



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of John Delesandro and
Susan Woidill, Assistant Director,
Codes, Standards and Housing
Development (PS6516DN),
Department of Community Affairs

Examination Appeals

CSC Docket Nos. 2018-3501 and
2018-3500

ISSUED: AUGUST 17, 2018 (SLK)

John Delesandro and Susan Woidill appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Assistant Director, Codes, Standards and Housing Development (PS6516DN), Department of Community Affairs. 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 21, 2017 closing date. The education requirements were a Bachelor's degree. The experience requirements were seven years of experience in construction project management, training and education, a regulatory or code enforcement program, certification and licensing programs or developing and administering housing for low and moderate income families or housing assistance programs, three years of which shall have been in a managerial capacity. A total of four employees applied for the subject examination and one employee was deemed eligible. Certification PS180779 was issued and the one eligible was appointed.

Delesandro indicated on his application that he possessed a Bachelor's degree. Personnel records indicate he was a Program Specialist 4, Regulatory Programs from April 2014 to the December 21, 2017 closing date, a Supervising Program Development Specialist, Construction Code Education Program from January 2003 to April 2014, and other positions in State service starting in November 1994. Agency Services credited Delesandro with having met the

education and general experience requirement, but determined that he lacked three years of managerial experience.

Woidill indicated on her application that she possessed a Bachelor's degree. Personnel records indicate that she was an Administrative Analyst 4 from December 1999 to the December 21, 2017 closing date and served in other positions in State service starting in December 1988. Agency Services credited Woidill with having met the education and general experience requirement, but determined that she lacked three years of managerial experience.

On appeal, both appellants submit letters from their supervisor, Kevin Luckie, Assistant Director, Codes, Standards and Housing Development, which explain in detail how Delesandro, since 2003, and Woidill, for the past 10 years, were both responsible for budget preparation and policy or procedure development within their respective areas within the Division of Codes and Standards due to business necessity.

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.

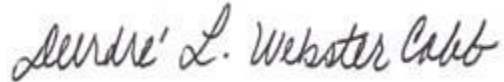
Initially, it is noted that Agency Services correctly determined that the appellants were not eligible for the subject examination as the appellants were serving in supervisory, but not managerial titles. Managerial responsibility includes budget preparation and policy or procedure development. *See In the Matter of Joshua Lazarus* (MSB, decided August 15, 2007); *In the Matter of Joseph Nayda* (MSB, decided July 25, 2007). Any relevant experience that the appellants gained performing such managerial duties while serving in supervisory titles would be out-of-title-work. However, their supervisor confirmed that the appellants performed the required managerial duties for over 10 years while serving in supervisory titles due to business necessity. Additionally, the eligible list is exhausted as there are currently no names on the list. Accordingly, good cause exists to accept the appellants' out-of-title managerial experience, for eligibility purposes only, and admit them to the examination.

ORDER

Therefore, it is ordered that these appeals be granted and John Delesandro's and Susan Woidill's 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 15th DAY OF AUGUST, 2018



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