



STATE OF NEW JERSEY

In the Matter of Autumn Angelus, :
 Principal Biologist Mosquito Control, :
 Office of Mosquito Control, :
 Department of Environmental :
 Protection :

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

CSC Docket No. 2022-427 :
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Request for Administrative Relief

**ISSUED: SEPTEMBER 7, 2021
 (ACM)**

The Department of Environmental Protection (DEP) requests that Autumn Angelus, an Entomologist Mosquito Extermination with Salem County, be permitted to intergovernmentally transfer to the title of Principal Biologist Mosquito Control, Office of Mosquito Control, DEP.

By way of background, the DEP has attempted to fill the position of Principal Biologist Mosquito Control, Office of Mosquito Control, for over 18 months. Although it has attempted to fill the position via departmental postings, State-wide postings and advertisements on the Civil Service Commission’s (Commission) Intergovernmental Transfer website, these efforts have not resulted in a sufficient number of suitable candidates. As part of its recruitment efforts, Angelus, an Entomologist Mosquito Extermination with Salem County, expressed interest in the position via an intergovernmental transfer. However, since the job definitions and the education and experience requirements for the two titles are not precisely the same, the intergovernmental transfer of Angelus would not be possible absent rule relaxation procedures.

In its request to the Commission, the DEP states that recruitment for the position of Principal Biologist Mosquito Control, Office of Mosquito Control, has been difficult. However, after an exhaustive recruitment effort, it determined that Angelus met the requirements of the position and has approximately 19 years entomological experience. Further, the DEP notes that Angelus’ permanent title, Entomologist Mosquito Extermination and her prior permanent title, Biologist

Mosquito Extermination, are the only two titles in the field that can be utilized by local government. Thus, it maintains that the Principal Biologist Mosquito Control, Office of Mosquito Control, and Entomologist Mosquito Extermination and Biologist Mosquito Extermination titles are sufficiently similar for the purposes of participation in the intergovernmental transfer program. Additionally, the DEP underscores that is a critical public health need for it to hire a well qualified and experienced Biologist. Therefore, the DEP requests that Angelus be permitted to participate in the intergovernmental transfer program.

CONCLUSION

N.J.A.C. 4A:4-7.1A(b) states that an intergovernmental transfer shall require the consent in writing of the sending jurisdiction, if any, the receiving jurisdiction, and the affected employee and the approval of the Chairperson of the Commission or designee.

N.J.A.C. 4A:4-7.1A(c) states that a transferred employee shall be moved to a title substantially at the same level.

N.J.A.C. 4A:4-7.1A(c)2 provides, in pertinent part, that where a title to which the employee is transferring is different from that held on a permanent basis in the sending jurisdiction, the receiving jurisdiction shall request that the Chairperson of the Commission or designee approve the title, based on the following criteria:

- i. The title(s) shall have substantially similar duties and responsibilities;
- ii. The education and experience requirements for the title(s) are the same or similar and the mandatory requirements of the new title shall not exceed those of the former title;
- iii. There shall be no special skills, licenses, certification or registration requirements for the new title which are not also mandatory for the former title; and
- iv. Any employee in the former title can, with minimal training and orientation, perform the duties of the new title by virtue of having qualified for the former title.

The definition portion of the job specification for Entomologist Mosquito Extermination states:

Under direction, in a Mosquito Extermination agency, performs laboratory and field work involved in the identification and control of mosquitoes; may handle and use pesticides; does related work.

The requirements are graduation from and accredited college or university with a Bachelor's degree with a major course of study in biology, entomology or related field and one year of experience in entomology work.

The definition portion of the job specification for Biologist Mosquito Extermination states:

Under direction in a County or Municipal Mosquito Control Program, performs laboratory and field work that requires the application of biological and closely related principles and techniques; performs other related duties as required.

The requirements are graduation from an accredited college or university with a bachelor's degree in one of the biological sciences, or a Bachelor's degree in an interdisciplinary field such as Environmental Science, Environmental Studies, Entomology, or Natural Resource Management supplemented by twenty-one (21) semester hour credits in biology or one of the biological sciences.

