



STATE OF NEW JERSEY

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

In the Matter of Laura Kirby,
Director, Community Development
Program (PC2416C), Monmouth
County

Examination Appeal

CSC Docket No. 2022-588

ISSUED: NOVEMBER 1, 2021 (SLK)

Laura Kirby appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Director, Community Development Program (PC2416C), Monmouth County.

The subject examination’s closing date was February 22, 2021. The education requirement was a Bachelor’s degree. The experience requirement was five years of supervisory and/or administrative experience in the organization, direction, planning, coordination, and control of community development projects or programs. Applicants who did not possess the required education could have substituted, in addition to the required experience, applicable experience on a year for year basis, with 30 semester hour credits being equal to one year of experience. The appellant was the only applicant and the examination was cancelled due to a lack of qualified candidates.

On her application, the appellant indicated that she had a Master’s degree. She also indicated that she was provisionally serving in the subject title from July 2019 to the February 22, 2021 closing date, an Assistant Director, Community Development Program from March 2019 to June 2019, a Principal Planner from October 2018 to February 2019, a Senior Planner from December 2013 to October 2018, and an Assistant Planner from October 2007 and December 2013. Agency Services credited her with meeting the education requirement and having two years

and five months of experience based on her provisional service in the subject title, her Assistant Director, Community Development Program experience, and her Principal Planner experience, but determined that she lacked two years and seven months of experience.

On appeal, the appellant describes her experience for each position that she held in detail. Further, the appointing authority confirms that the appellant was performing the required duties out-of-title as a Senior Planner and as an Assistant Planner for the required time due to business necessity.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted 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.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject title as her experience performing the required duties as a Senior Planner and Assistant Planner was out-of-title. However, on appeal, the appointing authority confirms that the appellant has been performing the required duties for the required time. Moreover, the appellant continues to serve provisionally in the subject title and the examination was cancelled due to a lack of qualified candidates. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's verified out-of-title experience, for eligibility purposes only, and admit her to the examination.

This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed for prospective appointment 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 27TH DAY OF OCTOBER, 2021



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