



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Michelle Arnold,
Business Manager (PC1706A), Ocean
County

Examination Appeal

CSC Docket No. 2021-314

ISSUED: DECEMBER 21, 2020 (AMR)

Michelle Arnold appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Business Manager (PC1706A), Ocean County.

The subject examination was announced with a closing date of December 23, 2019 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and graduated from an accredited college or university with a Bachelor's degree. Also required was two years of management experience which shall have involved all of the following management functions: 1) setting program or organizational goals and objectives, 2) establishing organizational structure or determining the need for and developing plans for organizational changes, 3) setting policy for the organization or program managed by establishing program emphasis and priorities and developing operating and procedural guidelines, and 4) directing the work of the organization or program through subordinate levels of supervision. Graduation from an accredited college or university with a Master's degree in Human Services Administration, Business Administration, Public Administration, Industrial Management, Industrial Engineering, Management Science, or in a program related to the organization, operation, administration, and control of private or public organizations could be substituted for one year of experience. Moreover, applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. It is noted that the examination was

cancelled on September 26, 2020 due to a lack of qualified applicants. Additionally, the appellant was the only applicant, and agency records indicate that she is also the only current provisional serving in the subject title. In that regard, the appellant was appointed provisionally pending promotional examination procedures to the title of Business Manager, effective September 5, 2019.

On her application, the appellant listed her Bachelor's degree in Business Administration, as well as her Master's degrees in both Business Administration and Communication, all from Regis University. She also listed her experience as a Business Manager with Ocean County from May 2018 to December 2019, an Administrative Analyst from July 2017 to May 2018, an Assistant Administrative Analyst from July 2015 to July 2017, a Principal Clerk Typist from August 2004 to July 2015, a Senior Clerk Typist from April 2001 to August 2004, a Clerk Typist from July 1999 to April 2001, and a Clerk from August 1998 to July 1999. However, a review of the appellant's personnel record indicates that she has been provisionally serving in the subject title since September 2019 and was an Administrative Analyst from August 2017 to September 2019, an Assistant Administrative Analyst from August 2015 to August 2017, a Keyboarding Clerk 3 from September 2004 to August 2015, a Keyboarding Clerk 2 from May 2001 to September 2004, a Keyboarding Clerk 1 from July 1999 to May 2001, and a Clerk 1 from September 1998 to July 1999. Agency Services credited the appellant with one year of experience for having a Master's degree and four months of applicable experience based on her provisional service in the subject title. The remainder of her experience was deemed as out-of-title work experience or not applicable. Therefore, she lacked eight months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant outlines the duties she performs in the subject title and her previous titles and includes her resume. Therefore, the appellant maintains that she meets the experience requirement for the subject examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. Moreover, *N.J.A.C.* 4A:4-2.6(c) indicates that, except when permitted by the Chairperson or designee for good cause, applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. Additionally, *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination because she did not meet the experience requirement as of the December 23, 2019 closing date since she lacked eight months

of experience. Agency Services noted that the appellant listed out-of-title work experience. Regardless, the appellant was provisionally appointed to the title under test, effective September 5, 2019, and continues to serve provisionally in that title. As such, the Commission finds that, for examination eligibility purposes, she has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the examination was cancelled due to lack of eligible applicants, and the appellant is the only provisional employee in this title. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed 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 16TH DAY OF DECEMBER 2020

Deirdre' L. Webster Cobb

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