



**STATE OF NEW JERSEY**

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

In the Matter of Katherine Keating,  
Assistant Zoning Officer (PM2487W),  
Middletown Township

CSC Docket No. 2019-3198

Examination Appeal

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**ISSUED:** July 31, 2019 (RE)

Katherine Keating appeals the determination of the Division of Agency Services which found that she did not meet the experience requirements for the promotional examination for Assistant Zoning Officer (PM2487W), Middletown Township.

The subject examination announcement was issued with an October 22, 2018 closing date, and 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 who met the announced requirements. These requirements included two 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. The appellant was found to be ineligible based on a lack of experience. As she was the only applicant, the examination was cancelled on May 10, 2019.

The appellant listed one position on her application, Keyboarding Clerk 2. As she did not indicate the preparation and revision of building construction plans and specifications or the inspection and enforcement of zoning and/or building construction laws and regulations, she was found to be lacking two years of applicable experience.

On appeal, the appellant states that she has taken all the required courses for a Zoning Official Certificate, and has been working in the capacity of Assistant to the Zoning Officer since June 2016. The appointing authority verifies that the

appellant performed out-of-title duties in inspection and enforcement of zoning and/or building construction laws and regulations from November 2016 to her April 2018 appointment as a provisional in the subject title, and it states that would appoint her from the eligible list.

### CONCLUSION

*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:4-2.6(c)1 provides that except when permitted by the Chairperson or designee 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.

In the present matter, primarily performing the announced duties while in the Keyboarding Clerk 2 title would be considered out-of-title work. However, the appellant had seven months of provisional service that as of the October 2018 closing date, and appointing authority has verified that the appellant has at least an additional had accrued an additional one year five months in her regular title. Additionally, the subject examination was cancelled, and the appellant continues to serve provisionally in the title under test. Under these circumstances, good cause exists to accept the out-of-title work experience and admit her to the subject examination. However, this decision is based on the limited facts of this situation and shall not be used as precedent in any other proceeding.

### ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed.

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 31<sup>st</sup> DAY OF JULY, 2019



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