

B-23



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Jo-Ann Miller,  
Program Coordinator, Senior Citizens  
Transportation (PC0809T), Middlesex  
County

Examination Appeal

CSC Docket No. 2016-425

ISSUED: **AUG 21 2015** (SLK)

Jo-Ann Miller appeals the determination of the Division of Agency Services (Agency Services) that she was below the minimum requirements in experience for the promotional examination for Program Coordinator, Senior Citizens Transportation (PC0809T), Middlesex County.

The examination at issue was announced with specific requirements that had to be met as of the May 21, 2015 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On her application, Ms. Miller indicated that she was provisionally serving in the subject title from February 2015 to the May 21, 2015 closing date, a Radio Dispatcher from October 2002 to February 2015, and a Motor Vehicle Operator, Elderly and Handicapped Persons from May 1998 to October 2002. Agency Services credited the appellant with four months of experience based on her provisional service in the subject title, but determined she lacked one year and eight months of the required experience.

On appeal, Ms. Miller states that as a Radio Dispatcher for over six years she performed both the duties of a Radio Dispatcher and the duties of the subject title. She presents that she prepared routes and schedules for 68 drivers who provided transportation services for the elderly and also performed fill-in dispatcher duties as needed. The appellant indicates that she was compensated at the rate for the subject title while performing these out-of-title duties. Leslie Gordon, Human

Resource Manager, Department of Community Services, confirmed that the appellant performed the required out-of-title duties for the subject title as a Radio Dispatcher since 2007 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.

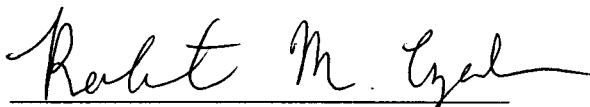
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with having four months of experience based on her provisional service in the subject title, but she lacked the required relevant experience to establish eligibility. Any relevant experience the appellant gained as a Radio Dispatcher would be out-of-title-work. However, Leslie Gordon has verified that the appellant performed the required out-of-title duties since 2007 due to the appointing authority's business necessity. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit her to the examination.

### ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Jo-Ann Miller'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 19<sup>th</sup> DAY OF AUGUST, 2015



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: Jo-Ann Miller  
Dennis Cerami  
Kelly Glenn  
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: <b>PC0809T</b>	WEIGHT CODE: *
TITLE: <b>PROGRAM COORDINATOR SENIOR CITIZENS TRANSPORTATION</b>	SALARY: <b>\$40,361.00 - \$62,953.00</b>
ISSUE DATE: <b>May 01, 2015</b>	CLOSING DATE: <b>May 21, 2015</b>
TITLE CODE: <b>04547/ QFRMR2</b>	JURISDICTION CODE: <b>T12000062</b>
JURISDICTION: <b>MIDDLESEX COUNTY</b>	
DEPARTMENT: <b>TRANSPORTATION</b>	

Visit [www.state.nj.us/csc](http://www.state.nj.us/csc)  
 And select "Job Announcements"  
 to view this announcement and to file an application

**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: Two (2) years of supervisory experience in an agency operating programs in the field of transportation services which shall have included the preparation of routes and schedules and transportation services for the elderly.

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.

**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. **If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: [OAS.support@csc.state.nj.us](mailto:OAS.support@csc.state.nj.us) or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A \* Revised 03/09