

STATE OF NEW JERSEY

In the Matter of Loni Lucina,	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
Code Enforcement Officer/Zoning Officer (PM0521C), Holmdel	:	Examination Appeal
CSC Docket No. 2022-479	: : :	
	:	
		ISSUED. IANUARV 91 9099 (RF)

Loni Lucina appeals the decision of the Division of Agency Services (Agency Services) which found that she did not meet the experience requirements for the promotional examination for the dual title Code Enforcement Officer/Zoning Officer (PM0521C), Holmdel. A dual title is a title that combines two separate titles into one classification; applicants need to meet the minimum requirements of both titles in order to be declared eligible.

The subject examination announcement was issued with specific requirements which had to be met as of the January 21, 2021 closing date. The examination 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 one year of experience in conducting inspections or investigations to detect violations of and ensure compliance with laws, rules, and regulations, AND three years of experience in the preparation and revision of building construction plans and specifications or in the full time inspection and enforcement of zoning and/or building construction laws and regulations. The examination was canceled on September 4, 2021 since the appellant was the sole applicant.

The appellant listed one position on her application, Code Enforcement Officer/Zoning Officer from August 2004 to the January 2021 closing date. Official records indicate that the appellant was provisionally appointed pending promotional examination to Code Enforcement Officer/Zoning Officer on September 8, 2020. Prior to that she was an Administrative Clerk, a Keyboarding Clerk 1 and a Keyboarding Clerk 2. She was not credited with experience in her provisional position, or her remaining titles, as the duties described did not indicate inspections or investigations, and the primary focus was clerical in nature. Her duties also did not include preparing and revising building construction plans and specifications, or performing inspections.

On appeal, the appellant explains that she was appointed Code Enforcement Officer on July 10, 2008, and has been reappointed every year. She states that she has received her Zoning Officer certification and was appointed as Assistant Zoning Officer in 2016. As an Assistant Zoning Officer, she states that she prepares and revises building construction plans and specifications, and as a Zoning Officer she does this as well, and also performs "inspection enforcement" of zoning and building construction laws and regulations.

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:4-2.6(c) provides, in pertinent part, that 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, unless good cause is shown for an exception.

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination. It is noted that qualifying experience has the announced experience requirement as the primary focus of the position. That is, the announced experience should be the main duty of the listed position. On her application, the appellant listed the following duties for the conglomerate of her employment:

CODE ENFORCEMENT: Assist residents with Complaints of Property Maintenance. These complaints could be unkempt property, refuse containers being left out, grass not being cut, barking dogs, nuisance complaints, noise complaints, dogs at large etc. Issue violation letters, follow up that the violation has been abated. If not abated, issuance of a summons to the offending party. Attendance in Municipal Court. Review lists of properties from printouts obtained from both the Tax Assessor and Township Clerk. Send correspondence to lenders for registration. Collect registration fees, process same; respond to inquiries from title company(s) as to weather a property is vacant or not and if any registration fees are due. Zoning Officer Review and Prepare Residential/Commercial Zoning permits and Commencement of Uses. Provide residents with information as to setbacks, zone conformity and bulk requirements. Assist residents when they are inquiring about a property they are looking to purchase (*i.e.*, provide surveys if available and property history). Provide OPRA documentation to Clerk when requested. Attend bi monthly Zoning Meetings. Receive and respond to complaints of alleged violations of local zoning code. Attendance at Technical Review Committee meetings that are held at least monthly, sometimes weekly depending on activity at the Planning Board level.

The primary focus of the Code Enforcement Officer title is performing varied types of field and office work involved in seeing that residents, business establishments, and citizens comply with adopted codes, ordinances, and related rules and regulations. This involves establishing a schedule of proposed systematic inspection of all properties and submitting monthly reports of inspections. Conducting field inspections and special investigations is the primary duty of this title. In contrast, the appellant responds to complaints and issues violation letters. That is, she waits for complaints to be filed before taking steps towards compliance. The provided description of duties is not at the level and scope of work performed by a Code Enforcement Officer.

