



STATE OF NEW JERSEY

In the Matter of Roslyn Gilliard,	:	FINAL ADMINISTRATIVE ACTION
Assistant Training Supervisor,	:	OF THE
County Welfare Agency (PC0084B),	:	CIVIL SERVICE COMMISSION
Essex County	:	
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	:	
CSC Docket No. 2021-595	:	Examination Appeal
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ISSUED: JANUARY 22, 2021 (SLK)

Roslyn Gilliard appeals the determination of the Division of Agency Services (Agency Services) that the promotional examination for Assistant Training Supervisor, County Welfare Agency (PC0084B), Essex County was not a promotion.

The subject promotional examination had a closing date of January 21, 2020. The education requirements were a Bachelor’s degree. The experience requirements were four years of experience determining training needs, developing training plans and material, and conducting training programs, or four years of supervisory experience of an income maintenance program or social service program in a welfare agency. A Master’s degree in Social Work could also substitute for two years of the required experience. A total of 20 employees applied for the subject examination and one was determined eligible. Certification PL200988 was issued containing the names of two eligibles, which included one eligible from the subject examination and one eligible from another list (PC2788W) for the subject title. Its disposition is due February 12, 2021, and the list expires on November 11, 2023.

On the appellant’s application, she indicated that she was provisionally serving in the subject title from December 2019 to the January 21, 2020 closing date, a Family Service Supervisor from April 2018 to December 2019, a provisional Assistant Administration Supervisor of Family Services from August 2017 to April 2018, a Family Service Supervisor from October 2009 to August 2017, and a Family Service Worker from August 1992 to October 2009. Official personnel records indicate that the appellant was a Family Service Supervisor from January 2014 to

the January 21, 2020 closing date, a provisional Assistant Administrative Supervisor, Family Services from April 2013 to January 2014, a Family Service Supervisor from February 2010 to April 2013, a Family Service Worker from June 2003 to April 2013, a provisional Family Service Supervisor from February 2001 to June 2003, and a Family Service Worker from April 1993 to February 2001. Agency Services determined that the appellant was not eligible for the subject examination as the subject title did not constitute a promotion from her permanent title.

On appeal, the appellant states at the time of her provisional appointment in the subject title, she was a certified Family Service Supervisor. Therefore, she contends that Agency Services incorrectly determined that the subject title does not represent a promotion as she believes that the subject title should be noted as a lateral move. She explains that she has been employed by the appointing authority for 28 years and has been provisionally been appointed several times. However, she asserts that she has been unable to maintain these provisional appointments due to Civil Service rules. She requests that her application and documentation from the appointing authority which outline her experience prior to her provisional appointment in the subject title be thoroughly reviewed.

Additionally, the appellant states that she has documentation that describes several factors that were unavailable at the time she was determined ineligible. She also believes that the current COVID-19 crisis may have factored into her denial. Further, the appellant states that this agency's classification unit has "further information" which she believes is relevant to this matter which should be reviewed by the Civil Service Commission (Commission). She argues that the most important factor in this case was that her ineligibility determination was not based on a lack of experience or qualifications. The appellant also questions how another Family Service Supervisor was determined eligible on a prior examination for a position in the subject title while she was determined ineligible. She submits a provisional promotional announcement for a position in the subject title that she received from the appointing authority. Additionally, she submits a statement which appears to come from this agency's classification unit which seems to indicate that she requested a voluntary demotion for a position. The statement indicates that the classification unit is awaiting the appointing authority to complete paperwork to move forward with her request for the voluntary demotion. The statement also indicates that although the subject title is a demotion under Civil Service, the position would represent a raise for the appellant.

CONCLUSION

N.J.A.C. 4A:1-1.3 defines a promotion in local service as an advancement in title. To determine such advancement, each title is assigned a class code. To be considered a promotion, a title must have a higher class code than the former title.

N.J.A.C. 4A:4-2.6(a) indicates that all requirements in a promotional announcement must be met as of the closing date. *N.J.A.C.* 4A:4-6.3(b) provides, in pertinent part, that the appellant shall have the burden of proof in examination appeals.

