

STATE OF NEW JERSEY

In the Matter of Gerald Grande, Public Works Superintendent (PC0450V), Essex County

CSC Docket Nos. 2018-886

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: April 2, 2018 (RE)

Gerald Grande appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Public Works Superintendent (PC0450V), Essex County.

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The subject examination announcement was issued with a closing date of May 22, 2017, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Assistant Public Works Superintendent OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any title and who met the announced requirements. These requirements included five years of supervisory experience in the construction, maintenance and repair of streets, sewer, water, sanitation, or other public works facilities or similar heavy construction or maintenance work. Satisfactory completion of college level credits in engineering courses at an accredited college or university could be substituted for up to two years of experience on the basis of 30 semester credit hours being equal to one year of experience. The appellant was found to be ineligible based on a lack of applicable experience. There were no admitted applicants, and the examination was cancelled on September 23, 2017.

The appellant listed four positions on his application, provisional Public Works Superintendent, Public Works Repairer, Equipment Operator, and Laborer/Maintenance Repairer. He was found to possess four months of applicable

experience in his provisional position, and was lacking four years, eight months of experience.

On appeal, the appellant argues that he is been working with the Director of Public Works in an "acting" capacity due to retirements since February 2012. He states that he has been responsible for planning, organizing and supervising daily operations, managing special projects, attending weekly supervisor meetings, and requesting work supplies and equipment specifications. On his behalf, the Department Director and County Engineer provides examples of the appellant's responsibilities from February 2012 through February 2017 which reflect the same duties submitted by the appellant.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all 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

Initially, the appellant was correctly denied admittance to the subject examination since he did not indicate on his application that he possessed the required in-title experience. The appellant indicated that he supervised staff while in the Public Works Repairer title, however, as this is not a supervisory title, it could not be accepted. Nonetheless, the Department Director and County Engineer confirmed the performance of the required duties for the appellant in his position as Public Works Repairer. The appointing authority confirms this out-of-title work and wishes to make his appointment. Additionally, the appellant continues to serve provisionally in the title under test and the examination was cancelled for the lack of qualified eligibles. As such, good cause exists to accept the appellant's out-of-title experience and admit him to the subject examination. However, this remedy is limited to the facts of this situation and may not be used as precedent in any other proceeding.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant'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 27^{TH} DAY OF MARCH, 2018

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