



STATE OF NEW JERSEY

In the Matter of Lorraine Azzarano,
Business Manager (PM2315V),
Winslow Township

DOP Docket No. 2018-3631

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

Request for Reconsideration

ISSUED: August 3, 2018 (RE)

Lorraine Azzarano petitions the Civil Service Commission (Commission) for reconsideration of the attached decision rendered on May 23, 2018, which denied her appeal regarding her ineligibility for the promotional examination for Business Manager (PM2315V), Winslow Township.

By way of background, the eligibility requirements for the subject examination were graduation from an accredited college or university with a Bachelor’s degree, and two years of management experience which must have involved all of the following management functions:

1. setting program or organizational goals and objectives;
2. establishing organizational structure or determining the need for and developing plans for organizational changes;
3. setting policy for the organization or program managed by establishing program emphasis and priorities, and developing operating and procedural guidelines; and
4. directing the work of the organization or programs through subordinate levels of supervision.

As the petitioner possessed 57 college credits, she was required to have four years, two months of applicable experience. The Commission explained that the petitioner could have been credited with three months of experience in her provisional position, if she had included it on her application, but her remaining positions were clerical and therefore, not applicable. It explained that the Business

Manager was a professional title, and that her regular appointment was in a clerical title, Administrative Clerk. It noted that the duties listed for her Administrative Clerk position did not indicate out-of-title managerial work of a Business Manager. The petitioner did not provide the same information to the Commission in her appeal as she or the appointing authority provided to Agency Services, and she provided no duties of her provisional position. The petitioner provided a May 2017 email from this agency indicating that the duties of her position may be consistent with Business Manager. However, the classification of a position is irrelevant to a determination if an incumbent possesses the minimum requirements needed to establish examination eligibility for the title. The Commission noted that if her out-of-title work were to be accepted, the petitioner would still lack 3 years, 11 months of applicable experience, and it indicated that the petitioner should be returned to her regular prior-held title immediately upon receipt of this decision, and the duties of Administrative Clerk be assigned.

In the present matter, the petitioner explains that she failed to indicate out-of-title work from 2008 until the present performing the duties of Business Manager. She states that, from 2006 there were three permanent Fire Chiefs and interim Fire Chiefs. As a result, there was an administrative void and she managed the Fire District administratively. She states that, from 2000 to the present she said an established policies and procedures and enforced them, and set agency goals. She does not provide any further clarification of her duties.

In support, the current Fire Chief, promoted August 2015, states that the petitioner has set policies, including developing and enforcing guidelines and contracts from the District's early stages to its current fully-developed operations. He states that he assisted in setting organizational goals and objectives with her and presenting them to the Board of Fire Commissioners. He indicates that she supervises three employees, assists him with the preparation of the budget, monitors budget appropriations, handles goods and services including advertising and contracts, oversees personnel aspects of health care and insurance, supervises and directs the financial division, handles OPRA requests, and works with legal and labor counsel on personnel and legal matters. He indicates that in the absence of a Fire Chief, the petitioner continued to perform the Fire Chief's administrative duties, and deserves a promotion.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration must show the following:

1. New evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or

2. That a clear material error has occurred.

Applying this standard to the instant matter, the petitioner has not demonstrated that reconsideration should be granted. The petitioner's concerns were addressed in the decision below and she has not demonstrated that a clear material error has occurred or presented new information which would change the outcome. In this regard, the Fire Chief provides a summary of the duties that the petitioner performs in her provisional position. This information serves to confirm that her experience in her provisional position may be applicable. That is, her three months of experience in her provisional position from August 2017 to October 2017 could be applicable. However, neither the Fire Chief nor the petitioner describe the actual duties performed in the absence of a Fire Chief, nor do they indicate applicable duties have been performed for at least four years, two months. Additionally, none of her experience as an Administrative Clerk evidenced the required management experience.

Applicable experience included all four of the required duties. Some of her duties included setting policy for the organization or program managed by establishing program emphasis and priorities, and developing operating and procedural guidelines. However, the petitioner's description did not include setting program or organizational goals and objectives, establishing organizational structure or determining the need for and developing plans for organizational changes; or directing the work of the organization or programs through subordinate levels of supervision. As such, if this is a description of the petitioner's provisional position, the position appears to be misclassified. Accordingly, the Division of Agency Services should perform a formal classification review of the petitioner's position to determine its proper classification. If the position is properly classified as Business Manager, the Division of Agency Services should again direct that the petitioner be removed from the position, as she does not have the qualifications for that title.

The petitioner has failed to present a basis for reconsideration of this matter since she failed to establish that a clear material error occurred in the original determination or that new evidence presented would change the outcome of the appeal.

ORDER

Therefore, it is ordered that this request 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 1st DAY OF AUGUST, 2018



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Attachment

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