



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Seth Wainer,
Business Manager (M0132U), City of
Newark

Examination Appeal

CSC Docket No. 2017-1612

ISSUED: JULY 19, 2017 (ABR)

Seth Wainer appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the open competitive examination for Business Manager (M0132U), City of Newark (Newark).

The subject open competitive examination was announced with a closing date of March 8, 2016. The examination was open to applicants who possessed a Bachelor’s degree from an accredited college or university who possessed two years of management experience involving all of the following management functions: (1) setting program or organizational goals or objectives; (2) establishing organizational structure or determining the need for and developing plans for organizational changes; (3) setting policy for the organization or program managed by establishing program emphasis and priorities, and developing operating and procedural guidelines; and (4) directing the work of the organization or program through subordinate levels of supervision. The resulting eligible list, which contained only two names, promulgated on November 17, 2016 and expires on November 16, 2018.

On his application, the appellant indicated, in relevant part, that he possessed a Bachelor’s degree from Columbia University and served as a Chief Information Officer from July 2014 to February 2016. However, it is noted that agency records indicate that the appellant served as a provisional Business Manager from May 2015 to the closing date of the subject examination (March 2016) and as an Aide to the Mayor from July 2014 to April 2015. Agency Services credited the appellant with one year and eight months of applicable experience

based upon his service as a provisional Business Manager and as an Aide to the Mayor. Consequently, Agency Services deemed him ineligible for the subject examination because he lacked an additional four months of applicable experience.

On appeal to the Civil Service Commission (Commission), the appellant argues that he should be deemed eligible for the subject examination because the totality of his experience covers each of the four management functions required to be creditable for the subject examination. The appellant submits a copy of his resume and details his experience.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the examination announcement by the closing date.

Initially, it is noted that Agency Services properly credited the appellant with one year and eight months of applicable experience, based upon his service as a provisional Business Manager and as an Aide to the Mayor. However, a review of the record shows that the appellant continues to serve provisionally in the subject title, thereby providing him with the required additional four months of applicable experience. In this regard, *N.J.A.C.* 4A:1-1.2(c) provides that the Commission may relax a rule for good cause in a particular situation. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the appellant's application be processed and that he be scheduled for a make-up examination.

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 13TH DAY OF JULY, 2017

A handwritten signature in black ink, appearing to read 'R. Czedz', written over a horizontal line.

Robert M. Czedz, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Seth Wainer
Kecia Daniels
Kelly Glenn
Records Center