



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Rudy Soma, Sewer  
Repairer 1/Water Repairer 1  
(PM0550S), Freehold Township

Examination Appeal

CSC Docket No. 2015-269

OCT 24 2014

ISSUED:

(WR)

Rudy Soma appeals the determination of the Division of Selection Services (Selection Services) which found that he was below the minimum requirements in experience for the promotional examination for Sewer Repairer 1/Water Repairer 1 (PM0550S), Freehold Township.

The subject examination was announced with a closing date of April 21, 2014 and was open to employees who possessed one year of experience in sewer installation or repair work and/or in varied plumbing work and/or in the operation and maintenance of sewer maintenance equipment or one year of experience as a laborer in a public works department. Applicants were also required to possess one year of experience in the installation, repair, and maintenance of water mains, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work or one year of experience as a laborer in a public works department. Agency records indicate that the examination was cancelled on August 8, 2014 as the appellant, the only applicant, was determined ineligible.

On his application, the appellant indicated that he had served in the subject title provisionally, pending promotional examination procedures from March 2013 through the closing date, as a Laborer 1 from March 2012 to March 2013, and as a Building Maintenance Worker from January 2010 to March 2012. Selection Services found that the appellant possessed seven months of sewer experience, seven months of water experience, and one year of experience as a laborer. Thus, Selection Services determined that the appellant lacked five months of sewer

experience or five months of water experience and was therefore ineligible for the subject examination.

On appeal, the appellant states that his experience as a Laborer 1 from March 2012 to March 2013 and in the subject title from March 2013 through the closing date satisfies the experience requirement.

### 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:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

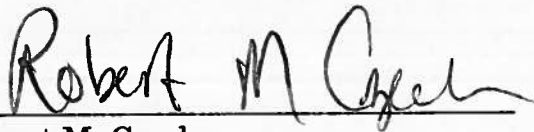
As of the April 21, 2014 closing date, Selection Services determined that the appellant possessed the one year of experience as a laborer, but lacked five months of either water experience or five months of sewer experience. However, the record reveals that the appellant has served in the subject title provisionally since March 6, 2013 and, as of the date of this decision, continues to serve provisionally in that title. Thus, the appellant would satisfy the experience requirement were his experience gained after the closing date accepted. The record indicates that the subject examination was cancelled because the appellant, the only applicant, was deemed ineligible. For this reason, and because the appellant continues to serve in the subject position provisionally, good cause exists to accept the appellant's experience after the closing date, for eligibility purposes only, and to admit him to the subject examination.

### ORDER

Therefore, it is ordered that this appeal be granted 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 22<sup>nd</sup> DAY OF OCTOBER, 2014



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