

B-28



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Keith Babcock, *et al.*,
Road Repair Supervisor (PC0622T),
Sussex County

Eligibility Appeals

CSC Docket No. 2016-1344, *et al.*

ISSUED: DEC 21 2015

(LDH)

Keith Babcock, Andrew Boutillette and Stephen Butyn appeal the determinations of the Division of Selection Services¹ (Selection Services) that they did not meet the experience requirements for the promotional examination for Road Repair Supervisor (PC0622T), Sussex County. Since, these matters address similar issues they have been consolidated herein.

The subject examination was announced with a closing date of April 21, 2015 and was open, in part, to applicants who possessed four years of experience in the construction, repair, and maintenance of roads or streets which may have included work involving installation and maintenance of traffic lines and traffic signs, one year of which shall have been in a lead worker capacity. Upon review of the appellants' applications, Selection Services determined that although they possessed sufficient general experience, they lacked the one year of experience as a lead worker. Specifically, although Babcock indicated that as an Equipment Operator he performed supervisory duties for six months, Boutillette indicated that as an Equipment Operator he performed lead worker duties for four years and eight months and Butyn indicated that as a Heavy Equipment Operator he performed supervisory duties for six years and six months, Selection Services determined that the performance of those duties was out-of-title and thus was not credited. The subject eligible list containing one name promulgated on September 17, 2015 and

¹ This function is now part of the Division of Agency Services.

expires September 16, 2018. It is noted that one certification containing one name was issued on September 22, 2015 and to date has not been disposed of.

On appeal to the Civil Service Commission (Commission), the appellants argue that they meet the minimum experience requirements for the subject title. They contend that they performed relevant duties while serving in the position of Heavy Equipment Operator and Equipment Operator.² In support, they submit a letter signed by Walter Cramp, Department Head, and Joseph Kampka, Division Director, for the appointing authority stating that the appellants have assumed the added duties and responsibilities of a Road Repairer Supervisor for the past two to three years. Specifically, it asserts that as a result of in-line employees not being interested in the subject title, the appointing authority, out of business necessity had to give out-of-title duties to the appellants. Thus, the appellants argue they should be eligible for the subject title.

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 Selection Services correctly determined that the appellants were not eligible for the subject examination as they did not have one year of experience as a lead worker. However, on appeal, the appellants submit a letter from Cramp and Kampka stating that the appellants have been performing relevant duties for over two years. Accepting the appointing authority's verification that the appellants performed relevant out-of-title duties for more than two years provides the appellants with more than the required one year of experience as a lead worker. Moreover, the subject eligible list only contained the name of one eligible. Accordingly, good cause exists to accept the appellants' out-of-title work experience, for eligibility purposes only, and to admit them to the examination.

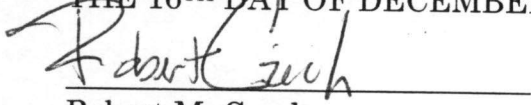
ORDER

Therefore, it is ordered that these appeals be granted and the appellants' applications be processed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

² Babcock is serving permanently in the title of Equipment Operator, and Boutillette and Butyn are serving permanently in the title of Heavy Equipment Operator.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16TH DAY OF DECEMBER, 2015



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- Andrew Boutillette (2016-1346)
- Stephen Butyn (2016-1347)
- Kelly Glenn
- Joseph Gambino

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