



B-60

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Carol Diamonde,  
Safety and Insurance Coordinator  
(PM1398S), City of Trenton

Examination Appeal

CSC Docket No. 2015-2502

ISSUED: APR - 2 2015 (SLK)

Carol Diamonde appeals the determination of the Division of Agency Services (Agency Services) that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Safety and Insurance Coordinator (PM1398S), City of Trenton (City).

The examination at issue was announced with specific requirements that had to be met as of the October 21, 2014 closing date (see attached). The appellant was the only employee that applied for the examination which was cancelled due to a lack of qualified applicants.

On her application, Ms. Diamonde indicated that she was serving provisionally in the subject title from August 2002 to the October 21, 2014 closing date. Personnel records indicate that she was serving provisionally in the subject title from October 2012 to the October 21, 2014 closing date, an Account Clerk from October 2011 to October 2012, and an Account Clerk Typing from August 2002 to October 2011. She did not indicate possession of any college credits. Agency Services credited her with two years and one month of experience based on her provisional experience in the subject title, but determined that her other applicable experience was out-of-title work. As such, it determined that she lacked two years and eleven months of experience.

On appeal, Ms. Diamonde highlights that the Civil Service Commission (Commission) performed a desk audit and subsequently issued a decision, *In the Matter of Carol Diamonde* (CSC, decided December 18, 2013), where it found that

she was performing the duties of the subject title. Thereafter, the appellant states that the City Council voted to approve use of the subject title. The appellant maintains that her duties include reviewing insurance coverages, tort claim act notices, and subrogation cases without assistance for the last 12 years. The appellant explains that she has expertise in dealing with brokers, underwriters, directors of each department, Third Party Administrators, inside and outside counsel, and that City Council members contact her for information pertaining to pre-litigation tort claim act notices or insurance coverage matters. Ms. Diamonde contends that her position has been misclassified since 2003 and that due to the constantly changing City administrations, she has been performing these duties without proper compensation all this time. Steve Ponella, Personnel Officer, verifies that Ms. Diamonde has been performing the duties to establish eligibility for the title under test since July 2007 due to business necessity.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted 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.

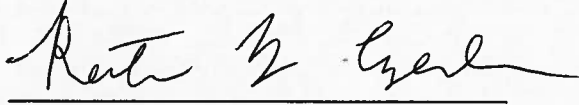
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. Ms. Diamonde was credited with having two years and one month of experience based on her provisional experience in the subject title, and would need an additional two years and 11 months of relevant experience to establish eligibility. Any relevant experience the appellant gained as an Account Clerk Typing or Account Clerk would be out-of-title-work. However, the appointing authority has verified that Ms. Diamonde performed the required out-of-title duties since at least July 2007 because the City was financially challenged and it utilized her abilities to get these job functions completed. Additionally, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit her to the (PM1398S) examination.

### ORDER

Therefore, it is ordered that the appeal be granted, and Carol Diamonde'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 ON  
THE 1<sup>st</sup> DAY OF APRIL, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
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: Carol Diamonde  
Terry McEwen  
Kelly Glenn  
Joseph Gambino

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: PM1398S

WEIGHT CODE: \*

TITLE: SAFETY AND INSURANCE COORDINATOR

SALARY: \$37,998.00 - \$59,650.00

ISSUE DATE: October 01, 2014

CLOSING DATE: October 21, 2014

TITLE CODE: 05122/ J8RLR2

JURISDICTION CODE: T11110003

JURISDICTION: TRENTON

DEPARTMENT: ADMINISTRATION

**ONLY ON LINE APPLICATIONS  
 WILL BE ACCEPTED  
 FOR THIS ANNOUNCEMENT**

**Open 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:** One (1) year of experience involving the review and evaluation of insurance claims and/or in the establishment of safety measures for a public or private agency.

**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.

**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. **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 DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA 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. 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](mailto: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.**

DPF-256A \* Revised 03/09