



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Maureen Donnelly,
Technical Assistant, Land Use
(PM0148S), Sparta

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Examination Appeal

CSC Docket No. 2014-3126

ISSUED: **SEP 05 2014** (SLK)

Maureen Donnelly appeals the determination of the Division of Selection Services (Selection Services) that she did not meet the experience requirements for the promotional examination for Technical Assistant, Land Use (PM0148S), Sparta.

The examination at issue was announced with specific requirements that had to be met as of the January 21, 2014 closing date (see attached). Ms. Donnelly was the only individual who applied for the subject examination and the examination was cancelled due to a lack of qualified applicants.

On her application, the appellant indicated that she was a Clerk 2 from June 1995 to the January 21, 2014 closing date. A review of agency records indicates that she was provisionally serving in the title under test from October 2013 to the January 21, 2014 closing date, a Clerk 2 from November 2002 to October 2013, and a Clerk 1 from June 1995 to November 2002. She also possesses an Associate's degree. Selection Services credited her with two years of experience based on substituting her education for experience, but determined that her work experience was not applicable as it was out-of-title. Therefore, Selection Services determined that the appellant was one year short of the required experience to establish eligibility for the title under test.

On appeal, the appellant states that she has been the Land Use Administrator and Board Secretary for Sparta since 1999 and that she has certifications for these position that are issued by Rutgers every five years. Additionally, she indicates that she possesses an Associate's degree in Paralegal

Studies and has been the Acting Zoning Officer for three years. She presents that she manages the Land Use application process from start to completion for subdivisions, site plans, Use and C variances and provides the detail as to the various duties and responsibilities that she has in managing this process. Additionally, she highlights that her duties include providing information to the public regarding the zoning ordinances and application process and provides further details in her duties to accomplish this responsibility. She argues that her 15 years of experience, education, and professional qualifications well exceed the three year minimum requirement as indicated in the subject job announcement.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional 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 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. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with two years of experience based on substituting her education for experience and would need an additional one year of relevant experience to establish eligibility. Any relevant experience gained as a Clerk 1 or Clerk 2 would be out-of-title-work.

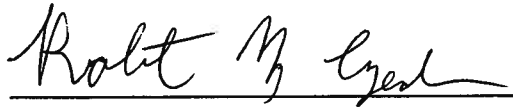
However, although the appellant's experience as a Clerk 1 and Clerk 2 does not precisely mirror the requirements contained in the announcement, the Civil Service Commission is satisfied that the totality of her varied experience since June 1995 along with her certifications as a Land Use Administrator and Planning Board/Zoning Board Secretary warrant her admission to the examination. Additionally, the examination situation is not competitive as she is the only individual who applied for the subject examination. Also, the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the totality of the appellant's experience and education including her provisional experience after the closing date, for eligibility purposes only, and to admit her to the examination. Further, admitting the appellant to the subject examination will provide the appointing authority with the opportunity to make a permanent appointment.

ORDER

Therefore, it is ordered that the appeal be granted, 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 3rd DAY OF SEPTEMBER, 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: Maureen Donnelly
William Close
Dan Hill
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



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

SYMBOL: PM0148S

WEIGHT CODE: *

TITLE: TECHNICAL ASSISTANT LAND USE

SALARY: \$45,000.00 - \$55,000.00

ISSUE DATE: January 01, 2014

CLOSING DATE: January 21, 2014

TITLE CODE: 06904/ AWRUR2

JURISDICTION CODE: N19180004

JURISDICTION: SPARTA

DEPARTMENT: COMMUNITY DEVELOPMENT

RETURN COMPLETED APPLICATIONS TO: **ONLY ON LINE APPLICATIONS
WILL BE ACCEPTED
FOR THIS ANNOUNCEMENT**

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Experience: Three (3) years of experience in the application and interpretation of rules and regulations regarding local zoning and/or land development matters, or experience in reviewing plans for commercial, industrial or residential land development, or in municipal, county, regional or state planning.

Note: Applicants who do not possess the required experience may substitute education at an accredited college or university for the experience as indicated on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience. You must indicate the total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

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. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

NOTE: As of December 1, 2013, applications must be completed and submitted by 4:00 pm on the closing date.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **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-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, 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.** (i.e. Police, Fire, Corrections and Sheriff).
6. **SAVE ON POSTAGE! GO PAPERLESS! RECEIVE IMMEDIATE CONFIRMATION THAT YOUR APPLICATION HAS BEEN RECEIVED!** You can now file an application for this examination on-line. Visit the Civil Service Commission website at <http://info.csc.state.nj.us/epoa>. Select the promotional announcement and click on the link, "Click Here to file Online" at the top of the announcement. **You can now complete and submit your application and payment on-line to the Civil Service Commission and you will receive an immediate receipt confirmation!**

DPF-256A * Revised 03/09