The primary focus of a Zoning Officer is examining the working plans of proposed buildings for compliance with state, county, and local zoning laws, ordinances, rules, and regulations and conducts field work to ensure compliance with zoning regulations. The appellant indicated that she reviews and prepares residential/commercial zoning permits and Commencement of Uses documentation to provide residents with information as to setbacks, zone conformity and bulk requirements; assists residents when they are inquiring about a property they are looking to purchase (*i.e.*, provide surveys if available and property history); and responds to complaints of alleged violations of local zoning code. Again, there is no indication that the appellant examines the working plans of proposed buildings or conducts field work to ensure compliance with zoning regulations.

Next, the appellant did not properly complete her application. Aside from the fact that it is axiomatic than an applicant for a position should describe his or her experience in a manner that would demonstrate meeting the qualifications for a particular position, as well as the fact that it is an applicant's responsibility to do so, the Civil Service Commission provides sufficient instructions to all applicants with respect to filling out examination applications. Instructions for completing the application state, "Carefully review your application to ensure that it is complete and accurate before submitting," and "You must complete your application in detail. Your score may be based on a comparison of your background with the job requirements. Failure to complete your application properly may cause you to be declared ineligible or may lower your score if your application is your test paper." Further, the applications states, "Employment Record: You may be declared ineligible or you may not receive proper credit for scoring purposes if you do not properly complete your application. If you held different positions with the same employer, list each position

separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. If you are currently employed in this position, enter the current month and year in the Employed To section. Since your application may be your only test paper, be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail." The Online Application System User Guide asks candidates to review the application to make sure the information is complete and accurate. It also states that, by clicking "yes" to make a payment and submit the application, the candidate is told that he or she is certifying that the application is complete and accurate. Additionally, the Guide includes instructions on submitting additional information by mail.

In this case, the appellant consolidated her duties for four titles over seven years with one set of duties, and clearly delineates those she believes belonged to each title in the dual title. Accordingly, the duties listed can only be attributed to her provisional position. In any event, her remaining titles are clerical titles and the subject experience would be out of title.

At this point, it appears that the appellant's provisional position may be misclassified. Therefore, the appellant and appointing authority should complete the attached Position Classification Questionnaire (PCQ) and Application for Qualifying Examination (Request for Pre-Appointment Evaluation) and submit them Agency Services within 30 days of the issuance date on this decision. If the appellant is found to be performing the duties of a Code Enforcement Officer/Zoning Officer, another examination can be announced. If it is determined that the appellant's provisional position should be reclassified, 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.

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'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 19TH DAY OF JANUARY, 2022

Derrie L. Webster Calib

Deirdré L. Webster Cobb Chairperson Civil Service Commission

Inquiries and Correspondence Allison Chris Myers Director Division of Appeals and Regulatory Affairs Civil Service Commission Written Record Appeals Unit P. O. Box 312 Trenton, New Jersey 08625-0312

Attachment

c: Loni Lucina Cherron Rountree Division of Agency Services Records Center

POSITION CLASSIFICATION QUESTIONNAIRE NEW JERSEY CIVIL SERVICE COMMISSION DIVISION OF STATE & LOCAL OPERATIONS				MMISSION USE		
IMPORTANT: Full instructions for completing this form are located on the last page. It is most important that employees and supervisors read them carefully. The form must be signed by the employee, his or her EMPLOYEE ID #						
supervisor,	ervisor, the Program Manager or Division Director and the Appointing Authority Representative. COMPLETE REQUESTS WILL BE RETURNED. COMPLETE REQUESTS WILL BE RETURNED. CCSS					
1. NAME O	F EMPLOYEE (IF ANY)	2. ANNUAL SALARY (Current)	3. POSITION NO.	<u> </u>	4. CODE (Ran	ge and Title)
5. OFFICIAI	_ TITLE OF POSITION	6. WORKING TITI	∟E (If different)			
	N OF POSITION c location, Unit, Section, Division, Institution,	or Department)				
7A. EMPLO	YEE WORK OR HOME MAILING ADDRESS					
the work ca	(DUTIES) PERFORMED - Describe in detail n understand exactly what is done. NOTE: If of the position and certified for accuracy by th	this is a vacant position or a new po	sition request, the for	lear t m mi	that persons unfational terms of the completed	amiliar with I by the
Percent of Time		Work (Duties) Performed				Order of Difficulty