The definition portion of the job specification for Principal Biologist Mosquito Control, Office of Mosquito Control, states:

Under the supervision of a Supervising Biologist or other supervisory officer in the Department of Environmental Protection, plans, organizes, coordinates, performs and may supervise the technical, biological, and ecological tasks involved in mosquito control activities; does other related work.

The requirements are graduation from an accredited college or university with a Bachelor's degree in one of the biological sciences and three (3) years of experience in entomological or bio-chemical research, or in the application of entomological or bio-chemical principles to field investigations or chemical control of insect populations, two (2) years of which shall have been specific to mosquito populations. A Master's degree in Biology or Entomology may be substituted for one (1) year of experience.

The intergovernmental transfer rules permit the transfer of State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and this agency's Division of Agency Services (Agency Services). One of the reasons why this agency must approve a proposed intergovernmental transfer prior to implementation is to determine whether the title to which an employee is transferring is substantially like the one being transferred from.

The issue of title comparability is significant in the context of the intergovernmental transfer program given the substantial rights afforded to a participant in the program. For example, *N.J.A.C.* 4A:8-2.4(a) provides that an employee's continuous service accumulated prior to an intergovernmental transfer shall be considered as continuous permanent service in the jurisdiction for layoff purposes. Thus, if two different titles involved in an intergovernmental transfer are determined to be substantially similar, for layoff purposes, seniority for determining lateral, demotional and special reemployment rights would include all time in the previous jurisdiction. Therefore, to permit an intergovernmental transfer involving two titles that are not substantially similar could have the effect of inappropriately expanding the transferee's lateral and demotional title rights in the new jurisdiction. Indeed, the determination of lateral and demotional title rights utilizes the exact same criteria listed in *N.J.A.C.* 4A:4-7.1A(c). See *N.J.A.C.* 4A:8-2.1(a) and *N.J.A.C.* 4A:8-2.1(b). Accordingly, the rules governing the determination whether titles involved in an intergovernmental transfer are substantially similar are strictly construed.

In applying the criteria set forth in *N.J.A.C.* 4A:4-7.1A(c)2, while not precisely similar, this unique circumstance warrants administrative relief. In State service, there is only one active Biologist title specific to mosquito control, Principal Biologist Mosquito Control. Thus, there is no current active career path within the State Classification Plan to promote lower in-series employees to Principal Biologist Mosquito Control title. Further, there are no incumbents currently serving in the Principal Biologist Mosquito Control, Office of Mosquito Control title. Although the DEP has issued a state-wide Notice of Vacancy to fill the position with a State career service employee, those efforts were not successful. Unable to fill the position with a State employee who satisfied the requirements of the title, the DEP sought to recruit a candidate from local government service – specifically those with applicable education and experience in the field of mosquito control.

The local government agencies who employ individuals with education and experience in mosquito control are the various county Mosquito Control Commissions. In local service, there is only one level for the Entomologist Mosquito Extermination and Biologist Mosquito Extermination titles. Moreover, these are the only two professional level titles available for local service government to utilize in the field of mosquito extermination. Angelus' combined service for almost 19 years in these titles clearly provide her with the necessary education and experience for the Principal Biologist Mosquito Control, Office of Mosquito Control. Thus, while the experience levels between the Entomologist Mosquito Extermination and Principal Biologist Mosquito Control, Office of Mosquito Control are different, there are no available local service professional titles used in mosquito extermination. As such, it would be impossible to recruit qualified individuals in the field of mosquito

control through the intergovernmental transfer program absent rule relaxation procedures.

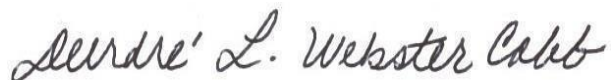
Based on the above and given the DEP's emergent need to fill the position, the Commission finds that under these unique circumstances, the title of Entomologist Mosquito Extermination and Principal Biologist Mosquito Control, Office of Mosquito Control, for the purposes of permitting Angelus to participate in the intergovernmental transfer program, are sufficiently similar. However, since the experience requirements between Entomologist Mosquito Extermination and Principal Biologist Mosquito Control are not precisely the same, if appointed, Angelus will be required to satisfactorily complete a working test period.

ORDER

Therefore, it is ordered that this request be granted.

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 1ST DAY OF SEPTEMBER, 2021



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