



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Daniel Fort, Crew
Supervisor Building Maintenance
Programs (PS7305I), Department of
Corrections

Examination Appeal

CSC Docket No. 2019-948

ISSUED: October 31, 2018 (RE)

Daniel Fort appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the minimum requirements in experience for the promotional examination for Crew Supervisor Building Maintenance Programs (PS7305I), Department of Corrections.

The subject examination had a closing date of April 23, 2018 and was open 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 open competitive requirements. These requirements included three years of experience in work involving the inspection, repair, and maintenance, of household, office, and buildings, including their equipment, appliances, machinery and furnishings. As there were no admitted candidates, the examination was cancelled on October 4, 2018.

The appellant listed nine positions on his application and resume: Crew Supervisor Building Maintenance Programs, Senior Repairer, Repairer, Ship Dock Associate with Amazon, Plant Manager/Groundskeeper for Smiling Rooster Farm, Plant Manager with DiPaola Turkey Farm, Stock/Cashier, Pizza Delivery, and Produce/Basic Janitorial. The appellant was credited with two years, eight months of experience in the first three positions, and he was found to be lacking four months of applicable experience.

On appeal, the appellant states that he is a provisional in the subject title and provides a list of duties for that position. Additionally, the appellant provides a narrative description of his duties as a Plant Manager with DiPaola Turkey Farm.

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:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

A review of the appellant's application reveals that the decision by Agency Services, denying the appellant's admittance to the subject examination since he does not possess the required experience, was correct. He received credit for his experience in the first three positions, Crew Supervisor Building Maintenance Programs, Senior Repairer, and Repairer. However, he could not receive credit for his remaining experience, as on his application he did not mention that for these positions the primary focus was inspection, repair, and maintenance, of household, office, and buildings, including their equipment, appliances, machinery and furnishings. Nonetheless, the examination was cancelled, the appellant is still serving as a provisional appointee, and he has accrued at least an additional four months of full-time experience since the April 2018 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) to accept the appellant's additional experience beyond the closing date and admit him to the examination for prospective appointment consideration.

ORDER

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

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 31st DAY OF OCTOBER, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Daniel Fort
Donna Eberle
Kelly Glenn
Records Center