



STATE OF NEW JERSEY

In the Matter of Tricia Palazzone, *et al.*, Records Technician 3, Motor Vehicles (PS6554T), Motor Vehicle Commission

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket Nos. 2022-2036, *et al.*

Examination Appeals

ISSUED: May 2, 2022 (ABR)

Tricia Palazzone, Stacy Mills and Pasqualina Hollendonner appeal the determinations of the Division of Agency Services (Agency Services), which found that they were ineligible for the promotional examination for Records Technician 3, Motor Vehicles (PS6554T), Motor Vehicle Commission on the basis that they were not permanent in the competitive division of the career service as of the closing date. The Motor Vehicle Commission (MVC) also requests that the appointment type recorded for each incumbent in the title of Technician MVC be amended to regular appointment (promotion) (RAP) upon completion of their working test periods. Because these matters involve similar issues, they have been consolidated herein.

The subject examination 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 competitive title and possessed one year of experience in the review/analysis of driver records for the purpose of ensuring that laws, rules, regulations, or policies have been interpreted properly or in a public/private agency involved in processing, evaluation, and/or adjustment of damage claims or other insurance claims evaluation and adjustment work as of the September 21, 2021 closing date. A total of 50 applicants were admitted to the subject examination, which has not yet been administered. A total of 14 applicants were deemed ineligible for the subject examination on the basis that they were not permanent in the competitive division as of the closing date.

Palazzone stated that she served as a Technician MVC from April 2019 to the closing date (September 2021) and as a Customer Service Information Specialist 3 from June 2015 to April 2019. Mills stated that she served as a provisional Records Technician 3, Motor Vehicles from March 2020 to the closing date; as a Technician MVC from July 2019 to March 2020; and as a Technician Trainee MVC from November 2016 to November 2017. Hollendonner stated that she served as a Technician MVC from March 2020 to the closing date.

MVC notes that the appellants' ineligibility resulted from the Civil Service Commission (Commission) approval of the interim reallocation of the title of Technician MVC to the noncompetitive division through October 23, 2021 in *In the Matter of Reallocation of Technician MVC* (CSC, decided May 19, 2021). It submits that since all of the employees in the Technician MVC title were serving in the noncompetitive division as of the closing date, they were not eligible and did not have a clear succession for promotion as their appointment types were recorded as regular appointment (noncompetitive) (RAN). The appointing authority indicates that although Agency Services has advised it that it would review individual cases when an employee in the Technician MVC title applied for a promotion, this process has been cumbersome and has been hampering its operations, causing major delays in its hiring processes and inhibiting its ability to execute its mission. MVC requests that Mills' and Palazzone's employment records be amended to record the appointment type for their appointments to the title of Technician MVC as RAP. It similarly requests that the appointment of any employee hired to the title of Technician MVC be recorded as RAP upon successful completion of their working test period.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation. *N.J.A.C.* 4A:4-2.5(a) provides that for the purpose of announcing promotional examinations, all titles will be divided into one of the following categories:

1. Professional, which requires a Bachelor's or higher level degree, with or without a clause to substitute experience for education;
2. Para-professional, which requires at least 60 general college credits or 12 or more specific college credits (but less than a full degree), with or without a clause to substitute experience for education; or
3. Non-professional, which requires less than 60 general college credits or less than 12 specific college credits.

N.J.A.C. 4A:4-2.5(b) states, in pertinent part, that when a promotion is within the same category as listed in (a) above, the examination, with or without all or part of the open competitive requirements, as appropriate, shall be open to permanent competitive division employees serving in one of the following:

* * *

3. The next lower in-series title, if one exists, and all other permanent competitive division employees who meet the complete open competitive requirements. In appropriate circumstances, serving in specified unrelated noncompetitive titles as determined by the Chairperson or designee and possessing the complete open competitive requirements.

N.J.A.C. 4A:4-2.5(d) provides that when a promotion is to be made from the noncompetitive division to a related title in the competitive division, or in appropriate circumstances as determined by the Chairperson or designee to an unrelated entry level or above entry level title in the competitive division, the examination shall be open to all permanent employees who meet one of the following:

1. Serving in the next lower or next two lower in-series noncompetitive titles and possessing the complete open competitive requirements;
2. Serving in all related noncompetitive titles and possessing the complete open competitive requirements;
3. All competitive division titles at specified class code levels below the announced title, with or without all or part of the open competitive requirements, and all titles as described in (d)1 or 2 above;
4. Competitive division employees who meet complete open competitive requirements and all titles as described in (d)1 or 2 above; or
5. In extraordinary circumstances, the Chairperson or designee may set another appropriate title scope.

Initially, it is noted that Agency Services correctly determined that the appellants were ineligible for the subject examination because they were not serving in the competitive division as of the September 21, 2021, closing date. It is further observed that ordinarily, the title of Technician MVC would have been assigned to the competitive division of the career service. However, due to the Commission's decision in *In the Matter of Reallocation of Technician MVC, supra*, the Technician MVC title was allocated to the noncompetitive division on an interim basis as of the closing date. Importantly, this interim designation ended on October 23, 2021. The Commission notes that both the Records Technician 3, Motor Vehicles and Technician

MVC titles are non-professional titles and that pursuant to *N.J.A.C.* 4A:4-2.5, it would have been permissible to open the subject examination to permanent employees in a noncompetitive title. Therefore, the Commission finds good cause to relax the requirement that applicants for the subject examination be serving in the competitive division as of the closing date for those applicants who possessed one year of continuous permanent service in the title of Technician MVC as of the closing date. Furthermore, as a review of Palazzone's, Mills' and Hollendonner's applications demonstrates that they meet the open competitive requirements as of the closing date, good cause exists to admit them to the subject examination. Moreover, Agency Services is ordered to review the applications of the remaining Technician MVC incumbents to determine whether they possessed the requisite service and experience for the subject examination as of the closing date, with the exception of Antonio Smith, Sr., whose eligibility appeal has been addressed by the Commission in *In the Matter of Antonio Smith, Sr.* (CSC, decided April 27, 2022). Finally, based upon the foregoing and in view of the Commission's decision in *In the Matter of Reallocation of Technician MVC* (CSC, decided April 27, 2022), the appointing authority's request to amend the employment records for incumbents in the Technician MVC title who have completed their working test periods is denied.

ORDER

Therefore, it is ordered that the appeals of Tricia Palazzone, Stacy Mills and Pasqualina Hollendonner be granted. It is further ordered that Agency Services review the applications of the remaining Technician MVC incumbents and admit those applicants who possessed the requisite service and open competitive requirements to the subject examination. Finally, it is ordered that the appointing authority's request to amend the records of incumbents serving in the title of Technician MVC be denied. All of these remedies are 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 27TH DAY OF APRIL 2022

Deirdre L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris 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: Tricia Palazzone (2022-2036)
Stacy Mills (2022-2042)
Pasqualina Hollendonner (2022-2060)
Dana L. Foraker
Division of Agency Services
Records Center