



STATE OF NEW JERSEY

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

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

CSC Docket No. 2020-913

Examination Appeal

ISSUED: NOVEMBER 8, 2019 (JET)

Edward McGowan appeals the determination of the Division of Agency Services (Agency Services) that he 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.¹

The appellant listed on his application that he possessed a Bachelor’s degree, and that he served provisionally in the subject title from September 2018 to the March 2019 closing date. The appellant also listed on his application that he served as Program Coordinator, Mental Health from July 2009 to September 2018, and as

¹ It is noted that *In the Matter of Sandi Ferguson, Program Specialist 4, Social/Human Services (PS9457H), Department of Health* (CSC, decided October 23, 2019), the Civil Service Commission (Commission) granted Ferguson’s appeal of her eligibility for the subject examination. Thus, in that matter, the Commission ordered that the examination cancellation be rescinded.

a Supervisor of Nursing Services from June 2003 to July 2009. Agency Services credited him for his Bachelor's degree and with seven months of applicable experience for his provisional service in the subject title. However, it did not credit him 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 his experience is sufficient to qualify him for the examination. Specifically, he explains that he is provisionally serving in the subject title and has been a registered nurse since 1997. The appellant states that he served on various committees, including the Program Oversight Committee and the Trauma Centered Care Committee, and he developed and oversees the policy pertaining to the Violence Prevention Committee in the workplace. Moreover, the appellant contends that he completed the Dialectical Behavior Therapy (DBT) study and he conducts a DBT patient group with respect to the Intense Treatment Unit. In support, the appellant submits a letter from his supervisor, Linda A. Elias, Deputy CEO, Clinical Services, who confirms that the appellant's duties include planning, implementing, and monitoring of programs to improve patient care and systems, developing policies, and completing clinical oversight and data analysis.

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 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 previous experience does not precisely mirror the required experience, the Commission is satisfied that the totality of his experience satisfies the announced requirements. In this regard, while direct patient care is the primary focus of much of the appellant's experience, such experience 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, only one other candidate has been admitted on appeal which will result in an incomplete list. 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 him to the examination.

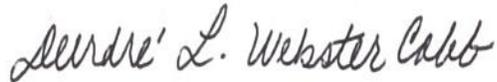
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, 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 6th DAY OF NOVEMBER, 2019



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