

CS
B-31



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tyrone Brinkley,
Supervisor, Repair and Maintenance
(PM2298R), East Orange Water
Department

Examination Appeal

CSC Docket No. 2014-2822

ISSUED: OCT 01 2014 (HS)

Tyrone Brinkley appeals the determination of the Division of Selection Services (Selection Services) which found that he did not meet the experience requirement for the promotional examination for Supervisor, Repair and Maintenance (PM2298R), East Orange Water Department.

The subject examination announcement was issued with a closing date of December 21, 2013. The examination 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 any competitive title and possessed four years of experience in work involving the construction and maintenance of buildings and grounds, one year of which should have been in a supervisory capacity. It is noted that the appellant was one of two applicants for the promotional examination, which was cancelled.

Selection Services credited the appellant with 17 years and one month of general experience earned in various titles. The credited experience included three months of supervisory experience earned as a provisional Supervisor, Repair and Maintenance from the appellant's effective date of appointment to that title, October 1, 2013, through the closing date. Therefore, Selection Services deemed him ineligible because he lacked nine months of supervisory experience.

On appeal, the appellant argues that he possesses the required experience and submits his resume.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 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 a rule may be relaxed for good cause shown in a particular situation.

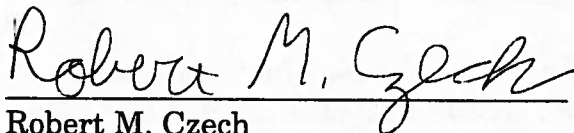
In this matter, Selection Services correctly determined that the appellant was ineligible for the subject examination because he did not meet the experience requirement as of the closing date. However, the appellant was provisionally appointed to the title under test effective October 1, 2013 and continues to serve provisionally in that title. The Civil Service Commission finds that, for examination eligibility purposes, he has been performing the duties of the title under test since that date. Thus, the appellant now possesses enough applicable experience based on this service. Additionally, the record evidences that the examination situation is not competitive since the examination was cancelled. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a)2 and accept the appellant's provisional experience after the closing date, 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.

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 1ST DAY OF OCTOBER, 2014



Robert M. Czech

Chairperson

Civil Service Commission

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and
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