

B-36



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ronald Johnson,
Assistant Zoning Officer (M0152S),
Plainfield

Examination Appeal

CSC Docket No. 2015-349

ISSUED: OCT 03 2014 (SLK)

Ronald Johnson appeals the determination of the Division of Selection Services (Selection Services) that he was below the minimum requirements in experience for the open competitive examination for Assistant Zoning Officer (M0152S), Plainfield.

The examination at issue was announced with specific requirements that had to be met as of the February 27, 2014 closing date (see attached). Seven individuals applied for the subject examination and all were deemed ineligible. Consequently, the subject examination was cancelled due to a lack of qualified candidates.

On Mr. Johnson's application, he indicated that he was provisionally serving in the title under test from December 2013 to the February 27, 2014 closing date, and a full-time Intern from March 2012 to December 2012. The appellant also indicated that he possessed a Bachelor's degree in Urban Planning and Public Policy and a Zoning Official certification. Selection Services credited him with three months of experience based on his provisional experience in the subject title, but determined that he lacked one year and nine months of experience.

On appeal, Mr. Johnson states that his Bachelor's degree in urban planning complements his zoning experience. The appellant asserts that the subject title is an entry-level assistant position and therefore he should be allowed to substitute his education for experience. Mr. Johnson submits his college transcript and highlights classes that are applicable to the title under test. The appellant also indicates that he is a certified Zoning Official and maintains that the classes he

took to obtain the certification have trained him to be a Zoning Officer. He also amends his application on appeal, indicating that he served as an Intern in the appointing authority's Planning Division performing zoning related duties from September 2012 until he was provisionally appointed to the subject title in December 2013. Mr. Johnson also represents that as an assistant, he is performing many of the responsibilities that a Zoning Officer performs. The appellant states that including his time provisionally serving in the subject title and as an Intern, he has been with the appointing authority performing zoning officer duties for two years. Mr. Johnson presents that he is a life-long resident of Plainfield and has great knowledge of the city including understanding its current state, history, vision, zoning, streets, and Land Use Ordinance and Master Plan and that this background provides him the ability to immediately perform the duties of the subject position.

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. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. Further, *N.J.A.C.* 4A:1-1.2(c) states that the 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 Mr. Johnson was not eligible for the subject examination. As of the announced closing date, the appellant did not have two years of experience in the required area. However, Mr. Johnson possesses a Bachelor's degree in Urban Planning and Public Policy and is a certified Zoning Official while the subject title does not have any education or certification requirements. Additionally, the appellant was a full-time Intern for the appointing authority prior to his provisional appointment to the subject title. It is noted that this internship was not part of the appellant's college curriculum and his duties involved assisting in the preparation of zoning reviews. Thus, when considering that he began his internship in the appointing authority's Planning Division performing zoning officer related duties in September 2012, and the fact that he continues to serve provisionally in the title under test, he now has two years of the required experience. Furthermore, Mr. Johnson continues to serve provisionally in the subject title and the subject list is incomplete as all the applicants were determined to be ineligible. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's amending information that he provided on appeal as well as the totality of his education, certification, and experience and admit him to the subject examination. Accordingly, admitting Mr. Johnson to the subject examination will provide the appointing authority with an eligible list so that it can make a permanent appointment.

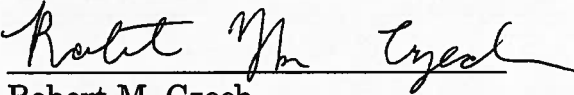
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

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 1st DAY OF OCTOBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

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and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
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P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Ronald Johnson
Rick Smiley
Dan Hill
Joseph Gambino



Job Announcements

Symbol: M0152S Title: **ASSISTANT ZONING OFFICER**

Issue Date: 02/06/2014

Closing Date: 02/27/2014

Jurisdiction: PLAINFIELD

Salary: \$45,327.00 - \$60,405.00 Per Year

Num. of Positions: 1

Workweek: 35 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

Plainfield City

REQUIREMENTS:

EXPERIENCE: Two (2) years of experience in the preparation and revision of building construction plans and specifications or in the full-time inspection and enforcement of zoning and/or building construction laws and regulations.

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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