



STATE OF NEW JERSEY

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

In the Matter of Sonia Dublin,
Assistant Director of Solid Waste
Management (PM1011A), Jersey City

Examination Appeal

CSC Docket No. 2020-1698

ISSUED: January 30, 2020 (RE)

Sonia Dublin appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the experience requirements for the promotional examination for Assistant Director of Solid Waste Management (PM1011A), Jersey City.

The subject examination announcement was issued with a closing date of August 21, 2019, 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 of four years of professional experience in solid waste management work, two of which shall have been in a supervisory capacity. Possession of a Master's degree in physical, chemical, biological, or environmental sciences or environmental engineering from an accredited college or university could be substituted for one year of nonsupervisory experience. As there were no admitted candidates, the examination was cancelled on December 22, 2019.

On her application and resume, the appellant listed the following positions: provisional Assistant Director of Solid Waste Management from September 2018 to the August 2019, Sanitation Manager from January 2014 to September 2018, and Senior Community Relations Specialist from January 2005 to January 2014. Official records indicate that the appellant was a provisional Assistant Director of Solid Waste Management from September 2018 to the August 2019, a Senior Community Relations Specialist from September 2012 to August 2018, and a Community Relations Specialist from January 2005 to August 2012. She was

credited with one year of experience in her provisional position and was found to be lacking three years of applicable experience.

On appeal, the appellant argues that she accrued applicable experience as a Sanitation Manager, a non-Civil Service title. She states that in that position she supervised staff, and ran the annual youth anti-litter program involving 100 youths, five supervisors and two clerical staff. She provides a resume that has the same duties listed on her application for each of her positions.

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:4-1.5(a) states that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. There is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment;
2. The appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment; and
3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

In order to ensure that the work of an appointing authority will not be adversely impacted by the absence of a list of interested eligibles for a specific position, *N.J.A.C.* 4A:4-1.5(a) provides for provisional appointments until a competitive examination and employment roster can be promulgated. This approach balances both the immediate needs of an appointing authority to staff critical positions with the underlying purpose of the Civil Service system to ensure that permanent appointments are made on the basis of merit and fitness. Acting within the parameters of the Civil Service law and rules, it is the appointing authority's function to determine how to organize its functions and determine its staffing needs. Subsequently, this agency reviews the appointing authority's actions to ensure that Civil Service rules have been followed and to advise appointing authorities to take corrective measures when they have not followed the rules.

Against this setting, the appellant's application history was reviewed as she has been a provisional employee for a year as of the August 21, 2019 closing date

and remains in that position. The appellant was correctly denied admittance to the subject examination since she lacked the required amount of experience. That is, the announced experience should be the main duty of the listed position. The appellant indicated that she was a Sanitation Manager during a period of time that she was in the title Senior Community Relations Specialist.

When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. Sanitation Manager is not a Civil Service title, however, there is a title Manager Sanitation. That title is defined as having charge of and supervising work of employees engaged in street cleaning, refuse collection and disposal, and snow removal. It is noted that the Senior Community Relations Specialist is defined as takes the lead and/or performs the more difficult and responsible field and office work in the organization and development of a community relations program to promote unity in a community. To that end, Senior Community Relations Specialist is not a supervisory title, and by definition, any experience in this title is not supervisory experience.

The appellant listed her duties for that position as follows:

Created and host a twice a year property maintenance 101 workshop done in three languages for business owners; implement policies and procedures that the City of Jersey City has set forth holding each employee accountable for their jobs; created a six week piloting program, *i.e.*, adult lot cleanup and backyard composting workshop; responsible for a summer youth program ages 15-24, litter patrol, paid internship for six weeks for over 100 Jersey City residents; host monthly meetings with daytime Sanitation Inspectors and bi-monthly meetings with the overnight crews to ensure that they have what is necessary to perform their job duties; attend block association meetings as well as any organization that request her presence; manage the coverage of the front desk switchboard; visit schools to discuss the importance of source separating; assist in coordinating program efforts with other internal activities and with the activities of other entities; supervise and participate in the preparation and distribution of informational materials to promote recycling and composting programs; assist in assessing the impact of substantive developments in programs, policies, and organizational changes on other parts of the agency, other government entities, and in the private sector; assist the Sanitation Director during snowstorms whether the city is closed or opened for business; implement a mandate that all city festivals must have a Sanitation Inspector present, at the beginning and end to ensure that the vendors properly dispose of their trash and

recycling; work with the Office of Sustainability to enhance recycling and composting; winter program of 50 individuals to help assist during snowstorms *i.e.*, shovel out a senior and driving a plow.

Each position can have only one primary focus, and the duties performed most of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. These duties match those of Senior Community Relations Specialist, not Manager Sanitation. The appellant also provided community relations duties for her actual Senior Community Relations Specialist position. As such the duties provided do not indicate that the appellant possesses the required experience and she lacks three years of applicable experience.

Next, the requirements of *N.J.S.A.* 11A:4-13(b) allow for an appointing authority to certify that an appointee meets the minimum qualifications for the title at the time of appointment, but the fact that the appointing authority erroneously determined that a provisional appointee satisfies the minimum qualifications for the title prior to an actual eligibility determination by this agency, does not automatically establish a presumption of eligibility when the examination is announced. *See In the Matter of Cynthia Bucchi, Maria D'Angelo, Rosalind R. James, Carla M. Lewis, and Rhonda McLaren, Management Assistant (PS5831F), Department of Education, Docket No. A-1266-04T2 (App. Div. February 27, 2006).* Since the appellant does not meet the minimum qualifications for the title, contrary to *N.J.A.C.* 4A:4-1.5(a)2, she should be returned to her regular prior-held title immediately upon receipt of this decision, and the duties of Senior Community Relations Specialist be assigned.

An independent review of all material presented indicates that the decision of Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the appellant be returned to her regular prior-held title immediately upon receipt of this decision.

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 29th DAY OF JANUARY, 2020



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