

B-42



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE  
ACTION OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Cynthia Ferguson,  
*et al.*, Field Representative, Housing  
(Housing Assistance Program)  
(S0517T), Statewide

Examination Appeals

CSC Docket Nos. 2016-1014  
2016-1280  
2016-1038  
2016-1218

ISSUED: NOV 10 2015 (RE)

Cynthia Ferguson, Therese McGrath, Shonette Trotman and Robert Wranovics appeal the determinations of the Division of Agency Services (DAS) which found that Cynthia Ferguson, Therese McGrath, and Robert Wranovics did not meet the experience requirements, and Shonette Trotman did not meet the experience requirements, per the substitution clause for education, for the open-competitive examination for Field Representative, Housing (Housing Assistance Program) (S0517T), Statewide. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination announcement was issued with a closing date of July 20, 2015 and was open to residents of New Jersey who met the announced requirements. These requirements, which had to be met as of the closing date, included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in field duties *and* client intake review relating to a housing assistance program or other housing related program requiring determination of facility and participant eligibility. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis. It is noted that 20 candidates appear on the resultant eligible list, which has been certified once, but no appointments have yet been made.

On her application, Cynthia Ferguson indicated that she possessed a Bachelor's degree, and a Master's degree in Education, and she listed one position on her application, Housing Counselor. She also provided a resume with four other positions, Social Worker/Outreach Coordinator with the Brain Injury Association of

New Jersey, "Behavior Assistance" with TheraCare, Secretary with Brice and Brice Landscaping Company, and Administrative Assistant with Garfield Park Academy School. None of this experience was found to be applicable and she was found to be lacking one year of applicable experience. On appeal, Ms. Ferguson states that her ineligibility determination was an oversight or mistake since she has been a certified Housing Counselor for five years. She also supplies several certifications from various trainings regarding housing.

Therese McGrath indicated on her application that she possessed a Bachelor's degree, and she listed five positions on her application and resume: Resident Concierge with Spring Hills Assisted Living, Lead Case Manager with Brand New Day, Job Developer with Union County College, Relocation Consultant with Relocation Companies, and Housing Counselor with Morris County Fair Housing Council. None of this experience matched the announced experience requirement, and Ms. McGrath was found to be lacking one year of applicable experience. On appeal, Ms. McGrath provides additional duties for each position.

Shonette Trotman indicated that she did not possess any college credits. Thus, per the substitution clause for education, she was required to possess an additional four years of experience. She listed one position on her application, Technical Assistant with the Department of Community Affairs. This experience was not accepted, and she was found to be lacking five years of required experience. On appeal, Ms. Trotman contends that she has been a Case Manager in Housing Assistance Programs for ten years. She states that, although she was not contracted to go out in the field, she has visited several sites of inspections and is aware of the duties involved. She also indicates that she was admitted to an open-competitive examination for the same title in 2011.

Robert Wranovics possesses a Bachelor's degree and listed six positions on his application and resume, three positions as Field Housing Inspector with Joule Engineering Staffing Sol, self-employment in a law practice, Public Defender with the Borough of Sayreville, and Senior Child Counselor with Middlesex County Juvenile Shelter. His position as Public Defender, Borough of Sayreville, overlaps with his private law practice position, and the number of hours worked per week are not provided. He received three months of credit for the first position as Field Housing Inspector, and was found to be lacking nine months of applicable experience. On appeal, Mr. Wranovics argues that he accrued applicable experience in the three positions as Field Housing Inspector. His resume combines the three Field Housing Inspector positions into one, with one set of duties. He explains that he worked in three different housing assistance programs and that he has conducted more than 2200 housing quality standards inspections throughout the State. He states that he has dealt with tenants, landlords, property management firms, various community agencies and nonprofit organizations. He states that he negotiates necessary repairs, and has conducted in home interviews of elderly and

disabled tenants as well as detailed processing of potential tenants' information for eligibility for benefits. The appellant states that he operated his own law practice for 20 years, specializing in residential real estate, and was involved in over 2000 closings, which entailed interviewing potential clients and evaluating their financial portfolios for funding programs, evaluation of housing inspection reports, negotiations, and drafting legal documents.

*N.J.A.C. 4A:4-2.3(b)* provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

### CONCLUSION

A Field Representative, Housing (Housing Assistance Program) is responsible for the primary field activities necessary to establish and maintain housing assistance payments to program participants including tenant counseling, dwelling unit inspections, lease and contract negotiations, and liaison activities with community service agencies. As such, applicable experience includes field duties as well as client intake review. Qualifying experience has the announced experience as the primary focus, and the amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties which define the primary experience requires that the applicants demonstrate that they primarily performed all those duties for the required length of time. In this case, there are two requirements, field duties and client intake review duties, and performance of only one of these is not indicative of comprehensive experience.

In that light, a review of Ms. Ferguson's experience as a Housing Counselor reveals that, while she makes determinations of facility and participant eligibility, she did not indicate that she performed field duties relating to a housing assistance program or other housing related program. She described her duties as, "Conduct intake and initial assessment of each customer to determine their needs. Perform weekly follow-up to monitor customers' progress to ensure the effectiveness of services provided and results of referrals to community resources." On her resume, Ms. Ferguson provided a general description of what a certified Housing Counselor does. She stated that the Counselor provides first time home buyer education, pre-purchase and post-purchase home ownership counseling, mortgage delinquency and default resolution counseling, fair housing assistance, renter assistance counseling to eligible applicants, credit check reports, ensures compliance with policies, and corrects credit issues in counseling sessions.

