

B-8



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of John Weber,
Assistant Supervisor Public Works
(PM1750U), Edgewater

Examination Appeal

CSC Docket No. 2017-2429

ISSUED: **MAY 19 2017** (SLK)

John Weber 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 (PM1750U), Edgewater.

The examination at issue was announced with specific requirements that had to be met as of the September 21, 2016 closing date (see attached). A total of five employees applied and one was deemed eligible. Certification PL170151 was issued containing the name of the one eligible.

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 did not clearly explain how he was performing the required duties while provisionally serving in the subject title from June 2016 to the September 21, 2016 and any relevant

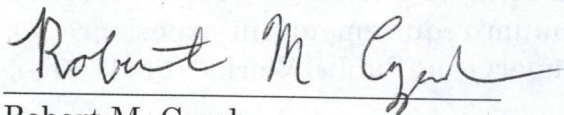
experience the appellant gained as a Laborer 2 from May 2007 to June 2016 would be out-of-title-work. On appeal, the appellant clarifies that, since 2007, he operated heavy equipment and his work involved the repair and maintenance of public roads and facilities and maintenance of the sanitation system. Further, Gregory Franz, Administrator, and Thomas Quinton Sr., Superintendent of Public Works, confirm that the appellant has been performing the required out-of-title duties since 2007 due to its business necessity. Additionally, the eligible list is incomplete as there is only one name on the list and the appellant continues to serve provisionally in the title under test. Accordingly, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, and John Weber's 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 17th DAY OF MAY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: John Weber
Gregory Franz
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: PM1750U	WEIGHT CODE: *
TITLE: ASSISTANT SUPERVISOR PUBLIC WORKS	SALARY: \$91,430.00 - \$102,402.00
ISSUE DATE: September 01, 2016	CLOSING DATE: September 21, 2016
TITLE CODE: 06651/ IBRBR2	JURISDICTION CODE: N02130009
JURISDICTION: EDGEWATER	
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 and are currently serving in the following title(s):

Senior Public Works Repairer 03541 @

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:

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.

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.

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.

DPF-256A * Revised 03/09

THE STATE OF TEXAS,
COUNTY OF []

Know all men by these presents, that [] of the County of [] State of Texas, for and in consideration of the sum of [] Dollars, to [] in hand paid by [], the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said [] of the County of [] State of Texas, all that certain [] of land, situate in the County of [] State of Texas, to have and to hold unto the said [] his heirs and assigns forever.

And the said [] do hereby covenant, warrant and guarantee unto the said [] his heirs and assigns, that the said [] of land is well and lawfully his, and that he has good and quiet enjoyment thereof, and that the same is free from all liens, taxes and encumbrances, and that he has the right to sell the same.

IN WITNESS WHEREOF, the said [] has hereunto set his hand and seal of office, at the City of [] State of Texas, this [] day of [] A.D. 19[].

[]
[]