



STATE OF NEW JERSEY

In the Matter of Sandi Ferguson,
Program Specialist 4, Social/Human
Services (PS9457H), Department of
Health

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

CSC Docket No. 2020-910

Examination Appeal

ISSUED: OCTOBER 25, 2019 (JET)

Sandi Ferguson appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Program Specialist 4, Social/Human Services (PS9457H), Department of Health.

The promotional examination was announced with specific requirements which had to be satisfied by the March 21, 2019 closing date. The pertinent requirements were graduation from an accredited college or university with a Bachelor’s degree, and four years of experience in planning, monitoring, coordinating, implementing, modifying and/or evaluating a social or human services program, one year of which shall have been in a supervisory capacity over professional or technical staff. The examination was cancelled on September 23, 2019 as all of the applicants, including the appellant, were found ineligible for the examination.

The appellant listed on her application that she possessed a Bachelor’s degree, and that she served provisionally in the subject title from September 2018 to the March 2019 closing date. The appellant also listed on her application that she served as a per diem Staff Nurse from July 2016 to March 2019, a Nurse Educator from April 2016 to March 2019, a Nurse Educator Consultant from May 2013 to March 2019, and a Head Nurse from August 2008 to March 2019. Official personnel records show that the appellant served as a Training Technician 4 from February 2013 to September 2018. Agency Services credited her for her Bachelor’s

degree and with seven months of applicable experience for her provisional service in the subject title. However, it did not credit her with any other applicable experience. Accordingly, Agency Services determined that the appellant lacked three years and five months of applicable experience.

On appeal, the appellant asserts, among other things, that her experience is sufficient to qualify her for the examination. Specifically, she explains that she possesses 19 years of program development experience, and since 2000, she has been serving in a supervisory capacity. Her duties included providing treatment to individuals in mental health facilities, training employees, implementing various programs, and making recommendations with respect to administrative issues. Moreover, the appellant asserts that she performed such duties while serving as a Training Technician 4, and she continues to perform such duties while provisionally in the subject title.

Official personnel records show that appellant continues to serve provisionally in the subject title.

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.

In the present matter, the appellant should be admitted to the subject examination. Although the appellant's experience as a Training Technician 4 does not precisely mirror the required experience, the Commission is satisfied that the totality of her experience in that title in addition to her other work experience satisfies the announced requirements. In this regard, while training is the primary focus of much of the appellant's experience, such training was in conjunction with the implementation of a social or human services program. Additionally, the Commission notes that the appellant continues to serve provisionally in the title under test and has accrued an additional seven months of applicable experience. Moreover, the examination has been cancelled and there are no other applicants. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the totality of the appellant's experience, including experience gained after the closing date, for eligibility purposes only, and admit her to the examination.

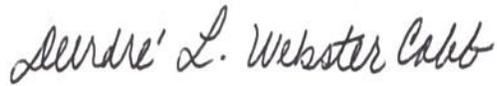
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this 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 23rd DAY OF OCTOBER, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

c: Sandi Ferguson
Anne S. Kenyon
Kelly Glenn