



STATE OF NEW JERSEY

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

In the Matter of Daniel Harkins,
Sewer Repair Supervisor/Water
Repair Supervisor (PM1177W),
Gloucester City

Examination Appeal

CSC Docket No. 2019-1075

ISSUED: November 21, 2018 (RE)

Daniel Harkins appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the promotional examination for the dual title Sewer Repair Supervisor/Water Repair Supervisor (PM1177W), Perth Amboy. A dual title is a title that combines two separate titles into one classification; applicants need to meet the minimum requirements of both titles in order to be declared eligible.

The subject promotional 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 the title Sewer Repairer 2/Water Repairer 3 OR 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 announced requirements. The requirements for Sewer Repair Supervisor included three years 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, one year of which shall have been in a lead worker capacity. The requirement for Water Repair Supervisor included four years of experience in the installation, repair, and maintenance of water mains, pipes, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work. The appellant was found to be below the minimum requirements in experience. As he was the sole applicant, the examination was cancelled on October 19, 2018.

On his application, the appellant listed three positions: provisional Sewer Repair Supervisor/Water Repair Supervisor from September 2017 to the closing date; Pumping Station Operator /Sewer Repairer 1 from January 2013 to September 2017, and Heavy Laborer from April 2011 to January 2013. Official records indicate that he was an interim Sewer Repair Supervisor/Water Repair Supervisor from June 2017 to August 2017, and was returned to his permanent title for one day before being provisionally appointed in the subject title. He was credited with seven years, one month of general experience in these positions, and with eight months of lead worker experience from September 2017 to the April 2018 closing date, and was found to be lacking four months of lead worker experience.

On appeal, the appellant states that he was supervising from May 2017 to the closing date, and was a lead worker after July 2016.

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) provides that the Civil Service Commission may relax the rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellant was credited for general experience for both titles, and with his provisional time in the subject title, and was found to be lacking four months of lead worker experience. Therefore, Agency Services correctly determined that the appellant was not eligible for the subject examination. Nevertheless, he has accrued at least an additional four months in his provisional position, and the appellant is the sole applicant. As such, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a), and accept the appellant's experience after the closing date and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, 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 21st DAY OF NOVEMBER, 2018



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