

B-35



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Reinaldo Rodriguez,
Senior Building Maintenance Worker
(PM0218S), Passaic City

Examination Appeal

CSC Docket No. 2015-446

ISSUED: **NOV 12 2014** (SLK)

Reinaldo Rodriguez appeals the determination of the Division of Selection Services (Selection Services) that he did not meet the experience requirements for the promotional examination for Senior Building Maintenance Worker (PM0218S), Passaic City.

The examination at issue was announced with specific requirements that had to be met as of the February 21, 2014 closing date (see attached). Two individuals applied for the subject examination which resulted in both applicants being determined to be ineligible. Consequently, the subject examination was cancelled due to a lack of qualified applicants.

On his application, Mr. Rodriguez indicated that he was provisionally serving in the title under test from June 2001 to the February 21, 2014 closing date. Personnel records indicate that the appellant was serving provisionally in the subject title from September 2013 to the February 21, 2014 closing date and a Laborer 1 from June 2001 to September 2013. Selection Services credited Mr. Rodriguez with six months of experience based on his provisional experience in the subject title, but determined his experience as a Laborer 1 was not applicable as he was performing out-of-title duties. Consequently, it determined that he lacked six months of experience.

On appeal, Mr. Rodriguez submits letters from Ricardo Fernandez, Business Administrator and Theodore Evans, Director of Public Works, which support his appeal and indicate that the appellant has been performing out-of-title work to

assist the proper functioning of the Department of Public Works and that he has performed the duties of a Building Maintenance Worker since 2007 and the duties of a Senior Building Maintenance worker for the last three years.

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 with open-competitive requirements 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. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

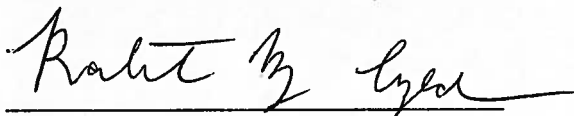
Initially, it is noted that Selection Services correctly determined that the appellant was not eligible for the subject examination. However, a letter from Mr. Fernandez, Business Administrator, confirms that he has performed out-of-title work in order to assist in the proper functioning of the Department of Public Works. Further, a memorandum from Theodore Evans, Director of Public Works, indicates that Mr. Rodriguez has been performing the duties of a Building Maintenance Worker since 2007 and the duties of a Senior Building Maintenance Worker for the last three years. Additionally, the examination situation is not competitive as no candidate was determined to be eligible. Accordingly, good cause exists to accept appellant's out-of-title Laborer 1 experience, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that the appeal be granted, and that Mr. Rodriguez'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 6th DAY OF NOVEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
and
Correspondence**

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Attachment

**c: Reinaldo Rodriguez
Alex Blanco, Mayor
Dan Hill
Joseph Gambino**