

CSC  
B-49



STATE OF NEW JERSEY

In the Matter of Audrey A. Rozger,  
Municipal Recycling Coordinator  
(PM1407R), Woodbridge

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-944

Examination Appeal

ISSUED: OCT 22 2014 (BS)

Audrey A. Rozger appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Municipal Recycling Coordinator (PM1407R), Woodbridge.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced June 21, 2013 closing date. Specifically, all applicants had to have two years of experience in the management of a solid waste, recycling, or resource recovery program. Records indicate that the subject promotional examination was cancelled on October 10, 2013 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed experience as a provisional Municipal Recycling Coordinator (3/13 to the closing date), Complaint Investigator (8/05 to 2/13), Education Coordinator (9/96 to 9/02), and State Park Ranger (6/79 to 8/90). The Division of Selection Services concluded that the appellant possessed four months of applicable experience as a provisional Municipal Recycling Coordinator as of the closing date. None of the remaining positions listed on her application involved responsibilities in the required areas. Consequently, the Division of Selection Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that she satisfies the subject requirements. In support of her appeal, Dennis Henry, Director of Public Works, Woodbridge, submits a letter indicating that the appellant has been "involved in all aspects" of Woodbridge's recycling program, albeit out-of-title as a Complaint Investigator, since she started with the Department of Public Works in 2005. Mr. Henry indicated that the Department of Public Works is "more than satisfied" with the appellant's performance while serving in this capacity.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that the appellant possessed seven months of applicable experience as a provisional Municipal Recycling Coordinator as of the closing date. Although the appellant claims to have assumed appropriate responsibilities while serving as a Complaint Investigator, such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements for promotional examinations announced with open-competitive requirements.

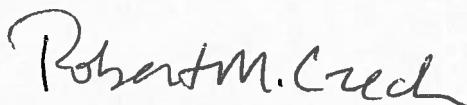
However, Dennis Henry, Director of Public Works, has endorsed the appellant's claim of performing such out-of-title work responsibilities while serving as a Complaint Investigator and indicated that the appellant had actually been performing the duties of a Municipal Recycling Coordinator while serving in the Complaint Investigator title. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Municipal Recycling Coordinator, the subject promotional examination has been cancelled due to a lack of qualified applicants, and that this is not a competitive situation. Accordingly, accepting the appellant's out-of-title work experience as a Complaint Investigator, for eligibility purposes only, will allow the appellant the opportunity to be considered for permanent appointment to the subject title.

### ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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 22ND DAY OF OCTOBER, 2014



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