**STATE OF NEW JERSEY**

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

In the Matter of Derrick Turner,    :
General Supervisor, Public Works    :
(PM0833A), Long Branch              :
                                    :
                                    :               Examination Appeal
                                    :
CSC Docket No. 2020-1487            :
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**ISSUED: DECEMBER 23, 2019**      (HS)

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Derrick Turner appeals the determination of the Division of Agency Services (Agency Services), which found that he did not meet the experience requirement for the promotional examination for General Supervisor, Public Works (PM0833A), Long Branch.

The subject examination was announced with a closing date of June 21, 2019 and was open, in pertinent part, to employees who possessed five years of experience in work involving the construction, maintenance and repair of streets, sewers, water, sanitation or other public works facilities or similar heavy construction or maintenance work, two years of which shall have been in a supervisory capacity. The appellant was the only applicant for the subject promotional examination, which was cancelled.

On his application, the appellant indicated his experience as a Truck Driver Heavy/Road Repairer 1 from July 2012 through January 2019 with Long Branch. Agency Services determined that this experience, though applicable, could not be credited as it was unverified supervisory out-of-title experience. Therefore, Agency Services deemed the appellant ineligible since he did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission, the appellant maintains that he possesses sufficient applicable experience, including his experience while serving in the title of Truck Driver Heavy/Road Repairer 1 with Long Branch. The appointing authority supports this appeal and the crediting of the appellant's out-of-title duties

performed while serving in the title of Truck Driver Heavy/Road Repairer 1. In that regard, it certifies to the appellant's performance of those duties.

## CONCLUSION

*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 that, except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

Initially, Agency Services correctly determined that the appellant was ineligible for the subject examination because he lacked the requisite amount of creditable experience as of the June 21, 2019 closing date. On appeal, the appellant maintains that he performed applicable supervisory duties while serving in the title of Truck Driver Heavy/Road Repairer 1 with Long Branch from July 2012 through January 2019. Although the appellant's performance of applicable supervisory duties in that timeframe would be considered out-of-title work, the appointing authority confirms his performance of those duties. This represents six years and seven months of applicable experience. Moreover, the record evidences that the examination situation is not competitive since the examination was cancelled given that the appellant, the only applicant, was deemed ineligible. As such, good cause exists in this particular case 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 this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed for prospective employment opportunities.

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 18TH DAY OF DECEMBER, 2019

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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c.       Derrick Turner
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