

B-24



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Scott Chianese,  
Library Director (PM0698U),  
Township of Hamilton

Examination Appeal

CSC Docket No. 2017-241

ISSUED: **MAR 15 2017** (ABR)

Scott Chianese appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for Library Director (PM0698U), Township of Hamilton (Hamilton).

The subject examination was announced with a closing date of April 21, 2016 and was open, in part, to applicants with a Master's degree in Library or Information Science and five years of library experience including work in the service, circulation, and reference areas, two years of which must have been in a supervisory capacity. The subject eligible list, containing one name, promulgated on July 14, 2016.

On his application, the appellant indicated, in relevant part, that he possessed a Master's degree in Library and Information Science from Rutgers University and had served as an Acting Director from November 2015 to the closing date of the examination (April 2016); as a Senior Librarian from July 2012 to October 2015; and as a Librarian from December 2003 to June 2012. Agency records indicate that the appellant was provisionally appointed to the title of Library Director, effective January 16, 2016, after having served as a Librarian 2 from April 2012 to January 2016; as a Librarian 1 from November 2003 to April 2012; and as a Library Associate from July 1994 to November 2003. Agency Services credited the appellant with the required five years of the indicated general library work experience and four months of supervisory experience, based upon his service as a provisional Library Director, but found that he was ineligible for the

subject examination because he did not possess the additional one year and eight months of required supervisory experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that he has been performing supervisory duties since April 2012. Specifically, he claims that as a Librarian 2, he "was responsible for the supervision of all members of the [C]irculation [D]epartment, as well as junior members of the [R]eference [D]epartment," and his duties included scheduling employee desk shifts, approving leave requests, assigning daily tasks to staff members, informing his supervisor whether his subordinates completed their assigned duties and resolving disputes involving staff members, including those involving library patrons. He adds that after the library's Assistant Director was promoted to the Library Director title in April 2013, he assisted her with the supervision of the library's daily operations; managed the adult programming schedule; "supervised" staff and volunteers involved with programming, acquisitions, and fundraising; gathered statistical data regarding library circulation, attendance and donations; and prepared reports and made budget recommendations to the Library Director based upon that data. The appellant also states that since October 2015, he has been the "Acting Director," managing all library operations, assigning projects and tasks, allocating staff, and completing performance evaluations. The appellant submits letters of support from the appointing authority and from Jeffrey D. Balling, President of the Hamilton Free Public Library Board of Trustees (Library Board). Mr. Balling confirms the appellant's description of his assigned duties in the aforementioned titles. The appointing authority states that the appellant, as a Librarian 2, "supervis[ed] library staff members, overs[aw] various services, programs and operations in [the] library" and performed those functions effectively.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

Agency Services correctly determined that the appellant was ineligible for the subject examination because he lacked the requisite amount of supervisory experience as of the April 21, 2016, closing date. On appeal, the appellant claims that he performed applicable supervisory duties while serving in the Librarian 2 title, including overseeing junior members of the Reference Department and all Circulation staff. Both the President of the Library Board and the appointing



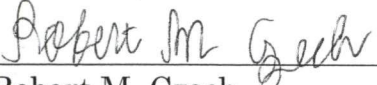
authority verify that the appellant supervised Library employees as a Librarian 2. However, the appellant's performance of supervisory duties while serving in the title of Librarian 2 would be considered out-of-title work. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect permanent appointments and verifies that the appellants have performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In the instant matter, both the appointing authority and the President of the Library Board verify that the appellant possessed more than one year and eight months of supervisory experience while serving in the title of Librarian 2. Moreover, the record evidences that the list is incomplete and there is only one name currently on the subject eligible list. Furthermore, the appellant continues to serve provisionally in the subject title. As such, good cause exists in this particular case to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

### ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed for future 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 9<sup>TH</sup> DAY OF MARCH, 2017

  
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