



## STATE OF NEW JERSEY

In the Matter of Adam Kuhn and  
Douglas Hertz, Public Works  
Repairer (PM4887C), Butler

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

CSC Docket Nos. 2022-2297 and  
2022-2303

Examination Appeals

**ISSUED: MAY 23, 2022 (RAM)**

Adam Kuhn and Douglas Hertz<sup>1</sup> requests to be permitted to submit a late application for the Public Works Repairer (PM4887C), Butler, examination. These appeals have been consolidated due to common issues presented.

By way of background, the announcement for the subject examination was issued on November 1, 2021 and was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the November 22, 2021 closing date and was currently serving in the title of Laborer 1 *or* to all employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who possessed one year of experience in the construction, maintenance, and/or repair of streets, sewer, water, sanitation, or other public work facilities or similar heavy construction work. It is noted that four candidates applied for the subject examination and were found eligible. As a result, an eligible list promulgated on March 17, 2022, and expires on March 16, 2025. A certification (PL220340) was issued on March 21, 2022 with a disposition due date of June 21, 2022. Three of the four eligibles on the certification are currently serving provisionally in the subject title. It is further noted that the appellants applied for the Public Works Repairer (PC4888C), Morris County, examination which had the same closing date as the subject examination. The Division of Agency Services' review of the appellants' applications for that examination found them to be eligible. However, they were subsequently found

<sup>1</sup> Agency records indicate that Mr. Hertz has been serving as a Public Works Repairer, provisionally pending promotional examination procedures, with Butler since December 2, 2020.

ineligible as they were not in the correct unit scope, *i.e.*, they were not employed by Morris County.

On appeal to the Civil Service Commission (Commission), the appellants assert that they mistakenly applied for the Public Works Repairer (PC4888C), Morris County, examination when they should have applied for the Public Works Repairer (PM4887C), Butler, examination. Additionally, the appellants are requesting that their scores from the Morris County (PC4888C) examination be transferred to the Butler (PM4887C) examination.

## CONCLUSION

*N.J.A.C.* 4A:4-2.1(e) provides that unless otherwise provided for by the Chairperson of the Commission or designee, applications for promotional examinations shall be submitted to the Commission no later than 4:00 p.m. on the announced application filing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellants did not submit an application by the November 22, 2021, closing date for the subject examination because they incorrectly filed for the wrong examination. The Commission generally denies requests to accept late examination applications, as *N.J.A.C.* 4A:4-2.1(e) requires applicants to file their applications by the closing date. In that regard, in *In the Matters of Supervising Family Service Specialist 2 (PS1035K), Supervising Family Service Specialist 2 (Bilingual in Spanish and English) (PS1036K), Supervising Family Service Specialist 1 (PS1032K), Supervising Family Service Specialist 1 (PS1015K), and Family Service Specialist 1 (PS2267K), Department of Children and Families*, (CSC, decided October 19, 2016), the Commission determined that it would not permit applicants who file for an incorrect examination symbol to file a late application for the correct symbol given that there are numerous warnings provided to ensure the proper symbol is used when initially applying for the test. However, in the appellants' case, there is a sufficient basis to allow them to file a late application

Initially, it is noted that a review of agency records indicate that the appellants were admitted in error to the Public Works Repairer (PC4888C), Morris County, examination but were ranked on that eligible list. The appellants' requests for their scores to be transferred to the Butler (PM4887C) eligible list cannot be granted, as the examination for that eligible list was administered as a qualifying examination and the candidates were admitted with the same score, whereas, candidates for the Morris County (PC4888C) examination were ranked based on their applications. As such, the scoring metric for the two tests is not equivalent. The appellants have since been removed from the (PC4888C) eligible list for Morris County.

Nonetheless, the record indicates that Mr. Hertz continues to serve provisionally in the subject title, and both appellants timely filed an application for the subject title albeit to the wrong jurisdiction. Allowing the appellants, who appear to be eligible for the subject examination, to submit their applications after the closing date minimally increases the candidate pool. Further, as noted previously, the current certification for this title has not yet been disposed. Since the relief in this matter would be prospective, it will not affect that certification. Therefore, based on all of the foregoing, the Commission finds that there is good cause to relax *N.J.A.C. 4A:4-2.1(e)* and allow the appellants to submit a late application for the subject examination after the closing date. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998).

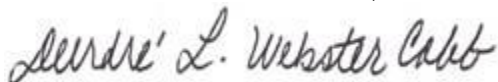
Finally, the Commission notes that the appellants' remedy is based on the particular circumstances of this matter, and for future examination announcements, they must timely file an application. As this remedy is limited to the unique circumstances of this matter, it does not provide a precedent in any other matter.

