

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Bryan Coward,
Recreation Supervisor (M0559T),
Rockaway

Examination Appeal

CSC Docket No. 2016-1862

ISSUED: **NOV 16 2018** (SLK)

Bryan Coward appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the open competitive examination for Recreation Supervisor (M0559T), Rockaway.

The examination at issue was announced with specific requirements that had to be met as of the August 5, 2015 closing date (see attached). A total of 11 individuals applied for and two were deemed eligible for the subject examination. Certification OL1511436 was issued containing the names of the two eligibles. The eligible list expires on November 11, 2018.

Mr. Coward indicated on his application that he was serving provisionally in the subject title from April 2015 to the August 5, 2015 closing date, a part-time Registered Environmental Health Specialist from September 2014 to March 2015, a Wheelchair Technician/Rehab Aide for Kessler Institute from July 2013 to May 2014, a part-time Deck Supervisor, Swim Instructor for Randolph YMCA from September 2006 to September 2013, and a part-time Rehabilitation Aide for JAG Physical Therapy from May 2013 to July 2013. Agency Services credited him with having a Bachelor's degree and four months of experience based on his provisional experience in the subject title, but determined that he lacked one year and eight months of the required experience.

On appeal, Mr. Coward presents that, as a Registered Environmental Health Specialist, he was involved in managing senior exercise programming and assisted with seasonal recreation events. He states that starting in February 2015, he became involved with the daily administration of the registration of patrons for the community pool who used the online registration system. Further, while working

for Kessler Rehabilitation, he indicates he spent 11 months supervising therapeutic exercise and recreation. The appellant represents that as an employee for JAG Rehabilitation he provided supervision of therapeutic exercise and developed home exercise plans for injured athletes who were rehabilitating. Mr. Coward provides that throughout high school and college he worked for the Randolph YMCA in different positions including Life Guard, Swim Instructor, and Aquatic Deck Supervisor. He states that in these positions he worked with swimmers, oversaw swim meets, scheduled employees, supervised and trained instructors, planned the pool schedule, developed fitness and swimming programs, promoted programs, and worked with outside organizations. Mr. Coward highlights that he is a certified aerobics and fitness instructor and personal trainer and has worked with athletes on an individual and group basis to improve their performances. The appellant asserts that over the past seven years in both full and part-time positions for various employers he has performed the required duties. Additionally, Joseph Fiorilla, Director, Department of Community Services, and Peter Tabbot, Health Officer, confirm that the appellant worked on recreation programs and projects through his employment with the appointing authority and highlight his Bachelor's degree in Exercise Science and prior recreation work experience as a basis for his hiring.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

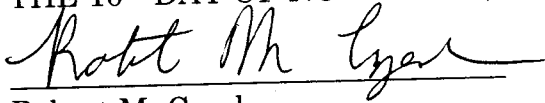
Initially, Agency Services correctly determined that the appellant did not meet the required experience as of the August 5, 2015 closing date. However, in accordance with *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. On appeal, Mr. Fiorilla and Mr. Tabbot have clarified and confirmed that the appellant performed the required duties since his employment began with the appointing authority. Also, the appellant has clarified that he has been involved in the planning, promotion, development, and supervision of a recreation program as far back as September 2006. Additionally, the appellant has a degree in Exercise Science and Sports Studies. Furthermore, the appellant continues to serve provisionally in the subject title and this is not a competitive situation as there are only two names on the eligible list. Therefore, under these circumstances, good cause exists to accept the appellant's provisional experience after the closing date and the totality of Mr. Coward's education and experience since September 2006, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and Mr. Bryan Coward'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 10th DAY OF NOVEMBER, 2016



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: Bryan Coward
Gregory Poff
Kelly Glenn
Records Center



Job Announcements

Symbol: M0559T Title: **RECREATION SUPERVISOR**
 Issue Date: 07/15/2015
 Jurisdiction: ROCKAWAY
 Num. of Positions: 1
 Application Fee: \$25.00

Closing Date: 08/05/2015
 Salary: \$46,000.00 Per Year
 Workweek: 35 Hours per week

OPEN TO RESIDENTS OF:

1) Rockaway Township; 2) Morris County

REQUIREMENTS:

EDUCATION: Graduation from an accredited college or university with a Bachelor's degree.

EXPERIENCE: Two (2) years of experience in recreation work involving the planning, promotion, development, and supervision of a recreation program.

NOTE: A Bachelor's or Master's degree in Recreation or in Park and Recreation Management from an accredited college or university may be substituted for one (1) year of experience. If you are substituting education for some of the required experience, please upload a copy of your transcript with your application. Failure to do so will result in ineligibility.

NOTE: Foreign transcripts must be evaluated by a recognized evaluation service. Please upload a copy of our evaluation with your application. Failure to do so will result in ineligibility.

NOTE: Applicants who do not meet the educational requirement may substitute additional work experience as described on the basis of one (1) year of such experience being equal to thirty (30) semester hour credits.

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.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support 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 regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
6. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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