Initially, contrary to the appellant's statement that she was provisionally appointed to the subject title, official personnel records indicate that she is currently serving as a Family Service Supervisor. The fact that she received a promotional announcement for a potential opportunity for a provisional appointment is not evidence that she was provisionally appointed to the subject title. Further, even if she was provisionally appointed to the subject title, a provisional appointment has no relevance as to whether the subject examination represents a promotion as this determination is based on her current permanent title. Additionally, even if it were true that the subject examination represented a lateral move as the appellant states on appeal, she would still not be eligible as a lateral appointment is not a promotion. Rather, she would be required to undergo lateral title change procedures. See *N.J.A.C.* 4A:4-7.6. Moreover, the circumstances underlying her failure to be permanently appointed from a prior provisional appointment is not relevant to determining whether the subject title represents a promotion.

Additionally, the appellant states that she has documentation that describes several factors that were unavailable at the time she was determined ineligible. However, although the appellant was given the opportunity to provide documentation which she believes is relevant to this matter, she failed to do so. Further, the COVID-19 crisis could not have played any role in determining that the subject title was not a promotion. Regarding the appellant's statement that this agency's classification unit has further information which she believes is relevant to this matter which should be reviewed by the Commission, the Commission is not an investigatory body and it is the appellant's burden to provide documentation and otherwise prove her case.¹ Regardless, the Commission cannot fathom as to what information could be provided that would change the outcome in this matter. Concerning the appellant's argument that that the most important factor in this case was that her ineligibility

¹ The statement that the appellant provides that appears to come from this agency's classification unit confirms that the subject title is considered a demotion for the appellant. The fact that the subject title may represent a raise to the appellant has no bearing on whether the subject title is a promotion under Civil Service law and rules as a promotion in local service is determined based on an analysis of the level of the title in question and not compensation. In this regard, Civil Service law and rules provide for local appointing authorities to set compensation. See *N.J.A.C.* 4A:3-4.1(a).

determination was not based on a lack of experience or qualifications, before the appellant's experience was to be evaluated, under Civil Service rules, an applicant can only be eligible for a promotional examination if the subject title represents a promotion. Therefore, Agency Services correctly did not evaluate the appellant's experience as she did not meet this initial criterion. In reference to the appellant's allegation that another Family Service Supervisor was determined eligible for a prior examination for a position in the subject title, the fact that another applicant may have been incorrectly determined eligible for a position in the subject title is not relevant as to whether the subject title represents a promotion for the appellant and such an administrative error does not afford the appellant any rights.²

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination as the subject title was not a promotion for the appellant. Official personnel records indicate that the appellant has permanent status in the title of Family Service Supervisor which has a designated class code of 30. The Assistant Training Supervisor, County Welfare Agency title is designated as class code 28. A class code is a designation assigned to job titles in local government with ranking based upon an evaluation of job content, experience and education. Thus, because the appellant is permanent in a title with a higher class code than the title under test, it does not represent a promotion. As such, the appellant was not eligible for the subject promotional examination. Moreover, any such movement would also not be considered lateral, but rather demotional, for the same reason. If the appellant wishes to pursue an appointment in the subject title, she may seek a voluntary demotion under *N.J.A.C. 4A:4-7-8*.³

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

² The eligible on Certification PL200988 from another examination (PC2788W) also has a permanent title of Family Service Supervisor. Agency Services was informed of this and it indicated that the determination that this applicant was eligible for the (PC2788W) examination was an error. Therefore, Agency Services indicates that it shall remove that applicant's name from the (PC2788W) eligible list.

³ The statement that the appellant provides seems to indicate that the appellant has sought a voluntary demotion for a position in the subject title. However, the fact the appointing authority has not submitted paperwork to this agency to move forward with the appellant's request for a voluntary demotion does not mean that the appellant should be determined eligible for the subject promotional examination when the subject title does not represent a promotion under Civil Service rules and law. Note, there is no obligation under Civil Service rule and law that an appointing authority accept an employee's request for a voluntary demotion.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20^H DAY OF JANUARY 2021

Deirdre' L. Webster Cobb

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Chairperson
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