

CSC
B-24



STATE OF NEW JERSEY

In the Matter of Maggie Mitchell,
Superintendent Parks and Forestry 4
(PS6946G), Department of
Environmental Protection

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

CSC Docket No. 2015-42

ISSUED: NOV 21 2014 (EG)

Maggie Mitchell appeals the determination of the Division of Selection Services (Selection Services) which found that she was below the minimum requirements in experience for the promotional examination for Superintendent Parks and Forestry 4 (PS6946G), Department of Environmental Protection.

The subject promotional examination was announced with specific requirements which had to be met as of the announced closing date of February 21, 2014. Applicants were required to have graduated from an accredited college or university with a Bachelor's degree in Forestry, Landscape Architecture, Park Planning, Park Management, Park Administration, Parks and Recreation, or Natural Resources Management. Additionally, applicants were required to have one year of experience in the operation or implementation of a park, recreation, forestry, and/or other closely related natural resources management program, or the administration, operation and maintenance of a marina, or in the general supervision, administration, and operation of publicly and/or privately owned lands and facilities managed for recreational and conservational use. It is noted that the subject eligible list was promulgated with three eligibles on June 26, 2014 and expires on June 25, 2017. The list has been certified once, and resulted in the appointment of one eligible.

A review of the appellant's application in conjunction with official personnel records indicates that she has served as an Agency Service Representative 4 from September 2013 through the closing date of the subject examination. She also served as a Customer Service Representative 1 from August 2011 to September

2013, as a Customer Service Representative 3 from July 2007 to August 2011, as a Customer Service Representative 4 from March 2003 to July 2007, as a Senior Clerk Typist from November 2002 to March 2003, as a Clerk Typist from November 2000 to November 2002 and as a Summer Seasonal Office Worker from May 2000 to August 2000. In reviewing the appellant's application, Selection Services determined that none of her work experience was applicable.

On appeal, the appellant argues that she gained applicable experience for the title under test as a Customer Service Representative 3 and a Customer Service Representative 1. Additionally, she contends that the applicable experience she gained in these titles was not out-of-title work as the job descriptions for both titles indicate "Performs other duties consistent with the operations of the agency as required." In this regard, the appellant indicates that her duties as a Customer Service Representative 3 included the following: Interviewing, training and managing seasonal employees; completing fiscal projections for annual operations in order to submit purchase orders for park operation and for seasonal expenditures; obtaining bids from vendors to order goods for park operations; communicating with Park Police to ensure proper operation of the park; supervising daily cash management; and inventorying and ordering office supplies. Further, the appellant asserts that as a Customer Service Representative 1 her duties included the following: Oversight of park operations in the absences of the Superintendent; interviewing, training and managing seasonal employees; completing fiscal projections for annual operations in order to submit purchase orders for park operation and for seasonal expenditures; maintaining accurate records of account allocations; obtaining bids from vendors to order goods for park operations; compiling and reviewing various State agency documents; taking the lead role in work operations involving the issuance of agency documents such as permits; collecting and reconciling deposits; disseminating information throughout the parks; submitting operational reports; analyzing various operational procedures and plans and recommending changes; supervising and preparing bank deposits; and assigning work to maintenance employees.

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. Additionally, *N.J.A.C.* 4A:4-6.3(b) provides that an appellant has the burden of proof in examination and selection disqualification appeals. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted 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 eligibility requirements.

In the instant matter, Selection Services appropriately denied the appellant's eligibility for the subject examination for lacking one year of applicable experience.

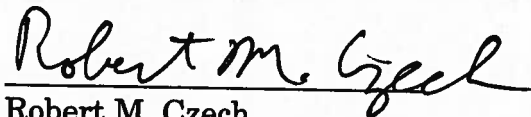
A review of the appellant's application reveals that while the appellant listed operational duties in her positions as a Customer Service Representative 3 and a Customer Service Representative 1, the official job descriptions for those titles list the primary focus as customer service and the dissemination of information. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Further, the job description for Customer Service Representative 1 clearly indicates that incumbents take the lead in the work operations of a public information and licensing unit. Thus, although the appellant claims to have performed applicable work in this title, any applicable experience she gained in the operation or implementation of a park, recreation, forestry, and/or other closely related natural resources management program, or the administration, operation and maintenance of a marina, or in the general supervision, administration, and operation of publicly and/or privately owned lands and facilities managed for recreational and conservational use while in the Customer Service Representative 3 and a Customer Service Representative 1 titles would be considered out-of-title work experience. *See N.J.A.C. 4A:4-2.6(c)*. In this regard, without appointing authority verification that she performed such out-of-title duties, good cause has not been provided to allow experience gained as a result of out-of-title work to satisfy the eligibility requirements for the subject examination. Accordingly, based on the foregoing, the appellant has not met her burden of proof, and has not provided a basis to disturb the determination of Selection Services that she was ineligible for the title under test.

ORDER

Therefore, it is ordered that this appeal be denied.

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 19TH DAY OF NOVEMBER, 2014



Robert M. Czech

Chairperson

Civil Service Commission

**Inquiries
and
Correspondence**

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

**c: Maggie Mitchell
Deni Gaskill
Dan Hill
Joseph Gambino**