



STATE OF NEW JERSEY

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

In the Matter of Matthew Palko,
Senior Sewage Plant Operator
(PM2019B), Jefferson

Examination Appeal

CSC Docket No. 2021-621

ISSUED: DECEMBER 21, 2020 (RE)

Matthew Palko appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for Senior Sewage Plant Operator (PM2019B), Jefferson.

The subject promotional examination had a closing date of January 21, 2020 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Sewage Plant Operator, OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. Those requirements were two years of experience in operating, adjusting, regulating, preparing, and maintaining pumps, valves, electric motors, and other electrical and mechanical equipment of the type used in a sewage treatment plant. As the appellant was permanent in the title Sewer Repairer 1/Water Repairer 1, he had to have met the open competitive requirements. The appellant was found to be below the minimum requirements in experience. As the appellant was the sole applicant, the examination was cancelled on December 5, 2020.

On his application, the appellant listed one position, provisional Senior Sewage Plant Operator from September 2019 to the January 2020 closing date. Official records confirm this appointment and indicate that he was a Sewer Repairer 1/Water Repairer 1 from July 2007 to September 2019. He was credited with five months of

experience for the one position on his application and was found to be lacking one year, seven months of required experience.

On appeal, the appellant requested that his education and experience be reviewed, and he provides a resume with additional positions as a Sewer Repairer 1/Water Repairer 1 from July 2007 to September 2019, and as a Laborer, and his transcripts.

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:1-1.2(c) provides that the Civil Service Commission may relax the rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellant was found to be lacking one year, seven months of qualifying experience. It is noted that education was not a factor for eligibility for this examination, and there was no substitution clause of education for experience. The appellant listed only his provisional position on his application, and as such, Agency Services correctly determined that the appellant was not eligible for the subject examination. Nevertheless, the appellant has accrued at least an additional 11 months of applicable experience in his position as a Senior Sewage Plant Operator. While the appellant's Sewer Repairer 1/Water Repairer 1 position was not listed on his application, the duties for this position were provided on appeal and are applicable, and the appellant accrued over 12 years of experience in that title. He serves as a provisional in the subject title, and the examination was cancelled. As such, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a), and accept the appellant's additional experience and admit him to the examination.

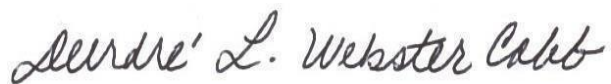
On a final note, the On-Line Application System User's Guide cautions applicants to carefully review the application to ensure that it is complete and accurate before submitting, and to complete the application in detail. It states that failure to complete the application properly may cause the applicant to be declared ineligible. The instructions under the experience portion of the applications advise applicants to provide all employment information (not just current employment information), and if they have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation 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 16TH DAY OF DECEMBER 2020



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