



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Bernard DeLury, III  
and Alexandra Fullerton, Graphic  
Artist 1, (C1041R), Atlantic County

Examination Appeals

CSC Docket Nos. 2014-2847 and  
2014-2739

ISSUED: JUL 30 2014 (SLK)

Bernard DeLury, III and Alexandra Fullerton appeal the determinations of the Division of Selection Services (Selection Services) that they were below the minimum requirements in experience for the open competitive examination for Graphic Artist 1, (C1041R), Atlantic County. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the December 17, 2013 closing date (see attached). Seven individuals applied for the subject examination that resulted in a list of one eligible with an expiration date of May 7, 2017.

On Mr. DeLury's application, he indicated that he was a Human Services Specialist 1 with Atlantic County from August 2013 to November 2013. A review of agency records indicate that he was provisionally serving in the title under test from November 2013 to the December 17, 2013 closing date. He also indicated that he was a Spa Attendant for Tropicana Casino Hotel from May 2011 to August 2011 and a Retail Associate for Boscov's Department Store from January 2009 to January 2011. Mr. DeLury possesses a Bachelor's degree in Arts. Selection Services credited him with having met the education requirement, but determined that none of his experience was applicable.

Ms. Fullerton indicated on her application that she was a Customer Service Representative for the New Jersey Motor Vehicle Commission from November 2003 to the December 17, 2013 closing date, a part-time Personal Assistant for the

University of Medicine and Dentistry of New Jersey from June 2003 to September 2003, and a part-time Student Worker for Burlington County College from November 2002 to July 2003. She also indicated that she was an Art Intern from May 2001 to August 2001 that was not part of her college curriculum. Ms. Fullerton possesses a Bachelor's degree in Visual Arts. Selection Services credited her with having met the education requirement, but determined that none of her experience was applicable.

On appeal, Mr. DeLury states that the subject title requires an Associate's degree in Graphic Designs or Multimedia Design and he possesses a Bachelor's degree in Arts with a concentration in Interdisciplinary Visual Arts that included graphic and multimedia design. He states that during his years of study, he gained well over one year of unpaid work experience involving graphic arts. He highlights that some of his projects have been used as commercial advertising collateral, costuming for local musical groups, and as graphic and multimedia displays in a local gallery. Mr. DeLury outlines specific graphic design skills that he has and asserts that he has been performing at or above the level of a Graphic Artist 1 for over six months. Therefore, he argues that his four years of study in the arts and his unpaid experience should qualify him for the subject title.

Ms. Fullerton presents that the subject title requires an Associate's degree in Graphic Arts and she possesses a Bachelor's degree in Visual Arts. Therefore, she maintains that her Bachelor's degree should be allowed to substitute for the required experience. Moreover, Ms. Fullerton asserts that she has over one year of experience and notes that as an Art Intern with Starfish Media, she assisted with page layouts, picture editing, and ad layouts. Additionally, she maintains that she used her graphic arts background to edit page layouts, create logos, and design web pages for friends, family, and her own personal use and states that she has several years of experience with many graphic arts software programs and has experience with painting, drawing, html coding, and digital and film photography.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Selection Services correctly determined that the appellants were not eligible for the subject examination. As of the announced closing date, the appellants did not have one year of full-time experience in work involving graphic arts. However, both of the appellants possess Bachelor's degrees in Art and the subject title only requires an Associate's degree in Graphic Designs or Multimedia

Design. Additionally, both of the appellants provide examples of unpaid work where they have utilized their graphic design background. Additionally, Mr. DeLury continues to serve provisionally in the subject title and the subject list is incomplete, containing the name of only one eligible. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.3(b)2* and accept the totality of the appellants' education and experience and admit them to the subject examination. Accordingly, admitting the appellants to the subject examination will provide the appointing authority with a complete eligible list so that it can make a permanent appointment.

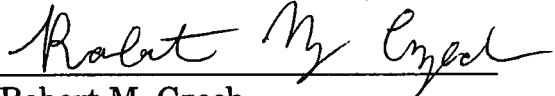
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

**ORDER**

Therefore, it is ordered that the appeal be granted, and the appellants' applications 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 30<sup>th</sup> DAY OF JULY, 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

Attachment

c: Bernard DeLury, III  
Alexandra Fullerton  
Dennis Levinson  
Kenneth Connolly  
Dan Hill  
Joseph Gambino



## Job Announcements

Symbol: C1041R Title: **GRAPHIC ARTIST 1**

Issue Date: 11/26/2013

Closing Date: 12/17/2013

Jurisdiction: ATLANTIC COUNTY

Salary: \$25,233.00 - \$30,287.00 Per Year

Num. of Positions: 1

Workweek: 40 Hours per week

Application Fee: \$25.00

### OPEN TO RESIDENTS OF:

Atlantic County

### REQUIREMENTS:

**EDUCATION:** Graduation from an accredited college or university with an Associate's degree in Graphic Designs or Multimedia Design. Please submit a copy of your transcript with your application. Failure to do so will result in ineligibility.

**Foreign transcripts must be evaluated by a recognized evaluation service. Please submit a copy of your evaluation with your application. Failure to do so will result in ineligibility.**

**NOTE:** Applicants who do not possess an Associate's degree may substitute a postsecondary certificate of completion of a business or vocational course of study in page layout and/or graphic design software with an emphasis on publishing applications. If you are substituting a postsecondary certificate for the required education, please submit a copy of your certificate with your application. Failure to do so will result in ineligibility.

**EXPERIENCE:** One (1) year of experience in work involving graphic arts.

**LICENSE:** Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform the essential duties of the position.

### IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
7. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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