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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Richard Wright,
Construction and Maintenance
Technician 3 (PS6059T), Department
of Transportation

Examination Appeal

CSC Docket No. 2014-2922

ISSUED: OCT 01 2014 (HS)

Richard Wright 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 Construction and Maintenance Technician 3 (PS6059T), Department of Transportation.

The subject examination announcement was issued with a closing date of November 21, 2013. The examination was open, in part, 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 listed requirements. These requirements included satisfactory completion of 30 college semester hour credits in an engineering or engineering technology program and two years of experience in inspecting or testing materials, reviewing permit applications, inspecting construction work and/or construction/maintenance work requiring mathematical calculations to estimate materials or labor needed or used. Applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. Applicants who did not possess the required experience could substitute additional college semester hour credits in engineering or engineering technology program on a year-for-year basis with 30 semester hour credits being equal to one year of experience. There were 17 applicants for the subject examination. The resulting list of three eligibles promulgated on July 31, 2014 and expires July 30, 2017. It is noted that agency records indicate that there are three provisional appointees serving in the subject title. A certification

containing one name issued on August 1, 2014. The appointing authority recorded the disposition of that certification online, indicating an appointment date of September 20, 2014 for the certified individual. A signed certification has not been received by this agency.

On his application, the appellant did not indicate possession of any semester hour credits. Therefore, pursuant to the substitution clause for education, the appellant needed three years of the indicated experience. He also indicated that he had served as a "Construction and Maintenance Technician Mobility" from March 2006 through the closing date (November 2013)¹ and as a Welder from March 1997 through March 2006. The appellant indicated that as a "Construction and Maintenance Technician Mobility," he inspected and repaired bridges; reviewed permit applications; performed construction work requiring math calculations to estimate materials, equipment and labor needed; coordinated with Traffic Operations to prepare traffic interference responses for regular and emergency bridge repairs; kept records of structure inventory; gained experience in deck, drawstring, superstructures and substructures of bridges and channels; gained core experience in bridge inspector repairs, all components of bridges and safety regulations required by State law; and supervised assigned bridge crews and onsite consultants. The appellant indicated that as a Welder, he welded vertical/horizontal and overhead positions; performed butt welds, lap welds, welding of inside and outside corners of plates or sheet metals; repaired mechanical, electrical and hydraulic systems of vehicular equipment; performed major repairs of plows and snow equipment; disassembled plow motors and hydraulic hoses; and repaired molt mowers and trailers. Selection Services determined that the appellant possessed seven years of relevant experience as a "Construction and Maintenance Technician Mobility" but did not credit this experience as it was out-of-title. The appellant's experience as a Welder was found inapplicable. Therefore, he was determined to be lacking three years of creditable experience.

On appeal, the appellant submits his Performance Assessment Reviews (PARs) for rating periods ending in 2014, 2013, 2012, 2011, 2010, 2008 and 2007 respectively. His PAR for the rating period ending in 2014 indicates that his major goal was to perform independent work in the complex engineering phases of investigation, construction, design or inspection of the transportation system and its appurtenances, including the supervision of emergency and priority repairs to structures statewide. Major job responsibilities included the investigation, analysis and development of a structural repair; supervision; work orders; completion letters; and contract administration. Essential criteria for the successful accomplishment of the job responsibility of investigation, analysis and development of a structural repair included the following: investigate a structural repair and

¹ Agency records indicate that the appellant was serving in the title of Welder throughout this period.

deteriorated structural members and/or components; investigate a structural repair of structural members and/or components due to accident damage; insure, by means of inspection, the standard and supplemental specifications are fulfilled in accordance with department policies; respond immediately to emergency callouts; respond to priority one repairs within three days and priority two repairs within one month; and investigate and then implement the required repair in accordance with provided plans. The description of the appellant's duties found in his PAR for the rating period ending in 2014 is generally consistent with the description found in the PARs submitted for the earlier years.

The job specification for Welder indicates that an individual in that title performs electrical arc welding and acetylene welding and cutting.

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: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 eligibility requirements.

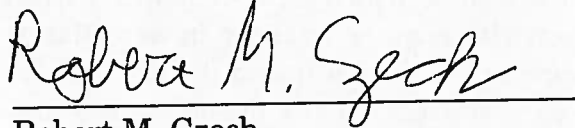
Initially, it is noted that Selection Services correctly determined that the appellant was ineligible for the subject examination because he lacked three years of creditable experience as of the closing date. However, on appeal, the appellant submits several of his PARs, which reflect the relevant out-of-title duties that he performed and which were signed by the appellant's immediate supervisor and a higher level manager. The record thus reflects that the appellant was assigned out-of-title duties, and he performed the duties in good faith over several years. Additionally, since the appointing authority indicated that it appointed an individual from the August 1, 2014 certification, the eligible list may be considered to be incomplete. Under the particular circumstances presented, 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 and the appellant's application be processed for prospective employment opportunities only. In so doing, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter.

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**



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