

B-48⁵²



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Albert Rhodes,
Director of Public Works (PC2634T),
Mercer County

Examination Appeal

CSC Docket No. 2016-3898

OCT 21 2016

ISSUED: (SLK)

Albert Rhodes appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Director of Public Works (PC2634T), Mercer County.

The examination at issue was announced with specific requirements that had to be met as of the December 21, 2015 closing date (see attached). A total of three employees applied for the examination and each was deemed ineligible. Accordingly, the examination was cancelled due to a lack of qualified applicants.

On his application, Mr. Rhodes indicated that he was provisionally serving in the subject title from September 2015 to the December 21, 2015 closing date, a General Supervisor Roads from April 1998 to September 2015, a Heavy Equipment Operator from October 1981 to March 1994, an Equipment Operator from April 1977 to November 1981, and a Laborer from July 1974 to April 1977. Personnel records indicate that he was provisionally serving in the subject title from September 2015 to the December 21, 2015 closing date, a General Supervisor Road from January 1997 to September 2015, a Road Repairer Supervisor from March 1994 to January 1997, and a Heavy Equipment Operator from November 1981 to March 1994. He does not possess a Bachelor's degree or any college credits. Agency Services credited him with four months of experience based on his provisional service in the subject title, but determined that he lacked nine years and eight months of experience.

On appeal, Mr. Rhodes asserts that, since 1996, he performed out-of-title administrative and managerial tasks as a General Supervisor Roads. He represents that he was fully involved with the planning, administration and management of the operating and capital budgets, which included the acquisition of all materials, equipment and supplies needed for the Department of Transportation. He indicates that he also directed the implementation and management of Department of Environmental Protection regulations. He states that he started with the appointing authority in 1974 as a Laborer and was promoted to various positions over the years. He presents that he was promoted to General Supervisor Roads in 1996 where he had the opportunity to build a team of quality supervisors and take on more managerial and administrative duties. He submits a letter from Raissa L. Walker, Personnel Director, who supports his appeal and confirms that the appellant performed the required out-of-title duties since January 1997 after being promoted to General Supervisor Roads.

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.

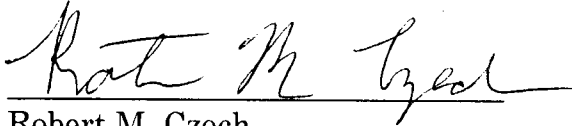
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with four months of experience based on his provisional service in the subject title, but, per the substitution clause for education, he lacked nine years and eight months of applicable experience to establish eligibility. Any relevant managerial experience the appellant gained as a General Supervisor Roads would be out-of-title-work. However, Ms. Walker confirmed that the appellant performed the required duties as a General Supervisor Road since January 1997. Moreover, the examination was cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and accept Mr. Rhodes' provisional experience in the subject title after the closing date, as well as his out-of-title work experience while serving as a General Supervisor Roads, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that the appeal be granted, and Albert Rhodes' application be processed for prospective employment opportunities only.

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 OCTOBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Albert Rhodes
Raissa Walker
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



Click here to file Online Print
\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PC2634T	WEIGHT CODE: *
TITLE: DIRECTOR OF PUBLIC WORKS	SALARY: \$117,500.00
ISSUE DATE: December 01, 2015	CLOSING DATE: December 21, 2015
TITLE CODE: 07160/ XBRLR2	JURISDICTION CODE: T11000015
JURISDICTION: MERCER COUNTY	
DEPARTMENT: TRANSPORTATION AND INFRASTRUCTURE	

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s):

Assistant Director Public Works 07150

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not meet the education requirement above may substitute additional experience as indicated below on a year-for-year basis with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Six (6) years of experience in the development, administration, and implementation of public works or other similar construction/maintenance programs, including responsibility for budgeting and supervision, four (4) years of which shall have included management responsibilities.

Note: Possession of a Master's degree from an accredited college or university in Business Administration, Public Administration, Industrial Management, Industrial Engineering, Management Science, or in a program related to the organization, operation, administration, and control of private or public organizations may be substituted for one (1) year of the above non-supervisory experience.

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. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A-4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A-4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES. (i.e. Police, Fire, Corrections and Sheriff).
6. If you are having difficulty submitting your application online, technical support and customer care 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 or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.

DPP-256A * Revised 03/09