

August 2005 to May 2016; 4) Sales/Refund Associate with Home Depot (part-time, 20 hours per week); 5) Owner/Operator of Best Cleaning Service Manager (part-time, 20 hours per week); 6) Service Manager with A-Amber Corporation; 7) Assistant Manager with Lacey Electric Supply; and 8) Dispatcher/Driver with A-Amber Taxi Corporation. In her list of duties, she also adds the position of Human Services Specialist 1. The appellant was credited with eight months of experience in her provisional position, and she was found to be lacking four years, four months of qualifying experience.

On appeal, the appellant states that she has over 18 years of applicable experience in her provisional position, and as Senior Radio Dispatcher, Radio Dispatcher Typing, Service Manager with A-Amber Corporation, and Dispatcher/Driver with A-Amber Taxi Corporation.

CONCLUSION

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.

At the outset, it is noted that the application is utilized to screen the candidate pool to ensure that all applicants, including provisional appointees, meet the minimum experience requirements for each position. Those applicants who meet the minimum eligibility requirements are then evaluated through the testing process in order to determine their relative merit and fitness. *See In the Matter of Jennifer Napoli* (MSB, decided February 25, 2004); *In the Matter of Daniel Roach* (MSB, decided October 20, 2004). Further, titles are categorized as professional, para-professional or Non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Program Coordinator Non-Emergency Transportation title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as relevant experience, it is considered a professional title.

The appellant's prior held titles of Senior Radio Dispatcher and Radio Dispatcher Typing, do not require a Bachelor's degree and therefore are not professional titles. *N.J.A.C.* 4A:4-2.5(a)3 states that Non-professional titles require less than 60 general college credits or less than 12 specific college credits, while *N.J.A.C.* 4A:4-2.5(a)2 states that para-professional titles require at least 60 general college credits or 12 or more specific college credits (but less than a full degree). As such, these titles are considered non-professional titles since they do not require completion of any college credits. The Human Services Specialist 1 title requires an Associate's degree and thus is a para-professional title. None of the work in any of these titles is professional work that would meet the level of work required in the announcement.

It is noted that, to some degree, nearly all titles require incumbents to apply administrative policies and procedures in the execution of their duties. At the most basic level, an employee could arguably “administer” almost anything as part of his or her regular work duties. Thus, the requirements for an examination must be evaluated in relation to both the level of the position and what actual experience would provide a logical nexus to the primary focus of the title. See *In the Matter of Kimberly Morris* (MSB, decided September 21, 2005). Thus, the “administrative experience” required for the Program Coordinator Non-Emergency Transportation title is essentially responsibility for a wide variety of planning, organizing, and directing a non-emergency transportation project that may include establishing an operating budget for the project. Performing the duties of a Senior Radio Dispatcher and Radio Dispatcher Typing do not rise to the level of administrative experience for this title and do not have the administrative experience as the primary focus. Rather, dispatching duties are the primary focus. The appellant’s remaining positions are inapplicable.

Lastly, *N.J.A.C.* 4A:4-1.5 (a) states that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. There is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment;
2. The appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment; and
3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

In this case, the appellant did not meet the minimum qualifications for the title at the time of the appointment and she still lacks four years, four months of qualifying experience.

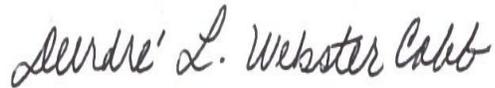
An independent review of all material presented indicates that the decision of the Division of Agency Services that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. Appellant provides no basis to disturb this decision. Thus, appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied. Further, as the appellant does not meet the requirements for the provisional position, she should be returned to her permanent title of Radio Dispatcher Typing.

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 23rd DAY OF OCTOBER, 2019



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