



**STATE OF NEW JERSEY**

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

In the Matter of Loni Lucina,  
Code Enforcement Officer/Zoning  
Officer (PM0521C), Holmdel

Examination Appeal

CSC Docket No. 2022-479

**ISSUED: JANUARY 21, 2022 (RE)**

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.

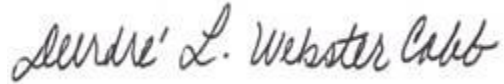
An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant 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 19<sup>TH</sup> DAY OF JANUARY, 2022



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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
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Attachment

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

<b>POSITION CLASSIFICATION QUESTIONNAIRE</b>			FOR CIVIL SERVICE COMMISSION USE
NEW JERSEY CIVIL SERVICE COMMISSION DIVISION OF STATE & LOCAL OPERATIONS			S&LO LOG NO.
<b>IMPORTANT:</b> 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 supervisor, the Program Manager or Division Director and the Appointing Authority Representative.  <b>INCOMPLETE REQUESTS WILL BE RETURNED.</b>			EMPLOYEE ID #
			CSS REQUEST NO.
1. NAME OF EMPLOYEE (IF ANY)	2. ANNUAL SALARY ( <i>Current</i> )	3. POSITION NO.	4. CODE ( <i>Range and Title</i> )
5. OFFICIAL TITLE OF POSITION		6. WORKING TITLE ( <i>If different</i> )	
7. LOCATION OF POSITION ( <i>Geographic location, Unit, Section, Division, Institution, or Department</i> )			
7A. EMPLOYEE WORK OR HOME MAILING ADDRESS			

8. WORK (DUTIES) PERFORMED - Describe in detail the work required of this position. Make descriptions so clear that persons unfamiliar with the work can understand exactly what is done. <b>NOTE:</b> If this is a vacant position or a new position request, the form must be completed by the supervisor of the position and certified for accuracy by the Appointing Authority Representative.		
Percent of Time	Work (Duties) Performed	Order of Difficulty

**ITEM 8 CONTINUED**

Percent of Time	Work (Duties) Performed	Order of Difficulty

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

9b. EXPLAIN ROTATION OF SHIFTS, IF ANY



**QUESTIONNAIRE CONTINUED**

10. TYPE OF SUPERVISION RECEIVED (Check One — See definitions on page 4)

- CLOSE   
  LIMITED   
  GENERAL   
  OTHER (Explain) \_\_\_\_\_

11. Does this position supervise other employees?

- YES (If yes, complete Items A thru E)     NO  
 A.  Occasionally?    [or]     Regularly?  
 B. Responsible for the preparation of performance evaluations?     YES     NO  
 C. Assign work?     YES     NO  
 D. Review completed work of employees supervised?     YES     NO

E. List the names and titles of the employees supervised directly.  
*(If the employees supervised comprise one or more complete units, include the names of the units)*

**12. CERTIFICATION  
OF  
EMPLOYEE**



I CERTIFY that I have read the instructions and the entries made above are my own and, to the best of my knowledge, are accurate and complete.

SIGNATURE ..... DATE .....

**13. STATEMENTS OF IMMEDIATE SUPERVISOR**

A. Comments on Statements of Employee

Check here if continued on additional sheets.

B. What do you consider the most important duties of this position?

Check here if continued on additional sheets.

C. List those knowledges and abilities necessary for standard performance of the job to be done by an incumbent of this position

Check here if continued on additional sheets.

D. I  AGREE     DISAGREE with the employee's description of job duties, percentage of time, and order of difficulty.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE  
*(Working title if different)*

SIGNATURE

DATE



### 14. STATEMENTS OF PROGRAM MANAGER OR DIVISION DIRECTOR

- 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 REPRESENTATIVE SIGNATURE

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

OFFICIAL TITLE  
*(Working title if different)*

SIGNATURE

DATE

### 15B. LOCAL APPOINTING AUTHORITY REPRESENTATIVE SIGNATURE

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

- I  **AGREE** with the statements of the immediate supervisor and program manager or division director.
- I  **DISAGREE** with the statements of the immediate supervisor and program manager or division director.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE  
*(Working title if different)*

SIGNATURE

DATE

