



STATE OF NEW JERSEY

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

In the Matter of Kenneth Heather,
Director Community Development
Program (PM0399V), Vineland

CSC Docket No. 2018-810

Examination Appeal

ISSUED: November 2, 2017 (RE)

Kenneth Heather appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Director Community Development Program (PM0399V), Vineland.

The subject examination announcement was issued with specific requirements that had to be met as of the May 22, 2017 closing date (see attached). The appellant was found to be ineligible based on a lack of applicable experience per the substitution clause for education. He was the only applicant, and the examination was cancelled on September 16, 2017.

Mr. Heather indicated completion of one college credit, and he provided one position on his application, Acting Director Community Development from January 2015 to May 2017. Official records indicate that the appellant was provisionally appointed to the subject title on February 22, 2017, and from November 2004 to February 2017 he was a Housing Inspector. It is noted that he also held the title Municipal Department Head of Public Works from July 2000 to July 2001. He was contacted to clarify the duties of his positions, and he responded with a similar list of duties, performed January 2015 to the closing date, and another list for a position he titled Senior Housing Inspector/Public Officer for Abandoned Properties from July 2005 to December 2014. He was credited with four months of applicable experience in his provisional position. It was found that the duties which he listed for Housing Inspector were out-of-title work, and his remaining experience was also

not qualifying. As such, he was found to be lacking eight years, eight months of applicable experience per the substitution clause for education.

On appeal, the appellant argues that he meets the minimum requirements for the position, and he indicates that he had been working out-of-title as the Director Community Development Program for at least two and a half years, and has 17 years with the city. In addition, the former Director Community Development Program indicates that Mr. Heather was working out-of-title as his assistant for at least ten years prior to his separation in January 2015. Further, the Business Administrator verifies Mr. Heather's out-of-title work experience in supervision and administration and requests that it be accepted, as the appellant was the Assistant Director Community Development Program without the official title.

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)1* provides that except when permitted by the Chairperson or designee for good cause, 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.

CONCLUSION

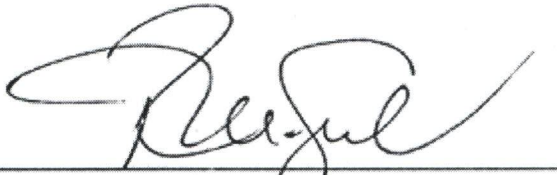
In the present matter, a review of the documentation demonstrates that initially, Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was properly credited with four months of experience based on his provisional service in the title under test and would need an additional eight years and eight months of experience to qualify for the examination. Primarily performing the required duties in the career service positions he listed on his application would be considered out-of-title work. However, the Business Administrator and the former incumbent in the title have verified that the appellant has experience in the performance of supervisory and/or administrative duties associated with the organization, direction, planning, coordination and control of community development project or programs based on his career service titles for at least 10 years. Additionally, the subject examination was cancelled and the appellant continues to serve provisionally in the title under test. Under these circumstances, good cause exists to accept the totality of the appellant's experience, including any out-of-title work experience, as well as his provisional experience after the closing date and admit him to the subject examination. However, this decision is based on the limited facts of this situation and shall not be used as precedent in any other proceeding.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation 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
THE 1st DAY OF NOVEMBER, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. 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: Kenneth Heather
Anthony Fanucci
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PM0399V	WEIGHT CODE: *
TITLE: DIRECTOR COMMUNITY DEVELOPMENT PROGRAM	SALARY: \$45,746.00 - \$90,596.00
ISSUE DATE: May 01, 2017	CLOSING DATE: May 22, 2017
TITLE CODE: 05333/ Q6RFR8	JURISDICTION CODE: C06140001
JURISDICTION: VINELAND	
DEPARTMENT: ADMINISTRATION	

RETURN COMPLETED APPLICATIONS TO: **Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application**

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s):

Assistant Director Community Development Program 05329

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute, in addition to the required experience indicated below, applicable experience on a year for year basis, with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Five (5) years of supervisory and/or administrative experience in the organization, direction, planning, coordination, and control of community development projects or programs.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

Note: This announcement may be tested via the Management Test Battery (MTB). Under the guidelines of the MTB program, an applicant's score will be retained and applied to subsequent promotional or open competitive announcements for titles tested under this program. For information regarding the Management Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. (i.e. Police, Fire, Corrections and Sheriff).
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the department indicated above. If you do not know your department, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the department indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.

8. Application fees submitted via personal check or money order must be postmarked within **five (5) business days** of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A * Revised 07/06