

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Scott Mullen, Senior Planning Aide (C2008W), Cape May County

CSC Docket No. 2019-3556

Examination Appeal

ISSUED: August 16, 2019 (RE)

Scott Mullen appeals the determination of the Division of Agency Services which found that he did not meet the minimum requirements in experience for the open-competitive examination for Senior Planning Aide (C2008W), Cape May County.

The subject examination had a closing date of October 5, 2018 and was open to residents of Cape May County who met the announced requirement. This requirement was one year of experience in performing field and office tasks involved in preparing and conducting planning surveys, collecting and compiling data, and transposing statistical data in to visual form. Satisfactory completion of thirty semester hour credits in planning course work at an accredited college or university may be substituted for the required experience. The appellant was found to be ineligible based on a lack of experience. As there were no admitted applicants, the examination was canceled on May 15, 2019.

On his application, the appellant indicated possession of a Bachelor's degree in Urban Studies, which was not substitutable for experience. He listed one position on his application, provisional Senior Planning Aide. He was credited with five months of experience in this position, and was found to be lacking seven months of applicable experience.

On appeal, the appellant states that he interned in the summer of 2016 (no hours given) with New York City's Department of Parks and Recreation where he developed capital projects for public parks. He also interned in September 2018 (no hours given) with Habitat for Humanity where he improved public spaces in a

public housing setting. He also states that he has more than 30 credit hours of planning course work and he submits a transcript. In support, the Planning Director reiterates the appellant's experience and indicates that the second internship was from September 2017 to February 2018. The Planning Director reviewed the transcripts and found more than 30 credit hours in Planning.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement 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. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, the appellant was correctly found ineligible for the subject examination. He was credited with five months of experience in his provisional position, and not provide any additional experience on his application. Additionally, the substitution clause was the 30 semester hour credits in planning course work, and related fields were not acceptable. However, the examination was cancelled, the appellant continues to serve provisionally in the title under test, and he has accrued at least an additional seven months of experience since the September 2018 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional provisional experience beyond the closing date and admit him to the examination.

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 $14^{\rm th}$ DAY OF AUGUST, 2019

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