ITEM 8 CONTINUED

Percent of Time	Work (Duties) Performed	Order o Difficult

9. REGULAR SCHEDULE OF WORK HOURS					
DAY	FROM	TO	DAY	FROM	TO
Monday			Friday		
Tuesday			Saturday		
Wednesday			Sunday		
Thursday Length of Lunch Period					
Total Hours Worked Per Week					

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9b. EXPLAIN ROTATION OF SHIFTS, IF ANY		

QUESTIONNAIRE CONTINUED

10. TYPE OF SUPERVISIO	ON RECEIVED (Check One — See d	lefinitions on pa	ge 4)	
	MITED GENERAL		(Explain)	
 11. Does this position super YES (If yes, complexity A. Occasionally? B. Responsible for the preparation of perforevaluations? C. Assign work? D. Review completed work of employees supervised? 	ete Items A thru E) NO [or] Regularly?	E. List the na (If the employees	mes and titles of the employees a supervised comprise one or more complete	supervised directly. units, include the names of the units)
12. CERTIFICATION	I CERTIFY that I have read the in		the entries made above are my o	own and, to the best of my
	knowledge, are accurate and com			DATE
			EDIATE SUPERVISOR	i
A. Comments on Stateme	nts of Employee			
			Check he	ere if continued on additional sheets.
B. What do you consider t	he most important duties of this positi	ion?		
			Check he	ere if continued on additional sheets.
C. List those knowledges a	C. List those knowledges and abilities necessary for standard performance of the job to be done by an incumbent of this position			
			Check he	ere if continued on additional sheets.
D. I AGREE	DISAGREE with the employee's description	ription of job du	ties, percentage of time, and orde	er of difficulty.
COMMENTS:				
			Check he	ere if continued on additional sheets.
OFFICIAL TITLE (Working title if different)			SIGNATURE	DATE

14. STATEMENTS OF PROGRAM MAN	AGER OR	DIVISION DIRECTO	R
I AGREE with the statements of the immediate supervisor.			
I DISAGREE with the statements of the immediate supervisor.			
COMMENTS:			
		Check here if continued	on additional sheets.
OFFICIAL TITLE (Working title if different)	SIGNATURE		DATE
(·····································			
15A. STATE APPOINTING AUTHORITY	REPRESE	NTATIVE SIGNATUR	E

In State service, the agency representative's signature certifies the information in accordance with 4A:3-3.9(c)1.

OFFICIAL TITLE SIG	SIGNATURE	DATE

15B. LOCAL APPOINTING AUTHORITY	REPRESENTATIVE SIGNATUR	RE		
In Local service, the agency representative's signature certifies the information in accordance with 4A:3-3.9(d).				
	I DISAGREE with the statements of the immediate supervisor and program manager or division director.			
COMMENTS:				
	Check here if continued c	on additional sheets.		
OFFICIAL TITLE (Working title if different)	SIGNATURE	DATE		

INSTRUCTIONS FOR COMPLETING POSITION CLASSIFICATION QUESTIONNAIRE (DPF-44)

NOTE: If this is a vacant position or a new position request, this form must be completed by the supervisor of the position and certified for accuracy by the Appointing Authority Representative.

Please read these instructions carefully before filling out the Position Classification Questionnaire.

This form is used to obtain information about a position. It will be used to determine the classification or to determine a rate of pay. Therefore, be as clear and accurate as possible and fill out the form completely. Be specific and illustrate statements with examples. If more space is needed to answer any of the items, attach an additional sheet and identify each item by its number.

