

CSC  
B-19



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Administrative Appeal

In the Matter of N'dela Costley,  
Assistant Zoning Officer, Newark

CSC Docket No. 2015-3156

ISSUED: **AUG 21 2015** (BS)

N'dela Costley appeals the determination of the Division of Agency Services (DAS) which found that she was below the minimum requirements in experience for a prospective promotional examination for the title of Assistant Zoning Officer, Newark.

The appellant's experience was reviewed as part of a pre-appointment evaluation to determine if she possessed the necessary qualifications for the subject title. It is noted that the requirements for the subject title are two years of experience in the preparation and revision of building construction plans and specifications or in the full-time inspection and enforcement of zoning and/or building construction laws and regulations.

On her application, the appellant listed her positions with Newark as an Assistant Zoning Officer, Redevelopment Assistant (Land Development Review), Data Processing Technician, Redevelopment Assistant, and Assistant Administrative Analyst.

DAS determined that, as of its review, appellant possessed five months of applicable work experience while serving as an Assistant Zoning Officer from January 2015 through May 2015. None of the appellant's remaining positions involved responsibilities in the required areas. Therefore, DAS determined that the appellant was ineligible for the subject title since she lacked the requisite experience.

On appeal, the appellant argues that she satisfies the subject requirements. In this regard, the appellant asserts that as an Assistant Zoning Officer, she has provided technical assistance, reviewed site plan applications for completeness, reviewed final plans for compliance, supervised the intake of development applications, performed site inspections, and reviewed construction reports, among other related duties. Additionally, the appellant also served as acting Board Secretary for the Board of Adjustment since 2010. The appellant has also completed coursework relevant to the position. In support of her appeal, she submits a letter from Ade Afolabi, Supervising Planner, in which he states that the appellant "has served as the Acting Assistant Zoning Officer...since May 2010 by providing technical support to Zoning and Planning Officials."

Civil Service Commission records indicate that the appellant was returned to her regular career service title, Redevelopment Assistant, effective May 13, 2015.

## CONCLUSION

Initially, it is noted that applicants must demonstrate on their applications that the duties they perform provide them with the experience required for eligibility. *See In the Matter of Charles Klingberg* (MSB, decided August 28, 2001). *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

The job specification for the title of Assistant Zoning Officer indicates that a person in this title, under direction of a Zoning Officer, examines the working plans of proposed buildings for their compliance with state, county, and local zoning laws, ordinances, rules, and regulations; does related work as required.

A thorough review of the appellant's application and appeal submissions indicates that she does not meet the experience requirements for the subject title. In this regard, although she possesses five months as an Assistant Zoning Officer (1/15 to 5/15), none of her remaining position involved responsibilities in the required areas. Prior to this, the appellant served as a Redevelopment Assistant. The primary focus of an incumbent in the Redevelopment Assistant title is assisting in collection and preparation of statistical and other data for redevelopment programs. Although Ade Afolabi, Supervising Planner claims that she has been serving as an acting Assistant Zoning Officer since May 2010 by providing "technical assistance," a review of her application and resume reveals that she is performing the duties associated with her permanent title, Redevelopment Specialist, and none of these responsibilities rise to the level and scope of those required of the subject position. In order to be considered applicable, experience 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). None of her remaining positions involved responsibilities in the required areas.

Accordingly, since appellant did not meet the experience requirements, she was correctly determined to be ineligible for a prospective promotional examination for the subject title. Therefore, appellant has failed to support her burden of proof in this matter.

**ORDER**

Therefore, it is ordered that this appeal be denied.

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 19TH DAY OF AUGUST, 2015



---

Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, NJ 08625-0312

c: N'dela Costley  
Michael Green  
Kelly Glenn  
Joseph Gambino

