

B-37



STATE OF NEW JERSEY

In the Matter of Dean Lampe and
William Sloan, Captain, State Boat
(PS6750G), Department of
Environmental Protection

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeals

CSC Docket Nos. 2015-76 and
2015-127

OCT 06 2014

ISSUED:

(WR)

Dean Lampe and William Sloan appeal the determinations of the Division of Selection Services (Selection Services) which found that they were below the minimum requirements in experience for the promotional examination for Captain, State Boat (PS6750G), Department of Environmental Protection (DEP). Since these appeals address similar issues, they have been consolidated herein.

The subject examination was announced with a closing date of December 21, 2013 and was open to employees in the competitive division who possessed five years of experience in navigation of coastal waters in boats operated by marine diesel, inboard, or outboard gasoline engines, including at least one year of experience as captain mate, or second-in-command.¹ Agency records indicate that the examination was cancelled on July 18, 2014, as all three applicants were deemed ineligible.

On his application, Mr. Lampe indicated that he worked in the subject title provisionally from February 1986 through the closing date. Agency records indicate that he served provisionally in the subject title from April 2012 through the closing date, as a Channel Marker/Boat Attendant from July 1992 to April 2012, and as a Boat Attendant from February 1986 to July 1992. Selection Services credited him with one year and nine months for his experience as a Captain, State Boat. It also credited him with three months of experience while he was serving as a Channel

¹ It is noted that the job specification for the subject title was amended on July 13, 2013 to require applicants to possess a current Boat Safety Certificate. However, for reasons that are unclear, the announcement for the subject examination did not list a current Boat Safety Certificate as a requirement. It does not appear that the announcement was amended.

Marker/Boat Attendant, but determined that such experience constituted out-of-title work. Therefore, Selection Services determined that Mr. Lampe lacked the required experience and found him ineligible for the subject examination.

Mr. Sloan indicated on his application that he possessed the required certificate and worked in the subject title provisionally from March 2013 through the closing date, as a Channel Marker/Boat Attendant from December 2002 to March 2013, and as a Boat Attendant from August 2000 to December 2002. Selection Services credited Mr. Sloan with ten months of experience for his experience in the subject title and one year and two months of experience while he was serving as a Channel Marker/Boat Attendant. Therefore, Selection Services determined that Mr. Sloan lacked the required experience and found him ineligible for the subject examination.

On appeal, both appellants provide a detailed description of the duties they performed as a Channel Marker/Boat Attendant. They also submit letters of support from Daniel Hourigan, Crew Supervisor, Channel Marking, DEP. Mr. Hourigan confirms that Mr. Lampe and Mr. Sloan have been performing duties relevant to the requirements for the subject examination for 22 years and nine years, respectively. It is noted that both applicants possess a current Boat Safety Certificate.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) 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 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, it is noted that Selection Services correctly determined that Mr. Lampe and Mr. Sloan were not eligible for the subject examination. Applicants were required, in relevant part, to possess five years of the indicated experience. However, a review of the appellants' applications reveal that Mr. Lampe and Mr. Sloan only possessed one year and nine months and ten months, respectively, of the required experience based on their provisional service in the subject title.

In the instant matter, the appellants, supported by Mr. Hourigan, maintain that they have over five years of relevant experience. Accepting their supervisor's verification that the appellants performed relevant out-of-title duties, as of the closing date of the examination they both possessed more than the required five years of applicable experience. However, all but one year and nine months of Mr. Lampe's experience and ten months of Mr. Sloan's experience was accrued via out-

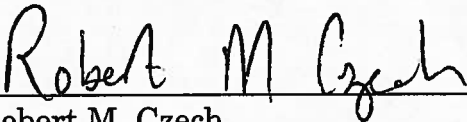
of-title work. *N.J.A.C. 4A:4-2.6(c)* generally provides that applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements unless good cause exists. In this case, the appellants provide a detailed description of the applicable out-of-title experience gained while employed as a Channel Marker/Boat Attendant. Additionally, the subject eligible list was cancelled because all three applicants were deemed ineligible for the examination. Moreover, the appellants continue to serve provisionally in the subject title. Accordingly, good cause exists to accept the appellants' out-of-title work experience and admit them to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and Dean Lampe and William Sloan's applications be processed for prospective appointment 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 1st DAY OF OCTOBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

c: Dean Lampe
William Sloan
Deni Gaskill
Dan Hill
Joseph Gambino