

CSC file 2



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter Justin J.
Colatarci, Supervising Road
Inspector (PC2299R), Passaic County

CSC Docket No. 2014-2935

Examination Appeal

ISSUED: OCT 01 2014 (BS)

Justin J. Colatarci appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Supervising Road Inspector (PC2299R), Passaic County.

The promotional examination at issue was announced with education and experience requirements which had to be met as of the announced December 21, 2013 closing date. Specifically, applicants were required to possess five years of experience in work involving the construction, maintenance and repair of roads, which shall have included the reading of plans and specifications, two years of which shall have been in a supervisory capacity. Records indicate that the subject promotional examination was cancelled on June 7, 2014 due to a lack of qualified applicants.

The appellant filed an application on with he indicated that he possessed experience as a provisional Supervising Road Inspector (9/13 to the closing date), and Supervisor¹ (9/03 to 8/13). The Division of Selection Services concluded that the appellant satisfied the general experience requirement but only possessed four months of applicable in-title supervisory experience as of the closing date.

¹ Civil Service Commission records indicate that the appellant's actual career service titles for this period were Senior Inspector Road Openings (12/10 to 8/13), Inspector Road Openings (4/04 to 11/10), and Equipment Operator (9/03 to 3/04). Prior to September 2003, the appellant held the titles Motor Broom Operator, Truck Driver, and Laborer 1.

Consequently, the Division of Selection Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant argues that he satisfies the subject requirements. In support of his appeal, Barbara E. De Spirito, Director of Human Resources, Passaic County, submits a letter indicating that the appellant has been performing supervisory responsibilities, commencing in 2010 when he was appointed Senior Inspector Road Openings and now possesses four years of supervisory experience.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the 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 generally may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C. 4A:4-6.3(b)* provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

In the instant matter, the record demonstrates that, as of the December 21, 2013 closing date, the appellant satisfied the general experience requirement but only possessed four months of applicable in-title supervisory experience. Although the appellant claims to have assumed appropriate supervisory responsibilities while serving as a Senior Inspector Road Openings (12/10 to 8/13), such responsibilities while serving in this capacity would be considered out-of-title work which generally cannot be used to satisfy experience requirements for promotional examinations announced with open-competitive requirements.

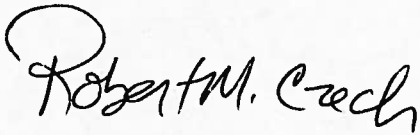
However, Barbara E. De Spirito, Director of Human Resources, has provided documentation supporting the appellant's claims of performing such out-of-title work responsibilities while serving as a Senior Inspector Road Openings. Additionally, the Commission is mindful that the appellant continues to successfully serve as a provisional Supervising Road Inspector, the subject promotional examination has been cancelled due to a lack of qualified applicants, and this is not a competitive situation. Accordingly, accepting the appellant's out-of-title supervisory experience as a Senior Inspector Road Openings (12/10 to 8/13), for eligibility purposes only, will allow the appellant the opportunity to be considered for permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed as soon as possible.

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, New Jersey 08625-0312

c: Justin J. Colatarci
Barbara E. De Spirito
Dan Hill
Joseph Gambino

