforcement officer and highlights the job specifications for Parole Officer supervisory titles, which indicate that incumbents in these titles need to have knowledge and ability in social casework. Therefore, he asserts that his Parole Officer supervisory experience from 1991 to 2001 and his Court Services Supervisor 2 experience from 2003 to 2006 provide him the required experience. Additionally, Anne Kenyon, Director of Human Resources for the appointing authority, explains that due to the appellant's legal experience as a Parole Officer, he is the expert advisor and coordinator of legal issues for the social work staff and oversees social workers in their treatment planning and programs.

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:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that although the appellant met the education and general experience requirements, he did not have three years of supervisory experience in the administration of a psychiatric social service program. However, it cannot be ignored that the job specifications for Parole Officer supervisory titles indicate that incumbents in these titles need to have social casework knowledge and abilities. Further, Ms. Kenyon explains that, due to the appellant's legal expertise that he gained as a Parole Officer supervisor, he is the coordinator of legal issues for social work staff and oversees social workers in their treatment planning and programs. Therefore, the Commission is satisfied that the appellant's education and experience warrant his admission to the subject examination. Additionally, the examination was cancelled due to a lack of qualified candidates and he continues to serve provisionally in the subject title. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and admit him to the subject examination.

This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded 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 27th DAY OF MARCH, 2018



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