



STATE OF NEW JERSEY

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

In the Matter of Benjamin Peacock,
Senior Planner (C2108W),
Morris County

Examination Appeal

CSC Docket No. 2019-3487

ISSUED: September 12, 2019 (RE)

Benjamin Peacock 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 Planner (C2008W), Morris County.

The subject examination had a closing date of November 5, 2018 and was open to residents of Cape May County and contiguous counties who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor’s degree including or supplemented by twenty-one semester hour credits in professional planning subjects such as the principles of land use planning, history of city planning, planning project design, and planning law and administration, AND two years of experience in municipal, county, regional, or state planning. Possession of a current and valid license as a professional planner in New Jersey issued by the New Jersey Board of Professional Planners could be substituted for the educational requirement. Possession of a current and valid credential as a Certified Planner Issued by the American Institute of Certified Planners (AICP) could be substituted for the educational requirement. Possession of a Master’s degree in Planning from an accredited college or university could be substituted for one year of indicated 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 June 12, 2019.

On his application, the appellant indicated possession of a Bachelor’s degree in Sociology and History, and a Master’s degree in City and Regional Planning. Thus, he was required to have one year of applicable experience. He listed two positions

on his application, both Research Assistant. These positions were found to be part of a graduate degree curriculum, and therefore, could not be credited. Positions that are part of degree programs cannot also be counted as experience when an applicant has already received credit for possessing the specified degree. He was found to be lacking one year of applicable experience.

On appeal, the appellant argues that he meets the educational requirement, and he describes his Research Assistant positions. He adds that he has worked provisionally in the Division of Engineering and Transportation for Morris County and he describes the planning duties that he has performed. The appellant provides a revised resume which includes his provisional position. In support of the appeal, the Director of Transportation indicates that the appellant has been in his provisional position since September 2018 under his supervision, and he describes the transportation improvement projects for which the appellant has been performing 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.

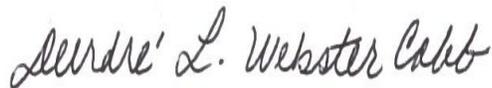
Initially, the appellant was correctly found ineligible for the subject examination. The appellants Master's degree was substituted for one year of experience, and his Research Assistant positions were part of the curriculum. As such, they could not be evaluated as experience. As *N.J.A.C.* 4A:4-2.1(f) specifically provides that examination applications may only be amended prior to the filing date, information regarding additional experience provided on appeal usually cannot be considered. However, in this case, the examination was cancelled, the appellant continues to serve provisionally in the title under test, and he has accrued one year of experience as a Senior Planner since his appointment. 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 experience in his provisional position and beyond the closing date, and admit him to the examination. The appellant is cautioned to include all employment positions on future applications.

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 10th DAY OF SEPTEMBER, 2019



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