



STATE OF NEW JERSEY

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

In the Matter of Deanna Miller,
Assistant District Recycling
Coordinator (C0483U), Middlesex
County

Examination Appeal

CSC Docket No. 2017-1476

ISSUED: JULY 19, 2017 (ABR)

Deanna Miller appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the open competitive examination for Assistant District Recycling Coordinator (C0483U), Middlesex County.

The subject examination was announced with a closing date of July 18, 2016 and was open to applicants who possessed a Bachelor's degree and one year of experience in solid waste or recycling management. The subject examination was cancelled on October 12, 2016, as all eight applicants were deemed ineligible.

On her application, the appellant stated that she possessed a Bachelor's degree from Rutgers University. With regard to her experience, the appellant stated, in relevant part, that she served provisionally as an Assistant District Recycling Coordinator from July 2015 to the closing date for the subject examination (July 2016) and as a Planning Intern during the Summer 2014 and Summer 2015 semesters. Agency records indicate that the effective date of her provisional appointment to the title of Assistant District Recycling Coordinator was April 4, 2016. Agency Services credited the appellant with four months of applicable experience for the subject examination based upon her provisional service in the subject title. However, it determined that her work as a Planning Intern did not constitute applicable experience for the subject examination. Consequently, Agency Services deemed her ineligible for the subject examination because she did not possess an additional eight months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that her 250 hours of experience as a Planning Intern and her work with the appointing authority as a seasonal Keyboarding Clerk 1 from July 2015 to April 2016 should also be deemed applicable experience. She contends that her duties from July 2015 to April 2016 included working with the District Recycling Coordinator and two Principal Planners on the following: community engagement; reviewing tonnage reports; communicating with municipal recycling coordinators; answering residents' inquiries about recycling and waste management; and developing program strategies.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the examination announcement by the closing date.

Initially, it is noted that Agency Services correctly credited the appellant with four months of experience based upon her provisional service in the title of Assistant District Recycling Coordinator. The appellant's experience as a Planning Intern while attending college is inapplicable, as any internship performed as part of a college curriculum is considered education or training and not work experience. *See In the Matter of Marsha Martin* (MSB, decided February 9, 2005). However, a review of the record shows that the appellant continues to serve provisionally in the subject title, thereby providing her with the additional eight months of applicable experience required for the subject examination. Additionally, the record indicates that the examination situation is not competitive, since the subject examination was cancelled. In this regard, *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit her to the subject examination.

As the appellant's experience after the closing date has been accepted, it is, therefore, unnecessary to determine whether the appellant's seasonal experience as a Keyboarding Clerk 1 constituted applicable experience for the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

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 13TH DAY OF JULY, 2017



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