### ORDER

Therefore, it is ordered that these appeals be granted, and the appellants be permitted to submit a promotional application for the Public Works Repairer (PM4887C), Butler, examination. It is further ordered that the appellants submit a promotional application and the \$25.00 application processing fee to the Division of Agency Services within 15 days of the issuance date of this decision. Upon receipt of their applications and processing fees, it is ordered that their applications be processed for prospective appointment consideration. Finally, if the appellants' applications and the required payments are not postmarked within 15 days of the issuance date of this decision, they will not be entitled to have an application for the subject examination 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 18<sup>TH</sup> DAY OF MAY, 2022




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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris 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: Adam Kuhn (with blank application enclosed)  
Douglas Hertz (with blank application enclosed)  
James Lampmann  
Division of Agency Services  
Records Center

APPLICATION FOR PROMOTIONAL EXAMINATION  
NEW JERSEY CIVIL SERVICE COMMISSION —County and Municipal Government

\$ 25.00 FEE REQUIRED  
Make Check/Money Order Payable to NJCSC  
FOR COMMISSION USE ONLY

**INSTRUCTIONS:** Please print or type. Answer all pertinent questions and ensure that all information is accurate and complete. Sign your name in Block 11. **NOTE:** No additional information may be accepted after the last date for filing applications has passed. **If you change your address, you must notify the Civil Service Commission immediately in writing.**  
**Return your completed application no later than the last date for filing listed on the announcement to: NJ CSC, 44 S. Clinton Ave. PO Box 322, Trenton, N.J. 08625-0322**

<b>FOR COMMISSION USE ONLY</b>			<b>2. Social Security Number:</b>	<b>3. Symbol:</b>
<b>STATUS:</b> <div></div>			<b>*</b> (see block 10 for additional information)	
<b>SEN:</b> <div></div>	<b>UE:</b> <div></div>	<b>REV</b>	<b>4. Name &amp; Address:</b>	
		<b>NO REV</b>	Last: _____ First: _____ M.I. _____	
			Street: _____	
			City: _____ State: _____ Zip Code: _____	
			E-mail address: _____	
			County: _____ Daytime _____	
			Telephone: _____ (Area Code) - Number	
<b>1. Title of Promotion:</b>				
Note: Applications must be postmarked by				

5. BACKGROUND DATA

<b>5a. Education</b> (Indicate the highest level Diploma or Degree you have earned):		
<input type="checkbox"/> High School Diploma or GED	<input type="checkbox"/> (A) Associate's Degree	<input type="checkbox"/> (M) Master's Degree
<input type="checkbox"/> (S) Some College but No Degree	<input type="checkbox"/> (B) Bachelor's Degree	<input type="checkbox"/> (D) Doctorate
<b>5b.</b> Completion of this part is <i>VOLUNTARY</i> and is to be used only for complying with EEOC Guidelines and the New Jersey State Affirmative Action Program.		
<b>Gender:</b> <input type="checkbox"/> (1) Male <input type="checkbox"/> (2) Female	<b>Check the group you are a member of:</b>	
	<input type="checkbox"/> (1) Black <input type="checkbox"/> (2) White <input type="checkbox"/> (3) Hispanic <input type="checkbox"/> (4) Asian <input type="checkbox"/> (5) American Indian or Alaskan Native	
<b>6. Check the county in which you prefer to take the examination.</b> (Check one box only)		
<input type="checkbox"/> (1) Camden	<input type="checkbox"/> (2) Mercer	<input type="checkbox"/> (3) Essex
<input type="checkbox"/> (4) Monmouth	<input type="checkbox"/> (6) Atlantic	<input type="checkbox"/> (7) Bergen
<b>8. ADA Assistance:</b> Check the box if you would like to		
<input type="checkbox"/> be contacted regarding auxiliary aid or reasonable accommodation in taking this examination in accordance with the Americans with Disabilities Act.		
<b>7. Are you claiming veterans preference?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO		
Check <b>YES</b> if you are claiming veterans preference for this examination. If you have established veterans preference since April 1, 1980, no further action is needed. Otherwise, complete a veterans preference claim form and include the required documents. Claim forms are available on our web site at <a href="http://www.state.nj.us/csc">www.state.nj.us/csc</a> and at our office at 44 S. Clinton Avenue, Trenton, NJ. Completed forms should be mailed to the Department of Military and Veterans' Affairs (DMAVA). For more information, visit their web site at <a href="http://www.state.nj.us/military">www.state.nj.us/military</a> or contact them at 1-888-865-8387. Note: In accordance with Public Law 2010 c.26, Veterans pay a reduced <b>application fee of \$15.00</b> if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list.		

<b>9. Present Permanent Title &amp; Appointment Date:</b>	<b>* 10.</b> Your Social Security number will be kept confidential and used as your applicant I.D. number to identify and track all of your records and transactions associated with the application and testing process. Collecting this data is permissible under NJSA 11A:4-1, but its submission is voluntary. If you do not provide the number, a unique number will be assigned to you. However, once assigned, you will be responsible for remembering it for any inquiries you may have concerning your application or testing process.
<b>Name &amp; Title of Immediate Supervisor:</b>	
<b>Telephone Number &amp; Email Address of Immediate Supervisor:</b>	

**11. Signature:** I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I understand that if my application is incomplete, it may be rejected. (WARNING: The Civil Service Commission may refuse to examine, or certify after examination, any applicant who makes a false statement of any material fact per NJAC 4A:4-6.2)

FOR CSC ONLY

**NOTE:** Your application may be released to the Appointing Authority for the purpose of verifying information with regard to your qualifications.

