



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Christine Lesko,
Program Coordinator, Senior Citizens
Transportation (PC2292B), Ocean
County

Examination Appeal

CSC Docket No. 2021-1309

ISSUED: MAY 3, 2021 (SLK)

Christine Lesko appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Program Coordinator, Senior Citizens Transportation (PC2292B), Ocean County.

The subject examination had a March 23, 2020 closing date. The experience requirements were two years of supervisory experience in an agency operating programs in the field of transportation services which shall have included the preparation of routes and schedules and transportation services for the elderly. The appellant was the only applicant and the examination was cancelled due to a lack of qualified candidates.

On the appellant's application, she indicated that she was provisionally serving as a Program Coordinator, Non-Emergency Transportation from July 2018 to the March 23, 2020 closing date, a Senior Radio Dispatcher from February 2017 to July 2018, a Human Services Specialist 1 from May 2016 to February 2017, a Radio Dispatcher from August 2005 to May 2016, a Sales/Refund Associate for Home Depot from December 2000 to April 2005, an Owner/Operator for Best Cleaning Service from June 1997 to February 2001, a Service Manager for A-Amber Car Care Corporation from November 1987 to March 1992, an Assistant Manager for Lacey Electric Supply from April 198 to August 1987, and a Dispatcher/Driver for A-Amber Taxi Corporation from August 1984 to October and 1986. Personnel records indicate

that the appellant was provisionally serving in the subject title from November 2019 to the March 23, 2020 closing date and provisionally served as a Program Coordinator, Non-Emergency Transportation from July 2018 to November 2019. Agency Services credited the appellant with having one year and five months of experience based on her provisional service as a Program Coordinator, Non-Emergency Transportation, but determined that she lacked seven months of the required experience.

On appeal, the appellant presents that was returned to the transportation department in February 2017 to train and eventually replace a Program Coordinator who was set to retire. The appellant represents that she was trained from February 2017 through November 2017, and her title during this training period was Senior Radio Dispatcher. She argues, based on the time her training started, that she had two years and three months of experience by the March 23, 2020 closing date and she now has over three years and three months of experience based on her experience after the subject examination closing date.

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:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes.

Initially, it is noted that the appellant has provisional service in two separate applicable titles, Program Coordinator, Non-Emergency Transportation and Program Coordinator, Senior Citizens Transportation. However, the appellant only listed her provisional experience in the Program Coordinator, Non-Emergency Transportation title on her application. Therefore, Agency Services correctly only credited her for the experience she listed on application, and based on this experience alone, she lacked seven months of the required experience. Further, even if the appellant had listed her provisional service in the subject title, she would have still lacked three months of the required experience by the March 23, 2020 closing date.

On appeal, the appellant does not clearly explain the she has served provisionally in two separate titles. Instead, she simply states that she has been serving as the Program Coordinator. However, it cannot be ignored that personnel records indicate that the appellant was provisionally appointed to the subject title in November 2019 and the record indicates that she is currently performing the same or similar duties as she performed as a Program Coordinator, Non-Emergency Transportation, which have already been found to be applicable. Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in

the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend her application. Specifically, the eligible list was cancelled due to a lack of qualified candidates. Further, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Additionally, personnel records indicate that the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date. Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions under *N.J.A.C.* 4A:4-2.1(f) to amend her application to include her provisional service in the subject title and to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's experience gained after the closing date, for eligibility purposes only, and admit her to the subject examination.

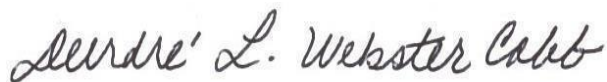
The Commission cautions the appellant that, in the future, she should ensure that any applications are fully and completely filled out as her failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in 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 employment 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 28th DAY OF APRIL, 2021



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

c: Christine Lesko
Robert Greitz
Agency Services
Records Center