



tasks involved in preparing and conducting planning surveys, collecting and compiling data, and transposing statistical data into visual form. Her remaining positions were clerical. As such, she was found to be lacking one year of required experience.

On appeal, the appellant states that her duties include the following: assist public and answer all questions, via telephone, email, in-person, or OPRA request, about Planning and Zoning Board meetings, certain applications that will be heard (concept reviews, sub-division, variances, and site plans), how to apply to the board, and give access to see plans, applications, and documents that are public; for new applications, decide with the information that was provided whether it goes in front of the Planning board or Zoning Board of Adjustment; ascertains all the signatures and seals are originals and all fees that were provided are correct; assists applicants or attorneys with questions about the application process or will provide them a telephone number or email for a professionals; informs an applicant and their attorney when applications are deemed complete or incomplete by the city planner, and provides them the agenda/board meeting they will be attending to be heard and the details for the meeting in a letter; receive copies of all applications, plans, and other documents at least 10 days before the board hearing to send out to all Directors; receives recommendations made by those directors to be included in all commissioners' packages to be taken into consideration for the specific applications being heard; make and finalize meeting agendas, a detailed schedule of how the meeting will go and what will be heard, and send it to all Commissioners and professionals before the meeting; ensures a board quorum, and makes sure only the Commissioners who are eligible to vote on a specific matter will be voting; make and finalize meeting minutes, a non-verbatim transcript, on meeting matters; put all redevelopment and ordinances on agendas and provide them to all Commissioners with comments; set up zoom meetings for commissioners, professionals, and public to attend; update the city website before meetings for the public to see without having to come to the office; send out Commissioner packages; make sure of the presence of a court stenographer at each meeting; send out legal notices to newspapers; sends out notices of special meetings; and intake all invoices from professionals, court stenographer, and newspapers to be paid.

## 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)2 states that the appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of appointment.

A review of the appellant's application reveals that she does not meet the announced requirements. 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. The experience description for the subject examination requires experience in performing field and office tasks involved in preparing and conducting planning surveys, collecting and compiling data, and transposing statistical data into visual form, in other words, in the field of planning.

The duties involved for the appellant's provisional position have a focus on administrative and clerical duties required to facilitate Planning and Zoning Board meetings. The responsibilities are not related to planning duties at all. 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).*

As the appellant did not indicate that she is primarily performing planning duties while in her provisional position, if the appointing authority wants the appellant to remain in her current position, it should provide a duties questionnaire to the Division of Agency Services detailing the duties of the position, along with a completed examination application within 30 days of the issuance of this decision, so that an appropriate provisional title can be assigned and a pre-qualification determination can be made. Should the appellant be found not eligible for the new provisional appointment, she should be returned to her regular prior-held title at that time. Otherwise, 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.

### **ORDER**

Therefore, it is ordered that this appeal be denied, and the appellant's position undergo a classification review.

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 1<sup>ST</sup> DAY OF SEPTEMBER, 2021

*Deirdre' L. Webster Cobb*

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