
 KENNETH R. CZISNY,
 Appellant,
 v.
 VERNE H. KNOLL, Deputy Director,
 Bureau of Personnel,
 Respondent.
 Case No. 75-105

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OPINION AND ORDER



Before: JULIAN, Chairperson, SERPE, WILSON and DEWITT, Board Members.

OPINION

Nature of the Appeal

This is an appeal of a decision to deny Appellant admission to an examination. This case was heard before a single Board member acting as hearing officer. Pursuant to stipulation a quorum of the Board was polled following the hearing and decided preliminarily to affirm the Respondent's decision to deny Appellant admission to the examination.¹ This is the final decision following the review of the transcript and the record by the entire Board. This decision is responsive to the following issues to which the parties stipulated:

1. Does the Appellant have the training and experience or its equivalent as indicated on the job announcement dated August 11, 1975, for the position of Vocational Education Consultant 1 - Adult Basic Education.
2. Does the Respondent have the authority to include more definitive training and experience requirements in a job announcement than appear

1. This procedure was analogous to the denial of a motion for preliminary injunction in a judicial forum.

on a classification for the same classification.

3. Are the indicated qualifications necessary to provide reasonable prospects of success in performing the tasks of the position stated in the job announcement.

Findings of Fact

The training and experience required for this position, set forth in the class specifications marked Respondent's Exhibit 3, a copy of which is attached, are as follows:

"Attainment of a master's degree in education with a major in the field of vocational specialization and five years of related work and teaching experience in the specialized area, including three years in an educational supervisory, consultative, or coordinative capacity; or an equivalent combination of training and experience."

The training and experience requirements set forth in the job announcement, marked Appellant's Exhibit 2, a copy of which is attached, are as follows:

"Master's degree in education or educational administration, preferably including course work in Adult Basic Education and Curriculum Development; and five years of educational work experience, two years of which must have been in an Adult Basic Education program. Three years of the educational work experience must have been in a supervisory, consultative or coordinative capacity in education."²

We find that the Appellant has the required education for the position but does not have the required experience. We find that the duties of the position in question include, among other things, the instruction of teachers in Adult Basic Education with regard to content of curriculum and teaching skills.

Conclusions of Law

We make the following conclusions in response to the issues to which

2. We note that the phrase "or equivalent combination of training and experience" is not included in the announcement although the concept was applied with respect to the Appellant. We recommend that the phrase be included in job announcements for the benefit of potential applicants.

the parties stipulated:

1. The Appellant does not have the training and experience or its equivalent as indicated on the job announcement dated August 11, 1975, for the position of Vocational Education Consultant 1 - Adult Basic Education. In this regard, the Appellant has argued, in essence, that each nine months of his non-educational work experience should be counted as 12 months because the Bureau so computes academic work experience. We conclude that it is reasonable to distinguish between academic and non-academic work experience as the Bureau does, because of the different concepts of what constitutes year-round employment in these areas.
2. The Respondent does have the authority to include more definitive training and experience requirements in a job announcement than appear on a classification for the same classification. This authority is found in S. Pers. 2.04:

"These standards shall be considered basic guidelines and shall not preclude more definitive nor more general statements in recruitment announcements, provided that the kind and level of qualifications are not decreased."

The class specifications require, in addition to five years of related work, teaching experience in the specialized area. The job announcement requires five years of educational work experience, including at least two years in an Adult Basic Education program and at least three years in a supervisory, consultative or coordinative capacity in education. We conclude that the latter requirements do not decrease the kind and level of the qualifications set forth in the class specifications, although the language used in the job announcement could have been clearer.

3. The indicated qualifications are necessary to provide reasonable

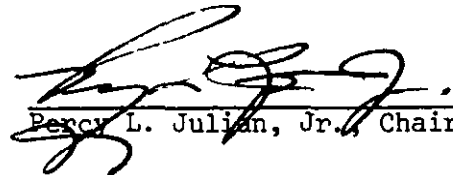
prospects of success in performing the tasks of the position stated in the job announcement. The duties of the position involve instruction of teachers in Adult Basic Education with regard to content of curriculum and teaching skills. This is a form of direct line consultation, training, and supervision. The requirements of experience in the area set forth in the job announcement are reasonable and necessary.

ORDER

IT IS HEREBY ORDERED that the actions and decisions of the Director here appealed are affirmed and this appeal is dismissed.

Dated April 23, 1976.

STATE PERSONNEL BOARD


Percy L. Julian, Jr., Chairperson