



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Thomas Hynes, Jr.,
Assistant Supervisor, Public Works
(PM1682T), Brick

Examination Appeal

CSC Docket No. 2016-4405

ISSUED: OCT 21 2016 (SLK)

Thomas Hynes, Jr. 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 Assistant Supervisor, Public Works (PM1682T), Brick.

The examination at issue was announced with specific requirements that had to be met as of the September 21, 2015 closing date (see attached). A total of 13 employees applied for the subject examination and 7 were deemed eligible. Certification PL160045 was issued and 1 eligible was appointed.

On his application, Mr. Hynes indicated that he was an Equipment Operator from October 2002 to the September 21, 2015 closing date. Personnel records indicate that he was an Equipment Operator from May 2014 to the September 21, 2015 closing date, a Sanitation Driver from January 2004 to May 2014, and a Laborer 1 from October 2002 to January 2004. Agency Services credited him with one year and five months of experience based on his service as an Equipment Operator, but determined that he lacked one year and seven months of experience.

On appeal, the appellant submits a letter from Joanne Bergin, Business Administrator, who supports his appeal and describes how he has been performing the required duties since 2005. Ms. Bergin states that when the budget could accommodate it, the appointing authority changed his title to Equipment Operator. She maintains that the appellant should not be penalized for the appointing

authority's delay in changing his position to the appropriate title due to its budgetary restraints.

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, such as a documented affirmative action basis, 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.

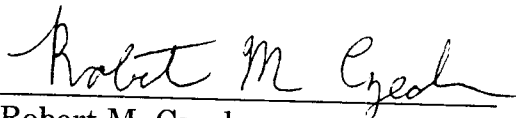
Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination. The appellant was credited with one year and five months of experience based on his service as an Equipment Operator, but he lacked one year and seven months of the required experience needed to establish eligibility. Any relevant experience the appellant gained as a Sanitation Driver would be out-of-title-work. However, Ms. Bergin confirmed that he has been performing the required out-of-title duties as a Sanitation Driver since 2005 due to the appointing authority's budgetary constraints and it assigned him the appropriate title when its budget could accommodate it. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted and Mr. Hynes' 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: Thomas Hynes, Jr.
Joanne Bergin
Kelly Glenn
Records Center

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



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PM1682T	WEIGHT CODE: *
TITLE: ASSISTANT SUPERVISOR PUBLIC WORKS	SALARY: \$68,532.00 - \$76,744.00
ISSUE DATE: September 01, 2015	CLOSING DATE: September 21, 2015
TITLE CODE: 06651/ UBRQR2	JURISDICTION CODE: T15060007
JURISDICTION: BRICK	APPLICATION DEADLINE: April 21, 2016
DEPARTMENT: PUBLIC WORKS	

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 in any competitive title and meet the requirements listed below:

Experience: Three (3) years of experience in the construction, maintenance and/or repair of streets, sewer, water, sanitation or other public works facilities or similar heavy construction work.

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.

Appointees are required to possess a valid Commercial Driver's License (CDL), Class B without airbrake restriction. Proof of the license must be submitted to the appointing authority prior to appointment.

Note: 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.

NOTE: All requirements must be met as of the above closing date, however applications will be accepted up to and including **April 21, 2016**.

SPECIAL NOTE: IF YOU FILED AN APPLICATION FOR THIS ANNOUNCEMENT DURING THE ORIGINAL POSTING PERIOD DO NOT FILE AGAIN. However, if you would like to supplement your original application due to the corrected requirements listed above, please send your supplemental information to NJCSC, PO Box 322, Trenton NJ 08625 and include a copy of this announcement. Please do not send a new application and fee.

Amended 4/1/16

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 DMVA (as defined by N.J.S.A. 11A:5-1 et seq.) or your claim is approved by DMVA 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