

B-25



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Cherie Shreve,
Project Manager Transportation
(PS2075T), Department of
Transportation

Examination Appeal

CSC Docket No. 2017-1739

ISSUED: **NOV 15 2017** (SLK)

Cherie Shreve appeals the determination of the Division of Agency Services (Agency Services) that she lacked one year of continuous permanent service in a title to which the examination was open for the promotional examination for Project Manager Transportation (PS2075T), Department of Transportation.

The examination at issue was announced with specific requirements that had to be met as of the January 21, 2016 closing date (see attached). A total 51 employees applied for the subject examination. The test was administered on December 1, 2016 and resulted in a list of 31 eligibles. The list expires on December 21, 2019.

On her application, Ms. Shreve indicated that she was a Contract Administrator 2 from September 2014 to the January 21, 2016 closing date and served in various other positions. Personnel records indicate that she was provisionally serving from September 2014 to March 2015 and permanently serving from March 2015 to the January 21, 2016 closing date as a Contract Administrator 2. Therefore, Agency Services determined that she lacked one year of continuous permanent service in the subject title.

On appeal, Ms. Shreve presents that she was the third ranked eligible on the Contract Administrator 2 (PS8694T) list and her name was certified to the appointing authority on November 13, 2014 (PS141469) in the third position. However, on December 18, 2014, she received notice from Agency Services that a

scoring error was detected and that the test was going to be rescored. Thereafter, certification PS141469 was cancelled due to the scoring error. Subsequently, a new certification, PS150121, was issued on February 5, 2015 with Ms. Shreve in the fourth position and she was permanently appointed effective March 7, 2015 as a Contract Administrator 2.

Ms. Shreve asserts that if the first certification was not cancelled she would have been permanently appointed as a Contract Administrator 2 sooner and would have been eligible for the subject examination. She argues that she should not be penalized due to the delay caused by the scoring error made by this agency. Therefore, she maintains she should be deemed eligible for the test. Additionally, Michele Shapiro, Director, Division of Human Resources, confirms Ms. Shreve's statements and states that the appointing authority supports her appeal.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides that applicants shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or title to which the examination is open.

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant did not meet the required experience as she only had 10 months of continuous permanent service as a Contract Administrator 2 by the January 21, 2016 closing date. However, the record reveals that her name was certified to the appointing authority for a position as a Contract Administrator 2 on November 13, 2014 and her name was in the third position. Further, this certification was cancelled due to a scoring error by this agency. Additionally, the appointing authority supports the appellant's contention that if not for the cancellation of certification PS141469, she would have been appointed to the Contract Administrator 2 title sooner enabling her to meet the permanent service requirement for the subject examination. Moreover, the appellant now has more than one year of continuous permanent service in a title to which the examination was open. Therefore, the Commission finds that the unique circumstances presented in this matter warrant the relaxation of *N.J.A.C.* 4A:4-2.6(a)1 to permit her admittance to the examination. *See In the Matter of William Love* (MSB, decided March 24, 1998).

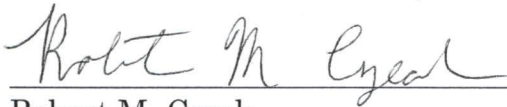
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted and Cherie Shreve should be scheduled for a make-up examination as soon as possible. If the appellant achieves a passing score, her name should be added to the eligible list 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 9th DAY OF MARCH, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Cherie Shreve
Michele Shapiro
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS2075T	WEIGHT CODE: *
TITLE: PROJECT MANAGER TRANSPORTATION	SALARY: \$81,458.00 - \$116,343.00
ISSUE DATE: January 01, 2016	CLOSING DATE: January 21, 2016
TITLE CODE: 10092/APFXR9	CLASS CODE: 30
DEPARTMENT: TPA/TRANSPORTATION	
UNIT SCOPE: T385 Capital Investment Planning and Grant Administration	

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Administrative Analyst 3
Administrative Analyst 3 Information Systems
Administrative Analyst 4
Administrative Assistant 1
Contract Administrator 2
Contract Administrator 3
Environmental Specialist 3
Environmental Specialist 4
Principal Biologist Transportation
Principal Engineer Planning
Principal Engineer Traffic
Principal Engineer Transportation
Principal Planner Transportation
Project Engineer Local Aid
Project Engineer Research
Project Engineer Planning
Project Engineer Surface Design
Project Engineer Traffic
Program Specialist 4
Supervising Planner Transportation
Supervising Transportation Analyst

Note: This announcement may be tested via the Supervisory Test Battery, a computer-administered exam. For information regarding the Supervisory Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>.

Revised 1/7/16

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09