



STATE OF NEW JERSEY

In the Matter of Paul Janiec,
General Supervisor of Roads
(PC2639T), Passaic County

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-3624

Examination Appeal

ISSUED: **NOV 15 2016** (JET)

Paul Janiec appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for General Supervisor of Roads (PC2639T), Passaic County.

The promotional examination was announced with specific requirements which had to be satisfied by the December 21, 2015 closing date (see attached). The examination was cancelled on April 16, 2016 as the only applicant, the appellant, was found ineligible for the examination.

On his application, the appellant indicated that he served as a provisional General Supervisor of Roads from August 2015 to the December 21, 2015 closing date, as a Tree Maintenance Supervisor from February 2009 to August 2015, and as a Senior Tree Climber from August 1995 to February 2009. Agency Services credited the appellant with five months of applicable supervisory and general experience for his provisional work in the subject title, but it could not credit him with any other applicable experience. Accordingly, Agency Services determined that the appellant lacked three years and seven months of applicable general experience, and seven months of supervisory experience.

On appeal, the appellant maintains that he meets the experience requirement for the subject examination. In support, the appellant submits a letter from Barbara E. DeSpirito, Director of Human Resources, County of Passaic, who

states that the appellant has been performing the duties of a General Supervisor of Roads since February 2009 while serving in the title of Tree Maintenance Supervisor. Specifically, DeSpirito confirms that the appellant was assigned to perform such duties on an out-of-title basis given that the incumbent stated that he planned to retire.

Official personnel records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional 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 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.

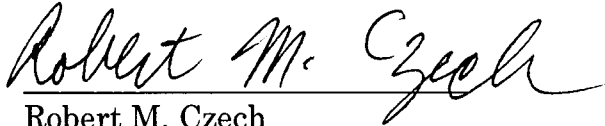
Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination. Primarily performing the required duties to establish eligibility for the subject examination would be considered out-of-title work for incumbents in the Tree Maintenance Supervisor title. However, the Director of Human Resources for Passaic County has verified that the appellant has been performing the required duties of a General Supervisor of Roads since 2009. Further, the appellant continues to serve provisionally in the subject title and the examination was cancelled due to lack of applicants. Under these circumstances, good cause exists 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 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
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Civil Service Commission

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and
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c: Paul Janiec
Barbara DeSpirito
Kelly Glenn

NEW JERSEY CIVIL SERVICE COMMISSION
COUNTY AND MUNICIPAL GOVERNMENT SERVICES
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PC2639T	WEIGHT CODE: *
TITLE: GENERAL SUPERVISOR ROADS	SALARY: \$60,761.00 - \$86,733.00
ISSUE DATE: December 01, 2015	CLOSING DATE: December 21, 2015
TITLE CODE: 06656/ XBRRR1	JURISDICTION CODE: N16000016
JURISDICTION: PASSAIC COUNTY	
DEPARTMENT: ENGINEERING	

**Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application**

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date and are currently serving in the following title(s):

Road Repair Supervisor 06654

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Experience: Four (4) years of experience in work involving the construction, maintenance, and repair of roads, one (1) year of which shall have been in a supervisory capacity.

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. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

- IMPORTANT INFORMATION**
- NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
 - ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
 - This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
 - NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
 - In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
 - If you are having difficulty submitting your application online, technical support and customer care 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 of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A * Revised 03/09