Signature..... Date.....

<b>Title of Promotion:</b>		<b>Symbol:</b>		<b>SS#:</b>	
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**12. Educational Section - College And Graduate School** - List any colleges, universities, and graduate schools you have attended. If it is required in the job announcement, be sure to attach a copy of your transcript or a list of courses, course descriptions, and credits completed. Foreign degrees/transcripts must be evaluated by a recognized evaluation service.

What is the name and location of the college(s) you attended?	What yrs. did you attend?	What was your major course of study?	What type of degree did you earn?	Did you graduate?	If NO, when will you graduate?	Number of credits earned
	From: _____ To: _____			<input type="checkbox"/> Y <input type="checkbox"/> N	_____ Month / Year	
	From: _____ To: _____			<input type="checkbox"/> Y <input type="checkbox"/> N	_____ Month / Year	

**13. Other Schools or Training Courses** - Include business, vocational, technical, or military schools you have attended, as well as any training courses that are **related** to the title for which you are applying. If it is not a full-time curriculum, be specific as to the number of hours attended.

What is the name & location of school/facility where course(s)/training was held?	What classes did you take?	What were the dates you attended?	How many hours per week did you attend?	Did you complete the program?
		_____ Month/Yr. TO _____ Month/Yr.		<input type="checkbox"/> Y <input type="checkbox"/> N
		_____ Month/Yr. TO _____ Month/Yr.		<input type="checkbox"/> Y <input type="checkbox"/> N

**14. Use this space to describe any internships, licenses, certifications or registrations that you possess which are related to the position for which you are applying.**

<p><b>A. What type of license(s), certification(s), and/or registration(s) do you hold?</b></p> <p>In which state(s) do you hold the license(s), certification(s), and/or registration(s)? _____</p> <p><b>B. What was the original issue date of the license(s), certification(s), and/or registration(s)?</b></p> <p>What is the date of your current license(s), certification(s), and/or registration(s)? _____</p>	<p><b>C. What type of internship(s) have you completed?</b></p> <p>Where was the internship(s) completed? _____</p> <p>What were the dates of the internship(s)? _____</p> <p>How many hours per week did you take part in the internship? _____</p> <p>Was it part of a college curriculum? <input type="checkbox"/> Y <input type="checkbox"/> N</p> <p><b>D. Certified Public Manager's Program</b></p> <p>Level 1 - 3 Completed   ▶   _____ Month/Year</p> <p>Level 4 - 6 Completed   ▶   _____ Month/Year</p>
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**15. Employment Record** - If you do not properly complete your application you may be declared ineligible or you may not receive proper credit for scoring purposes. If you held different positions with the same employer, list each position separately. Make sure you give full dates of employment (month/year), indicate whether the job was full or part time, and the number of hours worked per week. Since your application may be your only "test paper," be sure it is complete and accurate. Failure to complete your application properly may cause you to be declared ineligible, lower your score, or possibly cause you to fail. If more space is needed, attach separate sheets.

<p><b>A What is the name and address of your current employer?</b></p> <p>What dates have you been employed in this position? From _____ To _____ Month/Year                      Month/Year</p>	<p><b>What is your title in this position?</b></p> <p>Is this position: <input type="checkbox"/> FULL TIME? <input type="checkbox"/> PART TIME? (Average No. hrs. per wk.) _____</p> <p>How many staff members do you supervise? Professional Staff _____ Support Staff _____</p>	<p>List the major duties you perform in this position in order of importance.</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p><b>B What was the name and address of your previous employer?</b></p> <p>What dates were you employed in this position? From _____ To _____ Month/Year                      Month/Year</p>	<p><b>What was your title in this position?</b></p> <p>Was this position: <input type="checkbox"/> FULL TIME? <input type="checkbox"/> PART TIME? (Average No. hrs. per wk.) _____</p> <p>How many staff members did you supervise? Professional Staff _____ Support Staff _____</p>	<p>List the major duties you perform in this position in order of importance.</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
<p><b>C What was the name and address of your previous employer?</b></p> <p>What dates were you employed in this position? From _____ To _____ Month/Year                      Month/Year</p>	<p><b>What was your title in this position?</b></p> <p>Was this position: <input type="checkbox"/> FULL TIME? <input type="checkbox"/> PART TIME? (Average No. hrs. per wk.) _____</p> <p>How many staff members did you supervise? Professional Staff _____ Support Staff _____</p>	<p>List the major duties you perform in this position in order of importance.</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>