



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Chester Scalzo,  
Marina Supervisor (PC0791T) and  
(PC2665T), Monmouth County

Examination Appeals

CSC Docket Nos. 2016-1469  
2017-377

ISSUED: **OCT 25 2016** (RE)

Chester Scalzo appeals the determinations of the Division of Agency Services which found that he did not meet the experience requirements for the promotional examinations for Marina Supervisor (PC0791T) and (PC2665T), Monmouth County.

The subject promotional examinations had closing dates of May 21, 2015 and December 21, 2015, and were open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title who met the announced requirements. These requirements included four years of experience in work related to the maintenance and operation of the marina, two years of which shall have been in a supervisory capacity, AND possession of a valid Driver's License and a valid Motorboat Operator's License issued by the New Jersey Department of Motor Vehicles AND possession of a current New Jersey Boat Safety Certificate issued by the Marine Services Bureau of the New Jersey State Police and First Aid and CPR certificates issued by the American Red Cross or other certifying agency. The responsibility for ensuring that appointees possess the required licenses and certifications rests with the appointing authority. The appellant was found to be below the experience requirements. On (PC0791T), one name appears on the eligible list, which has been certified twice, but no appointments have yet been made. On (PC2665T), two names appear on the eligible list, which has not yet been certified.

On his applications, the appellant listed four positions: provisional Marina Supervisor, Senior Park Ranger, County Park Ranger and Park Ranger. On (PC2665T), the appellant added a fifth position, Principal Park Ranger Marina.

However, official records indicate that the appellant was a Senior County Park Ranger from April 2012 to November 2013, the period of time he stated he was a Principal Park Ranger Marina. He was provisionally appointed to the subject title in December 2014, and returned to his previous title of Senior County Park Ranger on July 1, 2016.

As of the closing date for (PC0791T) in May 2015, he was credited with six months of experience in the first position. His experience as a Senior Park Ranger post-Hurricane Sandy (from November 2012 to November 2014), was applicable, but out-of-title. The remainder of his experience was inapplicable. As such, he was found to be lacking three years, six months of qualifying experience. As of the closing date for (PC2665T) in December 2015, he was credited with one year, one month of experience as a provisional Marina Supervisor, and was found to be lacking two years, 11 months of experience.

On appeal, the appellant provides a list of his supervisory duties. He also maintains that he has been performing the duties of the Marina Supervisor since April 2012 when the supervisor was absent. He submits request forms verifying pay for out-of-title work. In support, the appointing authority states that the appellant has been performing the duties of a Marina Supervisor since April 2012 due to the absence of the supervisor. It states that it did not appoint the appellant as it believed that the supervisor would return to full-time duty, but provisionally appointed him when the supervisor retired.

*N.J.A.C.* 4A:4-2.6(a)2 provides that an applicant shall meet all the requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that 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, unless good cause is shown for an exception.

## CONCLUSION

In the instant matter, the information from the appellant's initial applications indicated that he possessed six months and one year, one month of qualifying experience, respectively. Nonetheless, the appointing authority has verified that the appellant was working out of title as the Marina Supervisor since April 2012, in which case he had an additional two years, eight months of out-of-title experience as of the closing date. One candidate is on the first eligible list, and two candidates are on the second. The appellant has accrued at least an additional 12 months of experience in his provisional position since the May 2015 closing date. As such, good cause exists to accept the appellant's out-of-title work and to relax the provisions of *N.J.A.C.* 4A:4-

2.6(a), to accept his experience gained after the closing dates, and admit him to the examinations.

ORDER

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

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  
THE 19<sup>th</sup> DAY OF OCTOBER, 2016

  
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