



B-37

**STATE OF NEW JERSEY**

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

In the Matter of Cindy Toering,  
Municipal Court Administrator  
(M0887S), Mount Holly

CSC Docket No. 2015-2819

Examination Appeal

**ISSUED: JUN 22 2015 (SLK)**

Cindy Toering appeals her score for the open competitive examination for Municipal Court Administrator (M0887S), Mount Holly.

The examination at issue was announced with specific requirements that had to be met as of the November 26, 2014 closing date (see attached). A total of 65 individuals applied for the subject examination and 15 were deemed eligible. No certifications have been issued and the eligible list expires on March 18, 2018. Ms. Toering received a score of 75.00 and she ranked 13<sup>th</sup> on the eligible list. The examination was an unassembled examination based on education and experience.

Ms. Toering indicated on her application that she was a Case Analyst for the State Office of the Superior Court Clerk from May 2014 to the November 26, 2014 closing date, a Project Attorney for Stradley Ronan from March 2014 to May 2015, a Contract Attorney for Beacon Hill Staffing Group from February 2014 to February 2014, a Contract Attorney for Jurisolutions from January 2012 to November 2013, a Contract Attorney for Jurisolutions from November 2011 to December 2011, a Staff Attorney for Eckert Seamans Cherin and Mell from August 2011 to November 2011, a Contract Attorney for Special Counsel, Inc. from August 2011 to August 2011, a Contract Attorney for Hudson Global Resources Management from August 2008 to July 2011, a Staff Attorney for McCarter & English, LLP from February 2008 to August 2008, a Contract Attorney for Hudson Global Resource Management from February 2005 to February 2008, an Associate for The Luong Law Firm, PLLC from March 2003 to September 2004, a Volunteer for Snohomish & Island Counties Dispute Resolution Center from August 1997 to June 2003, a Sole Practitioner for

the Law Office of Cindy R. Toering from January 2003 to March 2003, and an Associate for Young S. Oh & Associates, PS from August 2001 to January 2003. The appellant also indicated that she possesses a law degree. Agency Services credited her with the 30 credits for her education<sup>1</sup> and two years and six months of experience based on her work as a Contract Attorney for Jurisolutions<sup>2</sup> and a Staff Attorney for McCarter & English. Under the subject examination scoring standard<sup>3</sup>, an applicant who possesses 30 credits and one year and one month of experience to three years of experience received a score of 75.00.

On appeal, Ms. Toering presents that each position she has held over the past 10 years has been either at a law office or State agency and she asserts that each position involved either the preparation or review/processing of legal documents and therefore should be credited. Additionally, Ms. Toering argues that since she received credit for her work reviewing legal documents, training others on the review of legal documents, and other legal work for litigated cases as a Contract Attorney with Jurisolutions, a staffing agency, and as an Attorney with McCarter & English, a law firm, she should have also received credit for her experiences where she performed similar duties as a Contract Attorney for Hudson Global Resources Management, a staffing agency, and as an Attorney for Stradley Ronan and Eckert Seamans Cherin and Mell, which are both law firms.

### CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A review of the record indicates that Ms. Toering should not have been determined eligible for the subject examination. While the preparation and/or processing of legal documents is a secondary requirement for the position, the main experience requirement is work related to the **administrative operation** of a court, law enforcement agency, law office or government office. In reviewing the job specification for the title under test, administrative operations are the planning, developing, coordinating, and implementing of procedures for the efficient and effective operation of an organization. The appellant initially received credit for her work as an Attorney for Jurisolutions and McCarter & English. However, her primary duties in these positions were not performing work involving the administrative operations of these firms or its clients; rather, her primary duties involved reviewing documents for litigated cases and therefore these positions are

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<sup>1</sup> 30 credits was the maximum allowed under the scoring standard.

<sup>2</sup> Agency Services credited the appellant for her experience with Jurisolutions from January 2012 to November 2013, but not the other experience she listed with Jurisolutions.

<sup>3</sup> Experience over ten years old is not considered under the scoring standard.

not applicable. Additionally, none of the other experience that the appellant listed on her application is in the administrative operation of a law office. Rather, the appellant worked in the capacity as an Attorney in these positions. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Further, even though the appellant mistakenly received credit for these positions, since the mistakes have been discovered, she cannot now receive credit as no vested or other rights are accorded by an administrative error. *See Cipriano v. Department of Civil Service*, 151 N.J. Super. 86 (App. Div. 1977).

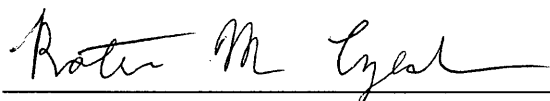
Accordingly, the appellant has not met her burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be denied. Additionally, Cindy Toering's name shall be removed from the eligible list for Municipal Court Administrator (M0887S).

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 17<sup>th</sup> DAY OF JUNE, 2015



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Chairperson  
Civil Service Commission

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c: Cindy Toering  
Kelly Glenn  
Joe DeNardo



## Job Announcements

Symbol: M0887S Title: **MUNICIPAL COURT ADMINISTRATOR**

Issue Date: 11/05/2014

Closing Date: 11/26/2014

Jurisdiction: MOUNT HOLLY

Salary: \$42,000.00 - \$47,000.00 Per Year

Num. of Positions: 1

Workweek: 35 Hours per week

Application Fee: \$25.00

### OPEN TO RESIDENTS OF:

1) Mount Holly Township; 2) Burlington County

### REQUIREMENTS:

**EDUCATION:** Graduation from High School or Vocational High School, or possession of an approved High School Equivalency Certificate.

**EXPERIENCE:** Two (2) years of experience in work related to the administrative operation of a court, law enforcement agency, law office or government agency, including the preparation and/or processing of legal documents.

**NOTE:** Thirty (30) college semester hour credits may be substituted for one (1) year of experience. If you are substituting education for some of the required experience, please upload a copy of your transcript with your application. Failure to do so will result in ineligibility.

**NOTE:** Foreign transcripts must be evaluated by a recognized evaluation service. Please upload a copy of your evaluation with your application. Failure to do so will result in ineligibility.

**SPECIAL NOTE:** "Effective May 25, 2011, appointees must possess a Municipal Court Administrator certificate issued by the New Jersey Supreme Court, subject to the following exceptions: 1) A person appointed provisionally prior to May 25, 2011 but after May 25, 2006 will still have five (5) years from the date of the provisional appointment to obtain the certificate, even if the provisional subsequently receives a regular appointment from an eligible list for the title but does not yet possess the certificate at the time of regular appointment. 2) Interim appointments of persons who do not possess a Municipal Court Administrator certificate may be made pursuant to the provision for L.2006,c.20." Please upload a copy of your certificate with your application.

In addition, effective September 13, 2011, all newly appointed non-certified municipal administrators must obtain conditional accreditation within six months of the date of appointment. All newly appointed, non-certified municipal court administrators must obtain full accreditation within three years of the date of appointment. A non-certified deputy municipal court administrator who fails to obtain conditional accreditation within the time frames provided above will be ineligible to remain in that title. The Municipal Court Administrator Certification Board may grant an extension of time upon a showing of good cause.

**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.

**Customer Care and Technical Support:** If you are having difficulty submitting your application online, customer care and technical support 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 regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

### IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **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 lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
7. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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