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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Timothy M. Amison,  
Supervising Engineering Aide  
(PM0039Q), Hamilton Township

CSC Docket No. 2013-3257

Examination Appeal

ISSUED: **JUL 18 2014** (BS)

Timothy M. Amison appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Supervising Engineering Aide (PM0039Q), Hamilton Township.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced closing date of January 22, 2013. Specifically, all applicants had to possess five years of engineering experience involving the performance of inspections, surveys, tests, drafting, mathematical computations, or other engineering work, one year of which shall have been in a supervisory capacity. The examination announcement also stipulated that the possession of a Bachelor's degree in Engineering from an accredited college or university could be substituted for four years of indicated nonsupervisory experience. Records indicate that the subject promotional examination was cancelled on May 8, 2013 due to a lack of qualified applicants.

The appellant filed an application on which he indicated that he possessed two Associate's degrees plus experience as a provisional Supervising Engineering Aide (10/12 to the closing date), Technical Assistant Land Use (8/09 to 9/12), Technical Assistant 3 (6/09 to 7/09), Drafting Technician (7/95 to 5/09), Engineering Aide (7/90 to 6/95), and Bakery Supervisor (1/84 to 6/90). The Division of Selection Services concluded that the appellant met the general experience requirement but only possessed three months of applicable supervisory experience as a provisional Supervising Engineering Aide as of the closing date. None of the appellant's remaining positions involved any applicable supervisory responsibilities as

required. As a result, the Division of Selection Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that he has performed appropriate duties since 2008 and that he satisfies the subject requirements. In support of his appeal, he submits a copy of his resume.

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

As of the closing date, the appellant satisfied the general experience requirement but only possessed three months of applicable supervisory experience as a provisional Supervising Engineering Aide. On appeal, the appellant claimed he satisfied the requirements but, actually, he lacked nine months of the requisite supervisory experience as of the closing date. Although he had been a Supervisor at the New Colonial Bakery, such experience did not satisfy the requirements for the subject title as it did not involve engineering experience involving the performance of inspections, surveys, tests, drafting, mathematical computations, or other engineering work as stipulated in the requirements. In this case, in order for supervisory experience to be considered applicable, it must have as its primary focus the supervision of employees engaged in the type of work emphasized in the subject requirements. Accordingly, the appellant's initial ineligibility for the subject promotional examination was correct.

However, in the instant matter, the Commission notes that the appellant is serving as a provisional in the subject position and continues to successfully serve in this capacity, giving him an additional one year and six months of applicable supervisory experience gained after the closing date. Additionally, the subject promotional examination has been cancelled due to a lack of qualified applicants, and therefore, this is not a competitive situation. Accepting additional supervisory experience as a provisional Supervising Engineering Aide gained after the closing date will provide the appellant with sufficient applicable supervisory experience to be admitted to the subject promotional examination. Under these circumstances, the Civil Service Commission accepts the appellant's additional supervisory experience as a provisional Supervising Engineering Aide gained after the closing date, for eligibility purposes only, which will allow him the opportunity to be tested and be considered for a permanent appointment to the subject title.

**ORDER**

Therefore, it is ordered that this appeal be granted, the examination cancellation 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 16TH DAY OF JULY, 2014**



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Chairperson  
Civil Service Commission**

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