On appeal, the appellant maintains that her description indicates that she "conducted inspections, etc." and she provided a Burlington County Community Action Program Job Description for the position One Stop Case Manager, which was information she did not provide on her application. According to this description, a

One Stop Case Manager is responsible for conducting an intake for all walk-in customers, assessing customer needs and providing resources, record-keeping, data collection and documentation, contacting and screening customers, and referring them to the appropriate Housing Counselor for further assistance. It is unclear if she is indicating that she is a One Stop Case Manager instead of a Housing Counselor as she indicated on her resume and application. In either case, the descriptions provided do not include field work. Her remaining positions are not related to a housing assistance program or other housing related program requiring determination of facility and participant eligibility, and are inapplicable. Possession of certifications is not germane to this determination. Ms. Ferguson lacks one year of applicable experience.

Ms. McGrath's positions as Resident Concierge, Lead Case Manager, and Job Developer are not related to a housing assistance program or other housing related program requiring determination of facility and participant eligibility. As a Relocation Consultant, the appellant counseled corporate transferees and their families. This is not work involving a housing assistance program, or a related program. Determining housing opportunities and assisting corporations with their housing needs for their employees is not the same as determining facility and participant eligibility in a program.

As a Housing Counselor with Morris County Fair Housing Council, the appellant described her duties as a "Discrimination Counselor," wherein she received and filed discrimination complaints, assisted clients to receive a fair hearing; as a "Tenant/Landlord Counselor," wherein she answered inquiries and provided information regarding housing and the law; and as a "Housing Opportunities Counselor," wherein she researched and provided housing opportunity updates and attended conferences. In this position, the appellant ensured equal opportunities in housing, provided discrimination counseling and testing, developed and conducted information sessions on housing laws, maintained relationships with government officials, housing programs and a rent-leveling board, inspected rental units as a certified HUD Counselor, and participated in conferences. These were not field duties and client intake review relating to a housing assistance program. Ms. McGrath lacks one year of applicable experience.

As Ms. Trotman has no college credits, she is required to have five years of applicable experience. She has indicated on her application that her title was Technical Assistant, and on appeal, she calls herself a Case Manager. Ms. Trotman indicated on her application that the duties of this position included providing clients with information about housing options, compiling and collecting data, performing lead worker duties, reviewing inspection reports, negotiating leases and housing assistance payment contracts, investigating tenant compliance failure, making recommendations on participation eligibility, making budget revisions, and data entry. As this experience does not include field duties relating to a housing

assistance program, Ms. Trotman was appropriately found to be lacking five years of qualifying experience.

As to her admittance to a prior examination for this title, it is noted that each examination is separate. The fact that appellant was accepted for a prior examination with the same requirements does not preclude the Civil Service Commission from performing its function of evaluating an applicant's experience for a subsequent examination and to do otherwise might give an undeserved preference. As such, Ms. Trotman's eligibility for prior examinations has no bearing on her eligibility for the subject examination. Eligibility is established based on information on the application. *See In the Matter of Charles Klingberg* (Merit System Board, decided March 28, 2001).

Mr. Wranovics was credited with three months of experience in his first Field Housing Inspector position. In this position, he indicated that he reviewed and processed tenant applications, conducted housing inspections in nine counties directly affected by Superstorm Sandy, prepared detailed inspection reports, reviewed required repairs with landlords, conducted inspections to verify completion of repairs, and provided overviews of the program to tenants, sometimes at the client's place of residence. This experience matched the announced experience requirement.

In the second position as Field Inspector Housing, the appellant indicated that he performed field inspections, but he did not perform client intake review relating to a housing assistance program. His duties for this position included conducting inspections, preparing inspection reports, reviewing repairs with landlords, and conducting follow-up inspections to verify completed repairs.

In the third position as Field Inspector Housing, the appellant indicated that he conducted inspections, prepared detailed reports, reviewed repairs with landlords, conducted follow-up inspections for completed repairs, and conducted at-home interviews of elderly and disabled tenants to determine and verify necessary personal and income/asset information. This information was inadequate to determine that he was performing client intake review and housing participant eligibility. Even if this experience were to be accepted, it amounts to eight months of experience, and the appellant would still fall one month short of the required experience as of the July 2015 closing date. On appeal, the appellant provides duties that span his employment, but are not specific to individual positions. This method of analysis of work is not used to determine eligibility for examinations, as the primary focus of each position cannot be established in this manner. Each position is either accepted or rejected based on the primary focus, not individual duties. In this way, experience can be quantified and it can be determined if an applicant has the required amount of applicable experience. As some of Mr. Wranovics' experience was accepted and some was not, no assumptions can be made

regarding the positions in which he performed the individually described duties in his appeal. His self-employment, and experience as a Public Defender and Senior Child Counselor, are inapplicable, as they do not match the required field duties and client intake review duties relating to a housing assistance program or other housing related program requiring determination of facility and participant eligibility. Mr. Wranovics lacks nine months of required experience as of the closing date.

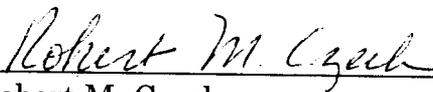
An independent review of all material presented indicates that the decisions of DAS that the appellants did not meet the announced requirements for eligibility by the closing date are amply supported by the record. The appellants provide no basis to disturb these decisions. Thus, the appellants have failed to support their burden of proof in these matters.

### ORDER

Therefore, it is ordered that these appeals be denied.

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 5<sup>th</sup> DAY OF NOVEMBER, 2015

  
\_\_\_\_\_  
Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Cynthia Ferguson (2016-1014)  
Therese McGrath (2016-1280)  
Shonette Trotman (2016-1038)  
Robert Wranovics (2016-1218)  
Jodi Evangelista  
Joseph Gambino  
Kelly Glenn

