



STATE OF NEW JERSEY

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

In the Matter of Jerry Biggs, Sewer
Repairer Supervisor (PM2157V),
Trenton

Examination Appeal

CSC Docket Nos. 2018-2391

ISSUED: APRIL 2, 2018 (SLK)

Jerry Biggs appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Sewer Repairer Supervisor (PM2157V), Trenton.

The examination at issue was announced with specific requirements that had to be met as of the August 21, 2017 closing date. The requirements were three years of experience in sewer installation or repair work and/or in varied plumbing work and/or in the operation and maintenance of sewer maintenance equipment, one year of which shall have been in a lead worker capacity. A total of three employees applied for the subject examination which resulted in a list of one eligible with an expiration date of February 7, 2021. Certification PL180194 was issued containing the name of the one eligible.

A review of personnel records indicate that the appellant was provisionally serving in the subject title from May 2017 to the August 21, 2017 closing date, an Equipment Operator from September 2011 to May 2017, and served in various other titles in the public sector from January 1998 to September 2011. Agency Services credited the appellant with four months of experience based on his provisional service in the subject title, but determined that he lacked two years and eight months of experience.

On appeal, the appellant presents that he has been operating and maintaining sewer maintenance equipment in the Sewer Division since October 2012.

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:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject examination as the appellant did not have one year of experience acting as a lead worker of employees performing the required duties. However, the appellant gained the applicable lead worker experience while serving provisionally in the subject title after the closing date. Additionally, it is noted that the job specification for Equipment Operator indicates that incumbents in this title operate and maintain gasoline or diesel-powered equipment. On appeal, the appellant explains that he has been operating and maintaining sewer maintenance equipment as an Equipment Operator in the Sewer Department since October 2012. Therefore, the appellant gained the required general experience while serving in this title. Additionally, the list is incomplete as there is only one name on the list. Accordingly, good cause exists to accept the appellant's experience after the closing date, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted and the appellant's application 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 ON
THE 27th DAY OF MARCH, 2018



Deirdre L. Webster Cobb
Acting 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: Jerry Biggs
Terry McEwen
Kelly Glenn
Records Center