



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Richard D. Talley, General Supervisor Roads (PM2012T), Winslow Township

CSC Docket No. 2016-2903

Examination Appeal

ISSUED: DEC 14 2016 (BS)

Richard D. Talley appeals the determination of the Division of Agency Services which found that he did not meet the requirements for the promotional examination for General Supervisor Roads (PM2012T), Winslow Township.

The examination at issue was announced with experience requirements which had to be met as of the announced October 21, 2015 closing date. Specifically, all applicants had to possess four years of experience in work involving the construction, maintenance, and repair of roads, one year of which shall have been in a supervisory capacity. Records indicate that the subject examination was cancelled on March 1, 2016 due to a lack of qualified applicants.

The appellant filed an application on which he indicated that he possessed experience as a provisional General Supervisor Roads (9/14 to the closing date), Motor Broom Driver (7/04 to 8/14), Laborer (6/93 to 8/94), and Sanitation Worker (8/84 to 11/92). The Division of Agency Services concluded that the appellant only possessed one year and two months of applicable experience as a provisional General Supervisor Roads as of the closing date. Although he indicated that he performed appropriate duties while serving as a Motor Broom Operator, the Division of Agency Services did not accept this as qualifying experience since it was considered out-of-title for someone serving in the Motor Broom Operator title. As a result, the Division of Agency Services found the appellant ineligible for the subject examination.

On appeal, the appellant argues that he has 33 years of service with Winslow Township and that he satisfies the subject requirements. The appointing authority submitted a letter on the appellant's behalf endorsing the out-of-title duties the appellant performed while serving as a Motor Broom Operator. The appointing authority contends that this out-of-title experience should qualify him for the subject promotional examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the closing date, the appellant only possessed one year and two months of applicable in-title experience, including the one year of required supervisory experience, as a provisional General Supervisor Roads. Although the appellant claims to have assumed appropriate responsibilities while serving as a Motor Broom Operator (7/04 to 8/14), such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements for promotional examinations announced with open-competitive requirements. However, the appointing authority endorses the appellant's out-of-title work for this period which would give him enough time to satisfy the subject experience requirements. Since the subject promotional examination was cancelled due to a lack of qualified applicants, this is not a competitive situation, and the appointing authority supports this appeal, the Civil Service Commission finds good cause to accept the appellant's out-of-title experience as a Motor Broom Operator.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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 7TH DAY OF DECEMBER, 2016



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