

In the Matter of Linda DiPiano, Supervising Biologist Education (PS3966G), Department of Environmental Protection

CSC Docket No. 2017-3304

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: MAY 7, 2018 (CSM)

Linda DiPiano appeals the determination of the Division of Agency Services (Agency Services) which found that she was below the minimum requirements in education for the promotional examination for Supervising Biologist Education (PS3966G), Department of Environmental Protection.

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The examination at issue was announced with a closing date of December 21, 2016. In pertinent part, the examination was open to employees in the competitive division currently serving in the title of Principal Biologist Education who had one year of continuous permanent service as of the closing date and possessed a Bachelor's degree in wildlife management, fisheries management or other related field, including or supplemented by six semester hours in the principles and practices of wildlife and/or fisheries management and 12 semester hours in education and/or communications. The subject examination was cancelled on April 21, 2017 since the appellant was the only applicant.

The appellant indicated on her application that she possessed a Master's degree in Biology and a Bachelor's degree in Biology. However, Agency Services determined that the appellant did not have the applicable credits necessary in education or communications.

On appeal, the appellant highlights her education and provisional service in the title under test. The appellant notes that her Bachelor's degree in Biology satisfies all the requirements for a Bachelor's degree in Biology, Secondary Education. Additionally, she provides a letter of support from Larry Herrighty, Acting Director, Division of Fish and Wildlife, attesting to her qualifications.

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:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purpose of Title 11A, New Jersey Statutes.

CONCLUSION

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. As of the announced closing date, the appellant's transcripts did not evidence the required coursework in education and/or communications. However, it cannot be ignored that the appellant has been serving in the Biologist Education title series since August 2003. Further, the subject examination has been cancelled since the appellant was the only applicant and she continues to serve provisionally in the title under test. As such, good cause exists to accept the totality of the appellant's education and provisional experience after the closing date and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant'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 2nd DAY OF MAY, 2018

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Deirdre L. Webster Cobb

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