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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Phyllis Reich,
Project Coordinator, Redevelopment
(PM0717S), City of Elizabeth

Examination Appeal

CSC Docket No. 2015-1409

ISSUED: **JUN 23 2015** (HS)

Phyllis Reich appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Project Coordinator, Redevelopment (PM0717S), City of Elizabeth.

The subject examination announcement was issued with a closing date of June 21, 2014. The examination was open to employees who possessed a Bachelor's degree and four years of professional experience in (1) large scale real estate development, (2) residential, commercial, industrial or similar community development projects, (3) neighborhood revitalization and/or economic development projects, (4) improved community facilities and services programs, (5) the formulation of a comprehensive community development plan, or (6) public policy analysis, two years of which shall have been in the supervision of a program. Applicants who did not possess the required education could substitute, in addition to the required experience indicated, applicable experience on a year for year basis with 30 semester hour credits being equal to one year of experience. It is noted that the appellant was the only applicant for the subject promotional examination, which was cancelled.

On her application, the appellant indicated, in part, that she served as a Project Coordinator, Redevelopment from November 2012 through the closing date and as a Public Participation Specialist from April 2003 through October 2012. The appellant indicated that her major duties as a Public Participation Specialist were to coordinate necessary applications and forms to meet State agency requirements

for street beautification projects; team with local agencies on a successful parking study for the Midtown Business District, leading to a 1500-space parking deck; work closely with the designer and the State agency providing funding to develop plans for the installation of more than 250 signs (Elizabeth Wayfinding project); design kiosks for prominent locations; work closely with community groups to implement cultural, educational and economic endeavors and events; market using social media; as the liaison appointed by the Mayor, work with the State on the Historic Preservation Conference; and coordinate focus groups and meetings with the New Jersey Transportation Planning Authority and New Jersey Transit regarding the new Midtown Train Station. Agency Services credited the appellant with one year and eight months of applicable supervisory experience for her provisional service as a Project Coordinator, Redevelopment. However, Agency Services noted that any applicable duties that the appellant may have performed while serving in the title of Public Participation Specialist would be out-of-title. Therefore, she was found to be lacking two years and four months of experience to include four months in the supervision of a program.

On appeal, the appellant argues that from 2003 to 2012, she worked on projects involving residential, commercial and industrial development; worked with many State agencies, non-profits, governmental offices and developers on large scale development and economic development; and supervised and served as the main contact for many of these projects. She describes several examples of projects on which she has worked including street beautification projects; signage projects; market analyses; relocations; parking and traffic studies; redevelopment projects; and preservation. The appellant also submits various samples of correspondence that, she argues, show that she supervised or oversaw projects.

In support, the appointing authority confirms the appellant's experience as outlined by her on appeal. It confirms that while serving in the title of Public Participation Specialist, the appellant supervised the City of Elizabeth's participation with various projects and partners including, but not limited to, Union County, the New Jersey Department of Transportation and the North Jersey Transportation Planning Authority. The appointing authority notes that the appellant was an essential part of the initial team for the Elizabeth River Trail, a project that was implemented in four phases beginning in 2005 and continuing to the present. In addition to long-term public space projects, the appellant spearheaded the Elizabeth Wayfinding project, which included mapping, site designation, coordination with community partners and the oversight of the contractor's installation of signage. The appointing authority adds that many of the supervisory duties the appellant performed prior to 2012 resulted from job vacancies.

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

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 that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

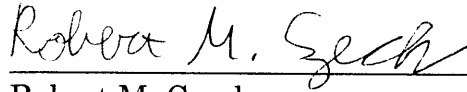
Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked two years and four months of creditable experience to include four months in the supervision of a program as of the June 21, 2014 closing date. On appeal, the appellant argues that she performed applicable duties while serving in the title of Public Participation Specialist. However, the appellant's performance of applicable duties while serving in that title would be considered out-of-title work. Ordinarily, the Civil Service Commission (Commission) looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In this particular situation, the record evidences that the examination situation is not competitive since the examination was cancelled, and therefore, no third parties are adversely impacted. The appointing authority has indicated that the appellant performed applicable out-of-title duties while serving in the title of Public Participation Specialist. This represents approximately 10 additional years of applicable supervisory experience. Additionally, the appellant continues to serve provisionally in the subject title. As such, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit her to the 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 17TH DAY OF JUNE, 2015



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