



STATE OF NEW JERSEY

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

In the Matter of Christopher Timm,
Maintenance Supervisor Grounds
(PC0710W), Middlesex County

Examination Appeal

CSC Docket No. 2019-1298

ISSUED: FEBRUARY 8, 2019 (SLK)

Christopher Timm appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the requirements for the promotional examination for Maintenance Supervisor Grounds (PC0710W), Middlesex County.

The subject examination announcement was announced open to employees who had one year of continuous permanent as a Maintenance Worker 3, Grounds by the closing date. Additionally, candidates needed three years of experience in the care and maintenance of grounds; one year of the experience indicated must have been in a lead worker or assistant supervisor capacity. A total of five employees applied for the subject examination, which resulted in two eligibles. Both eligibles have been subsequently appointed. The list expires on October 17, 2021. Agency Services determined that Timm was ineligible as he did meet the permanent service requirement.

Personnel records show that Timm was a Senior Animal Keeper from June 2017 to the March 22, 2018 closing date for the subject examination, provisionally served as a Maintenance Worker 3, Grounds from December 2016 to June 2017, a Senior Animal Keeper from July 2014 to December 2016, an Animal Keeper from June 2001 to July 2014, a Park Maintenance Worker from April 1998 to June 2001, and a Laborer 1 from July 1995 to April 1998.

On appeal, Timm explains that a representative from this agency indicated that a Senior Animal Keeper could be promoted to the subject title. He indicates that on March 19, 2015, he became permanent as a Senior Animal Keeper after serving provisionally in that title since July 2014. Therefore, since he had more than one year of continuous permanent service in a title that could be promoted to the subject title, he believes he should be found to have met the continuous permanent service requirement for the subject examination. Further, the appellant highlights that he was laterally transferred to Maintenance Worker 3, Grounds in December 2016. However, he explains that Agency Services advised that he could not be permanently appointed as a Maintenance Worker 3, Grounds because it had received a request from the appointing authority for the subject promotional announcement. Therefore, the appellant asserts that his service as a Senior Animal Keeper was never interrupted. He also indicates that he has been performing the duties of both the subject title and a Senior Animal Keeper since December 2016. Additionally, the appointing authority indicates that Timm has been working as a Senior Animal Keeper/Maintenance Worker 3, Grounds since 2014 and been performing the required duties since that time. It explains that it did not request that the subject examination be open to the Senior Animal Keeper title as it was not aware that the subject examination could be open to this title. Accordingly, it requests that the Civil Service Commission (Commission) relax the rules and admit Timm to the subject examination.

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

The subject examination was only open to employees who had one year of continuous permanent service in the title of Maintenance Worker 3, Grounds as of the March 22, 2018 closing date. As of the announced closing date, Timm's permanent title was Senior Animal Keeper. Therefore, Agency Services correctly determined that Timm was not permanent in a title to which the examination was open as of the closing date.

Although Timm was not serving in the Maintenance Worker 3, Grounds title as of the announced closing date, the appointing authority explains that it assigned Timm duties consistent with this title since 2014 due to business necessity. Further, it requested that Timm be laterally transferred to this title, but Agency Services advised that a permanent appointment could not be made due to the subject announcement. Moreover, it explains that it would have requested that the subject announcement be open to Timm's permanent title, or otherwise be announced in a manner to which he would have been eligible, but it did not realize that it could have made such a request. Finally, the examination situation is not competitive as there are currently no names remaining on the list. Therefore, while

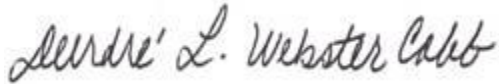
the appellant does not have one year of permanent service as a Maintenance Worker 3, Grounds, under these circumstances, good cause exists to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and admit him to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and Christopher Timm'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 FEBRUARY, 2019



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