This form is to be completed by you in your own words. Your supervisor and department head will review your Position Classification Questionnaire to determine the completeness and accuracy of the statements and to clarify or give additional information concerning your duties and responsibilities. Under no circumstances, however, should the supervisor or the department head change the answers as given and certified to by you. In the space provided, they may make whatever statements they think are necessary before signing the report. State your name in Item 1 and complete Items 6 through 12. Items 2 through 5 will be completed by your personnel office. Remember to sign your name in Item 12. Give the completed questionnaire to your supervisor.

ITEM 8 - The answer to this item requires an exact account of what you do. Describe your "whole job" or year-round duties, not just those which might be performed during rush or peak periods of activity or when you are substituting for other persons. Start with your most important duties and describe your least important duties last. Use a separate paragraph for each major duty. In the column at left indicate as best you can the percentage of time you devote to each duty. The position's supervisor will complete the information requested in the right hand column.

EXAMPLES OF GOOD AND POOR DUTIES STATEMENTS			
Poor Statements Good Statements			
Assist in handling correspondence.	Receive, open, time stamp, and route incoming mail.		
Maintain grounds and landscaped areas.	Mow lawn with power mower and hand mowers. Trim trees from ground and from ladder, using power saws. Lubricate mowers.		
I do finish concrete work.	Place forms; mix, pour and finish concrete walks and curbing. Prepare registers of all claims showing allocation of budget expenditures and total amount of expenditures for month in which claims are made.		
Do general kitchen work.	Clean and cut fruits and vegetables. Make salad dressings. Serve at steam table. Wash pots and dishes and store away utensils and foods. Once or twice a month, bake cookies and tarts.		
Our unit is responsible for keeping all purchasing records. $_{ullet}$ $_{ullet}$	I compare invoices with purchase orders. Review requisitions submitted by the different departments for accuracy, then give them to the Purchasing Agent for his or her OK.		

ITEM 10 - Before you complete Item 10, the following definitions will be helpful in making your choice of the type of supervision you receive.

• CLOSE SUPERVISION: Work is performed according to detailed instructions and supervision is available on short notice.

- LIMITED SUPERVISION: Incumbent proceeds on his/her own initiative while complying with policies, practices, and procedures prescribed by the supervisor. The supervisor generally answers questions only on the more important phases of the work.
- GENERAL SUPERVISION: Work is performed independently. The incumbent seldom refers matters to supervisor except for clarification of policy.
- Other: If your work is supervised in a manner different from all of the above, please describe briefly how your work is assigned and supervised.

INSTRUCTIONS FOR SUPERVISORY STAFF

ITEM 13 - If you are a supervisor reviewing this form, you should remember that your certification means you accept responsibility that the statements made constitute a true description of the duties and responsibilities of the position. If the description does not meet with your idea of the position, it is your responsibility to see that statements made are qualified or elaborated upon in your comments. Under no circumstances, however, are the employee's statements to be changed. However, you are asked to determine the order of difficulty of each duty performed. Under Item 8 in the column at right, cite the order of difficulty of duties performed by assigning the number one (1) to the most difficult, the number two (2) to the next most difficult, etc. Keep in mind that the most important duty performed by this position may not be the most difficult, nor the one on which the greatest percentage of time is spent.

You should review the completed and signed form for correctness, completeness, and accuracy of statements, then add any comments which you believe are necessary, sign the form, and forward it to the program manager or division director.

ITEM 14 - The Program Manager or Division Director should indicate his or her agreement or disagreement with the statements of the immediate supervisor. Additional comments may be written in the space provided. Sign the form and forward it to your Personnel Office.

APPOINTING AUTHORITY SIGNATURE

ITEM 15A - (State Service) - the appointing authority or designated representative shall sign the form here. The agency representative's signature certifies that he/she has reviewed the appeal, provided an organization chart, and included all information set forth in 4A:3-3.9(c). The completed package should be forwarded to the Civil Service Commission.

ITEM 15B - (Local service) - the agency representative shall sign here, and may indicate his/ her agreement or disagreement with the statements of the immediate supervisor and program manager or division director, and provide comments if desired. The completed package should be forwarded to the Civil Service Commission.