

STATE OF NEW JERSEY

In the Matter of Zachary Kuhlwein, County Park Manager (PC0653W), Monmouth County	• • • • • • • • • • • • • • • • • • • •		DMINISTRATIVE ACT OF THE SERVICE COMMISSIO	
CSC Docket No. 2019-356	•		Examination Appeal	
		<b>ISSUED:</b>	October 31, 2018	(RE)

Zachary Kuhlwein appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for County Park Manager (PC0653W), Monmouth County.

The subject examination announcement was issued with a March 22, 2018 closing date, 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 title and who met the announced requirements. These requirements included possession of a Bachelor's degree from an accredited college or university, and one year of professional experience in public land management including the care, protection and maintenance of large tracts of land utilized by large numbers of people. The appellant was found to be ineligible based on a lack of applicable experience. As there were no admitted applicants, the examination was cancelled on July 25, 2018.

The appellant indicated on his application that he possessed a Bachelor's degree and he listed three positions: out-of-title work as a County Park Manager from August 2017 to March 2018, County Park Ranger, and Transit Operator. A review of agency records indicates that the appellant was a County Park Ranger from August 2013 to the closing date, March 2018. There was no record that he was provisionally appointed to that title under test. None of this experience was accepted, and he was found to be lacking one year of applicable experience.

On appeal, the appellant argues that he meets the minimum requirements for the position as he has been working out-of-title since August 2017, and he provides some of the places he was assigned to work. Further, the appointing authority verifies the appellant's out-of-title work experience as a County Park Manager since August 2017.

## CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. N.J.A.C. 4A:4-2.6(c)1 provides 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.

In the present matter, a review of the documentation demonstrates that initially, Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was properly not credited for his experience as a County Park Ranger as it was out-of-title work. However, the appointing authority has verified that the appellant worked out-of-title as a County Park Manager for eight months when he was reassigned to a park. Additionally, the appellant continues to perform required out-of-title duties and he has accrued at least an additional four months of experience since the closing date. Also, the subject examination was cancelled due to a lack of admitted candidates. Under these circumstances, good cause exists to accept the out-of-title work experience, and to relax the provisions of N.J.A.C. 4A:4-2.6(a) and accept the appellant's experience after the closing date, and admit him 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.

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 31<sup>st</sup> DAY OF OCTOBER, 2018

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Deirdré L. Webster Cobb Chairperson Civil Service Commission

Inquiries and Correspondence Christopher S. Myers Director Division of Appeals and Regulatory Affairs Civil Service Commission Written Record Appeals Unit P. O. Box 312 Trenton, New Jersey 08625-0312

c: Zachary Kuhlwein Frank Tragno Jr. Kelly Glenn Records Center